

**KENYA GOVERNMENT ARCHIVES**  
**PHOTOGRAPHIC SERVICE**

SECTION 7

END

OF REEL NO. .... 34 .....

**KENYA GOVERNMENT ARCHIVES**

**PHOTOGRAPHIC SERVICE**

SECTION 7

**CONTINUED ON**

**REEL No.**

**35**

[The Minister for Information and Broadcasting] to blame because of their activities. Now that will have to go on record, because we here are charged with a great responsibility and a duty to our people to deliver the goods and not to disunite and divide our people. I think we have a breathing space from tonight until the 24th May, and, when we come back, we may come back with a new thinking all together.

Mr. Speaker, Sir, I have to say something on the party and also on some of the points which were raised here that there were two parties within the party. I think it is up to the hon. Members to examine themselves and to find out where the mistake lies and once they get it, they will have to correct it for the good of this country. Otherwise, the hon. Members are digging their own graves and it would be very difficult, and that door over there will be too narrow for some Members to come back, if they engage in activities which the ordinary voters look upon as diversion or destruction.

Mr. Speaker, Sir, I am glad to have heard from my old friend, who said that only a few people in this country enjoy the fruits of our independence. It is the policy of this Government to see that we enjoy the fruits, every one of us enjoy the fruits of our independence, and we should work towards that. It is, of course, up to everybody to examine himself to see whether he is playing the role of replacement of the outgoing imperialists who used to abuse us and call us names. It is a challenge which, of course, has been made here and you will have to take it.

Mr. Speaker, Sir, there is one other point I would like to raise. The hon. Mr. Malinda suggested that something should be done about the taxes in Nairobi. I would like to make this point very clear. It is true that those who are working in Nairobi, or living in Nairobi, pay their Graduated Personal Tax in Nairobi, but those whose families are living in the countryside or in their homes are entitled, according to the present law, when they are filling in their forms, to ask for 50 per cent of their taxes to be sent to their respective homes. They fill in the forms which are supplied by their employers, and these are collected at the end of every year. If there is a failure to do that, it is not the fault of the Government, and they should not say that their money is not reaching their homes, or that their money is being used to buy other things like expensive cars. Therefore, Mr. Speaker, I think it would be in the interests of every Member to advise those who are working here whose families are at home, and not to blame the Government, because when you fill a form in, you ask the

city council which is responsible for receiving the taxes, to transmit the taxes to the respective homes.

Mr. Speaker, Sir, with those few words I would like just to move. Mr. Speaker, Sir, I have not talked about the recess, but I would like to wish the hon. Members a happy holiday and to help as much as possible because it is the rainy season—to help in the cultivation of the chamber and to look after their families well. Thank you.

(Question put and agreed to)

#### ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until Tuesday, 24th May at 2.30 pm.

The House rose at forty minutes past six o'clock.

#### WRITTEN REPLIES TO QUESTIONS

##### Question No. 63

##### EXPANSION OF TEA-GROWING AREAS

Mr. arap Bly asked the Minister for Agriculture and Animal Husbandry what he was doing to expand the tea-growing areas in the country.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): An enormous amount has been done to develop smallholder tea throughout the country. At the end of June last year, 12,544 acres had been planted under the K.T.D.A. supervision and by the end of 1968, over 25,000 acres will be under tea by smallholders. Meanwhile, planning is already in hand to produce a Third Plan covering the period 1969-1973.

##### Question No. 91

##### MACHAKOS DISTRICT AGRICULTURAL COMMITTEE: MEMBERSHIP

Mr. Nalle asked the Minister for Agriculture and Animal Husbandry if he would say how the selection of members of the Machakos District Agricultural Committee was done. Was he satisfied that the small-scale farmers' interests were being cared for by these committees.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): (a) The appointment to all district agricultural committees including Machakos is done under Legal Notice 352/63. This legal notice lays down the procedure to be followed which required, among other things, that the Eastern Regional Assembly should have enacted legal procedure to be followed for

##### [The Minister for Agriculture and Animal Husbandry]

appointment or election to the committee. The Machakos District Agricultural Committee appointed in Gazette Notice No. 2690/63 was interim pending legislation by Eastern Region which legislation was not done so the committee continues. Amendment to L.N. 352/63 will be made to enable the Minister to lay down the electoral procedure.

(b) Small-scale farmers are well represented in the Machakos D.A.C., and I am not aware that their interests are not being looked after.

##### Question No. 125

##### REGISTERED NON-RACIAL PARENTS' ASSOCIATIONS

Mr. Godia asked the Minister for Education if he would tell the House the number of non-racial parents' associations he knew of registered in Kenya since 1963. What aid did the Ministry give to the establishment, support and encouragement of such associations throughout the country.

The Minister for Education (Mr. Koinange): There are fifty-seven registered parents' associations, of which fifty-five have non-racial constitutions. Nineteen of the associations have been registered since 1st June 1963, and all of these are non-racial.

The two associations which still have racial constitutions are the Kilimani African Parents' Association (Kenya's National Hospital School) registered on 8th May 1957, and the Ng'ya Hill School (Nairobi) Parents' Association, registered on 28th February 1958. The latter's membership has always been small—varying from twenty to thirty members.

The Ministry of Education considers that each school, or where appropriate group of schools, should have a parents or parents/teachers Association, and has encouraged the establishment of these associations by indicating that they are accepted in principle as suitable bodies for nominating representatives to be appointed as members of boards of governors and school committees.

**[The Assistant Minister for Home Affairs]**

The other point, Mr. Speaker—and I would also like to speak in a very parochial nature—is about the headquarters in Embu. It is a provincial headquarters and the provincial heads are scattered all over the country, some in Nairobi, some in Isiolo and some in other places. We would like them to be put together, just as they are in Nakuru or in the Central Province, Nyeri, or in Nyanza, so as to help the provincial commissioner and his provincial team to work for the good of the province.

I would like to ask the Minister for Information, when he replies, to answer in the affirmative, that before we meet next time, there will be a telex and a television camera in the Embu Provincial Headquarters.

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

Mr. J. M. Karuki: Mr. Speaker, Sir, I would like to inform the Minister for Information and Broadcasting, who is here to reply on behalf of the Government, that it is very important for the Government to concentrate mostly on the areas where the information is not reaching the Government. It is no use all the time to send information to the Ministers and Assistant Ministers and the Government servants. I believe that the people who matter in this country are the ordinary people in the field. It would be better for the Ministry, in future, to have photographers and camera-men going into the field and finding out what the people there are doing. What is more important are the old women in the fields, and the men, what they are doing and how they are helping to develop the country. Instead of concentrating on cowboy films like "Bonanza", we would also like to see on the television how our people are developing their own fields. This is very important for the development of this country. I do not see what we have to fear. We should not be afraid of seeing our mothers wearing goat skins; we would like to see them; we would also like them to be seen by foreigners. I feel that we should be proud of this, as this is the sort of image that we would like to show to the outside world. That is one point.

The other point that I would like to speak on Mr. Speaker, is regarding the unity of this country. That is the most important thing and I sincerely believe that the people who are going to disunite this country are the Members of Parliament themselves. The reason why I say this is because I have noticed with great interest the speeches made by the hon. Members in the House, and we have been hearing a lot about the groups called, "Corner Bar" and another one

called, "Progressive Group". There have been a lot of Motions and a Motion was even started in this House. I personally would like to put my point across, but I have never heard anyone in the country saying that he has no confidence in our Government. I have never heard anyone speaking at public meetings and saying that they have no confidence in our Government, and yet we debated a Motion of confidence in the Government. Whoever said that there was no confidence in the Government? This is just a mere fear; we should not be acting on fear. I would like to say that if there is any particular Minister of our Government, and even the President himself, he should come as an individual Minister and seek the confidence of the Members of this House, and then we can say whether we have any confidence in that particular Minister or that particular President, rather than saying that we would like to seek the confidence of this House.

Another point I would like to put forward, Mr. Speaker, is in connexion with hospitals. We know of many cases where people are taken to hospital, but they wait for a few hours and, in most cases, as long as six hours, because of the lack of initiative of some of the doctors in the hospitals. These people, in most cases, are suffering, and we have already put some of these suggestions across to the Ministry as we feel that some sort of investigation must be carried out, because a doctor's profession is not like a clerk or an accountant in an office, who can put his pencil down, go back home and return tomorrow morning. You cannot leave somebody in the theatre and say, "Let me go and have a cup of tea", and then come back and treat the patient. Now he cannot do that, because, after all, he is a human being, so we feel that this is something which the Minister should take into consideration. We are very happy at what the Government has been able to do as regards free medical treatment for out-patients, but we also feel that it would be better if the Government saw to it that those people who go as out-patients are treated as human beings rather than that they be made to wait for so long.

Now, Mr. Speaker, I would also like to mention the reason why I said that we are the people who will disunite this country. This is because there is going to be a Kikuyu election in the near future and let people not be deceived that most of the people in this country do not want the election; we want an election, but we also feel that the people in the field—the people who elected us hon. Members in this House—must be given time to read their new constitution and amendments. The reason why I am saying this,

**[Mr. J. M. Karuki]**

is because there is a lot of duplication in that constitution. For example we are having the president and also eight vice-presidents. Mr. Speaker, what will happen is this, when we come to elect these eight vice-presidents, they will all consider themselves as being the only person next to the president and there will be a lot of problems in this country, because every one of them will be fighting to see who can see what in their future. This must be changed completely. We have the national chairman of the party and eight provincial chairmen, in order to see what can happen in the future, because these people will consider themselves as the only people next to the president. So, Mr. Speaker, I feel that time must be given to the people, who cannot even read English, even some of these branch chairmen cannot read English, and they must be given time to read, amend and criticize the constitution. But if this is going to be imposed on the people then, Mr. Speaker, I am afraid to say that there will be disunity in this country which we must always try to prevent from occurring in such a country which has an international reputation for having a stable and well led type of Government.

Mr. Chirchir: Thank you very much, Mr. Speaker, for giving me this opportunity. What I would like to mention, Mr. Speaker, is this. I should think that, at this stage, the leaders of this country should unite without delay. If the leaders of this country will not unite, I should think that the people will be betrayed if anything should happen; because I have found amongst those who have come into power that they are going to create a problem in this country, so I think that the people in this country should watch carefully.

Another thing that I would like to mention, Mr. Speaker, is this: in this country, we fought for at least sixty years to achieve independence in order to get our land back. Up to this moment, the price of land in this country is too high and I feel that the Government should appoint a commission to look into the price of land which some people have already taken over from our parents.

Mr. Speaker, another point that I would like to mention is that I have found only a few people who are enjoying the fruits of this country and if those people continue to enjoy the fruits of Kenya, I think that they must watch carefully, unless they watch carefully, I am sure that the Members of this House and the people of Kenya will see that something will take place.

With these few remarks I beg to move.

**POINT OF ORDER****DEBATES LIMITED BY RESOLUTION OF THE HOUSE**

Mr. Gichoya: Mr. Speaker, on a point of order, as this is our last day, could we not extend the time for, at least, fifteen minutes or up to 7 o'clock so that we can give an opportunity to Members who are interested in saying something to the Government before we go on our holiday.

The Speaker (Mr. Slade): Order! It was by resolution of the House that this kind of debate was limited to two hours, having been limited previously—likewise by resolution of the House—to one and a half hours. Now, a resolution of the House cannot be rescinded within six months following without leave of the Speaker, and I do not think it is right, when the House has considered how long to allow for these debates, to keep on reconsidering it. It always happens in any debate, or almost always, that not every Member who would like to speak gets a chance. After all, we have 130 Members, and even allowing five minutes each, it takes a very long time to get round them. So I am afraid hon. Members must be patient in these matters and adhere to resolutions of the House.

**POINT OF ORDER****RIGHTS OF MOVER IN ADJOURNMENT DEBATES**

Mr. C. G. Karuki: On a point of order, Mr. Speaker, Sir, I would like to get a ruling as to whether it is in order for the Minister, who has spoken already, to speak again now.

The Speaker (Mr. Slade): I am quite glad that you raised that point of order. I did say at the start of the debate that as the Minister only moved the Motion formally, he simply moved the adjournment and then sat down; he would be entitled to speak in the course of debate as well as replying. In fact, he has five minutes at the later. He could have had five minutes at the start and five minutes to reply. I said he could have his first five minutes at a later stage in the debate. I think I was wrong and, in future, I shall say that hon. Members who move a Motion, must speak then or hold their peace until they reply. But that is what I did on this occasion, and that was why I did it!

**(Resumption of debate)**

The Minister for Information and Broadcasting (Mr. Achieng-Otienko): Mr. Speaker, Sir, I have only two points to reply to. I am very pleased that the hon. Member has put the blame for disunity on themselves. I have heard with interest Members saying that if there is anything wrong, the Elected Members in this House are

[The Minister for Information and Broadcasting] mind, the Kenya Government must spend money to see that the whole of Africa is free. I remember before we became independent other countries like Tanzania, Ghana, Algeria, Morocco and the United Arab Republic contributed to our struggle, and it is now our turn to do likewise. Therefore, it would be futile to suggest at this stage, when we are supposed to contribute to the freedom of Africa, that the money is being spent uselessly. I am sure other hon. Members will disagree with the hon. Mr. Kall.

There is one other point on unemployment. I am glad that my colleague, the Assistant Minister for Labour, has dealt with this and I do not need to labour it.

But he also mentioned the question of two parties within one party. Well, one party is a very new thing in Africa and we are trying to give it time. It is a sort of experiment. However, people seem to forget one thing, that we belong to families. You find that within a family, there is one father, one mother. When there are about six of you, you talk and argue over a piece of bread, a cup of tea. You may not agree at all. Therefore, we should be patient and not say that there are two parties within one party. Let us give it a trial; if it fails, then it is up to the Members themselves to decide what is good for Kenya. However, in the present circumstances, we have worked very well.

Mr. Speaker, Sir, I am speaking on behalf of Government and these are the views which are held by the Government in the present circumstances.

One hon. Member suggested that there should be a kind of advisory council for the President. I am glad to hear that this is rejected. Why do we need a doctor? The President does not need a doctor. I am sure he is energetic and in good health at the moment. If it is a question of advisers, well, there are advisers qualified in their own special fields. They do advise the President now. Therefore, I do not think it is right for anyone to suggest that the President cannot decide on his own because there are certain people around him.

It is true that hon. Members mentioned the Kikuyu being around the President. I think this is a very unfair statement. Even the hon. Members—

The Speaker (Mr. Slade): Order! Order! It is the end of your five minutes. You will have the right to reply to the debate when you might finish off what else you want to say.

Mr. Kerich: Mr. Speaker, Sir, yesterday we passed a Bill to curtail the privileges of the Members of this House. I consider that the Attorney-General has forgotten the most outstanding matters affecting the public as such. One example, Mr. Speaker, is the question concerning the administration of African courts. Today, Mr. Speaker, you cannot sue an Indian, an Arab, or a European because the African Ordinance says unless the accused or the defendant agree, if the defender or the accused is a European, or Indian you cannot take him to an African court. But when an ordinary African goes to a magistrate, he is told this case is a case which can go back to an African court. This, I consider, Mr. Speaker, is a very serious matter and it is high time that we acquired an Attorney-General who is an elected Member of this House. Not an Attorney-General who, by virtue of that post, becomes an *ex officio* Member of this House. Mr. Speaker, Sir, these are the things we would like the Attorney-General to do, rather than play about with the privileges of the Members of this House.

Mr. Speaker, Sir, another point that I would like to mention, is the question of secondary schools. I would like to tell the House that secondary schools which exist today in Kericho, were set up by the regions. Mr. Speaker, we have never had a single secondary school granted by the Central Government, and yet two years ago they were seeking our help to dismantle our regions. Mr. Speaker, Sir, if this Government is going to delay because of tribalism and only have secondary schools in particular districts, Mr. Speaker, Sir, we are going to demand the regional set-up again. This is a warning, this Central Government has to prove itself, that it is capable of ruling as well as the regional set-up did.

Mr. Speaker, another point is that the Government is now adjourning the House and yet it has failed to implement most of our Motions. Again, it has also failed to allow time for debating the most outstanding Motions brought to this House. It has also failed to implement the demand by this House that in private firms there should be Africanization. While we appreciate what the Government has done as regards to Africanization in the Government sector, we do not appreciate the way the Government has tackled Africanization in private firms. Mr. Speaker, Sir, in my district, we have thirty-four tea companies, you cannot find a single African manager, and yet we have had independence for nearly three years, if I am correct.

[Mr. Kerich]

Mr. Speaker, Sir, this is a warning to our Government that it must instruct these private firms that they must Africanize as much as possible and also the Government too.

Mr. Speaker, Sir, another point which I would like to mention is the whole Sessional Committee should be sacked, because they are being dictated to either by this chairman or other forces. I do not know. Because, Mr. Speaker, it is said that the reason Government is adjourning this House, is because they have run short of business: What about the hundreds, and hundreds and hundreds of Private Members' Motions? Is this a Parliament of Government Bills only? I want the Minister, when he comes to reply, to tell me whether this Parliament is only for Government Bills. If this is so, then there is no use in giving notice of Private Members' Motions.

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

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I beg to support the Motion, and while supporting the Motion, I would like to put forward very quickly a number of points.

First of all let me disagree, very strongly, with the hon. Member who has just sat down about the Sessional Committee being dictated to by the chairman. The Sessional Committee works strictly for the good of this House and what it has done is both for the good of this House and the country. There was no dictation at all from the chairman.

Mr. Speaker, Sir, I would like to make a suggestion, right from the beginning, that the motto we have at the gate as we come into this Chamber, should also be written right in front of you so that it reminds Members, wherever they may be sitting, that we are here for the welfare of society and the just government of man. I hope when we meet the next time, there will be the same letters over your Chair to remind us of this in whichever corner we are sitting:

My second point, Mr. Speaker, is with regard to the North-Eastern Province. I have had the privilege, recently, of visiting the place; I had never been there before in my life, but I am never delighted to say Mr. Speaker, that the place is not devoid of life; there is hope; in spite of the trouble that we have there, I think our Government can do a lot of good work, even at this time, to make sure that the loyal people over there can appreciate what the Government is doing. There are places with water, and I am sure a little

development done in those places will go a long way to solidifying the loyalty of those people. I know education has been started, Mr. Speaker, but I would like to see more radio information from the Minister for Information intensified in that area, so that those people can live as part and parcel of this country.

The other point, Mr. Speaker, is with regard to areas that have been neglected in the past, or kept backward. I would like to make an appeal to the Government for all these areas, mine included, that in those areas we need various field officers. It is not a place where the Government should dump anybody, just because he is called a district commissioner, a district officer; they should have first-class people, so that these people can be helped to catch up as quickly as possible. Careful attention should be given to those places and the question of frequent transfers—because some officers do not want to stay in those backward areas—should be examined and those officers be made to stay there and help build Kenya.

The other day, Mr. Speaker, I tried to raise the question of the salary structure. I think now this is the right place for me to put this request. Since we became independent, we have not had a complete overhaul of our salary structure both in Central Government, the Civil Service and also in this House. If anything, we have been asking for more money to increase our salaries. I think, Mr. Speaker, the time has come for us to try and cut our coat according to our cloth. This Government should, during the recess, think how best this can be done or implemented.

Mr. Speaker, Sir, let me speak very parochially about my constituency. Being one of these places that has been neglected in the past, I would like to ask the Government, first of all, to try and help us in establishing more road communications, so that we can reach those people living in remote places to enable them to come in to reach them, to enable the medical people to reach them, to enable the educationists to reach them, and to enable civilization to reach them. Also development should also be established, not land registration should also be established, not to mention the ever standing need of education and schools. I hope, Mr. Speaker, before we assemble here again, what these so called revised given us an inkling of what these so called revised development plans contain. We want to know what is going where. We would like to have time, during the holidays or recess, to study this, so that when we come here, we should know what goes where and how and how much of it is going to a particular place.

**[The Assistant Minister for Labour]**

this country. I would like to say that this plan is almost ready, and I am sure that before the hon. Members return from their recess, they will hear an announcement about the steps which the Government is going to take to combat this problem of unemployment.

Mr. Speaker, Sir, a certain hon. Member did a great disservice to our friends, the Chinese, when he, more or less, associated them with all the *coups d'état* which are taking place in the world today. He was using a certain logic, namely, that whenever something happens, when a certain factor is always there, that factor becomes the cause of the event. He says, for example, that in Central Africa when there was a *coup d'état*, the Chinese were outside, and that in Upper Volta, and in many other places, the Chinese have been ousted after *coups d'état*. I think that anybody who knows the logic I am talking about would conclude straight away that the Chinese have caused all these *coups d'état*, which I think is unfair. Frankly, we still do not know much about the causes of these *coups d'état* and the best we can do, is to guard our own fortress. Let us all join together in protecting Kenya and making Kenya a more stable place of freedom and dignity of our people.

One hon. Member proposed a panel of advisers to the President. This will not work, because we already have these advisers and each of them in his own field is working in the proper place to give the right advice to the President. So, we do not need to impose yet another panel of advice on the President.

Sir, now I come to the subject of Kanu, because it is said that this is causing a great deal of concern in the country right now. I hope, however, that this is only a temporary excitement. A lot of us have demanded that Kanu elections be held immediately and I do not see the reason why they are now rejecting them, now that the cards are on the table.

Sir, I beg to support.

Mr. Rurumbani: Mr. Speaker, Sir, the first point I would like to make is my usual complaint about stock sales. The people are now being asked to pay their Graduated Personal Tax; children are being expelled from schools because parents have not paid their school fees. Where are these people to get the money from? We know very well that the Samburu have no other source of getting money except through selling their livestock. So I would like the Government to organize stock sales immediately in Samburu District.

Another point I would like to raise again, Mr. Speaker, is about the Electoral Commission programme which appeared in the papers today. Sir, I have noted that the commission will visit various centres to hear evidence from delegates and individuals who submitted their memoranda. In the list, I tried to find a mention of Samburu District, because I wanted to see whether it was included in one of the centres that were to be visited, but, unfortunately, my district was not there. I remember that we did put in our memorandum to the commission. We did put it in in the hope that the commission would really look into the points we raised in our memorandum. I feel that the commission has done us a gross injustice in failing to visit Samburu District and see for themselves the points that we raised in our memorandum. The constituency that I represent is so vast that it cannot be represented by one member in the Lower House alone. The roads are so bad that a Member has to buy new tyres for his car nearly every month because of the rocky and rough nature of the country.

Mr. Speaker, Sir, the constituency comprises two districts, Samburu District and part of Baringo District, a part which was annexed to the Samburu District by the hon. Minister for Home Affairs when he was trying to get more seats for Baringo District.

Sir, these are the points that the commission should look into. I do not know what other unique or unusual problems, the Narak or Kajjido people have that enables them to be visited while the Samburu District has been left out. What other evidence would the commission require, other than the points we raised in the memorandum? If the complaints we raised are within the terms of reference of the commission, I accuse the commission of injustice for failing to visit the Samburu District.

Mr. Odunya: I want to raise a few points in this debate. Firstly I will start with the coming Kanu elections. I am bringing up this point because I feel that the President of the Republic, who is also the President of the party, is aware that there are different opinions with regard to the coming conference. We are not opposed to the conference, but we are opposed to the elections. I say this, because just recently, we have had *coups d'état* all over Africa. Somebody clever engineered these *coups d'état* in order to get these cheap people to elect him into power. We reject this sort of thing. If this is ignored, then the possibility of other people having their different opinions; let us say, forming a new party, cannot be ruled out because we are living

[Mr. Odunya] in democratic times. However, I am not prepared to sit on one bench with people who cannot respect the constitution of approved institutions. This must be made clear.

I would like also to bring to the notice of the Government that just this year, since Teso people depend entirely on cotton, the Minister for Co-operatives was a bit weak in running this affair, as far as the sale of cotton in the Western Province was concerned, particularly Teso. Here, Mr. Speaker, they transferred the power of buying cotton back to the Indians who exploited our people all these years. The Teso people had the monopoly to plough and plant cotton, and they would like also to have the right to handle the sale of cotton themselves. If the Ministry was advised by certain unscrupulous people, that are employed in the field, known as co-operative officers, then these people need to be disciplined, because we feel we are not prepared to see our people being undermined. We are not prepared to see them undermine the determination and effort of our people. I reject this entirely.

Another thing is this: when the Teso came to collect money to buy their own ginners, these very people came up and stopped the collection of money. I would like to know whether this is the policy of the Government. The person who is going to answer on behalf of the Government must tell me if it is the policy of the Government (a) to transfer the business which has been transferred to the co-operative societies by the people themselves back to the Indians who have been exploiting the masses; and (b) whether it is the policy of Government to use people to work hard jointly to collect money, in order, to establish industries of their own.

I appeal to the person in charge of the Youth Service to send some people to help us in Busia District. We have very big bushes in this district, from Samia to Teso. We want to clear the bushes because the land is fertile; it is potential land for cotton which will bring the country a lot of revenue. We would be able to help in the economic planning of this country. The Minister for Economic Planning says that he has in mind for 100,000 bags of cotton by 1970. In order to achieve this, the Teso area and that of Samia must be cleared of bush so that we are able to make use of the land. We should not waste youth. So let us make use of these youths. Since I am not a Minister and am not friendly with any Minister, what is the position? All that I want is that even if my views differ from the man who is controlling the youth, if my views differ from the entire Cabinet because they say I am British,

let them at least think of Teso and not of me because I am speaking for the Teso. Bush clearance must be carried out straight away, because we want to use that land. Our Mzee said that we must go back to the land and we must do just that. In fact we want to do that.

The Teso require immediately two secondary schools. I am saying this because, that other day when the President went to some place this way, he said that he had ordered the Minister for Education to offer places for the children of Embu. Since we are one of the backward areas, we do not have many educated people, I ask the Government to offer: (a) one school for girls because we now have over fifty girls who passed K.P.E. and who have no place in any school; and (b) an additional secondary school for boys. This must commence during the second term. I have seen the Ministry of Education about this and the Minister seems to be reluctant to do this. If this is not done I will carry a demand to Gatundu and demand that the President himself orders that we should get these schools.

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

The Minister for Information and Broadcasting (Mr. Achieng-Otienko): I am a bit surprised, Mr. Speaker, because the hon. Member says that he is not friendly with any Minister, because he is a close friend of mine and a close friend of many people as well, because we have so many things in common. I do not think we are enemies of anyone.

I have a few points, which I would like to answer at the moment, and I would like to say that when this Motion was moved the hon. Mr. Kibuga, who is fortunately here, criticised the Government, particularly the Ministers because they were not in the House. However, he failed to say that there were only a few Members in the Chamber at the time he stood to speak. I think we should try to be as constructive as possible. I know that the Ministers have great responsibilities; but at the same time, the Members are equally responsible to their constituencies. For this reason, they need to listen to other views expressed by various Members.

The hon. Mr. J. D. Kali raised the question of money being spent on sending delegations to the Organization for African Unity conferences. He said that this money was being spent uselessly. He proposed that it should be spent on finding employment or on giving free primary education. However, he forgot one thing: that we, according to our policy, are committed to African unity; we are committed to see that the whole of Africa is free from foreign domination. With this in

The Speaker (Mr. Slade): Order! Mr. Mutiso, just because the hon. Member is not here to challenge you, you must not say these things. You must keep off personalities of this kind, you know.

The Assistant Minister for Education (Mr. Mutiso): But, Mr. Speaker, Sir, what happens if a Member makes some very sweeping statement and then runs away, especially when it touches upon my constituency, particularly a constituency like that which I represent in this House?

The Speaker (Mr. Slade): Order! I think it hardly ever helps in a debate to make violent personal accusations against any Member. We are concerned, you know, with the merits of things much more than of people. I am sure you can make your defence of Government just as well without these very serious allegations against a Member who is not here to answer them.

Mr. Odoyo: On a point of order, Mr. Speaker, may we know whether the Assistant Minister is speaking on behalf of the Government, and that what he says is the policy of the Government on the very Member who made these allegations?

The Speaker (Mr. Slade): Yes, you must say, Mr. Mutiso. I understand, Mr. Mutiso, that you are speaking for the Government. Would you make that clear, please?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, when I was speaking, I was speaking in my capacity as the Member for Yatta, because these very allegations which were made by the hon. Member, who is not in the Chamber, alleged certain things that had happened in my own constituency, and this is why I want to clarify them, as the Member for that area. But, Mr. Speaker, Sir, if I cannot challenge the allegations which he has made, because he is not in the Chamber, I will leave that alone and—

The Speaker (Mr. Slade): Order! You quite misunderstood me. Of course, you are allowed to challenge allegations which he made. What I said was that you cannot, in the course of challenging these allegations, make violent counter-allegations of a personal nature. It is not right to do so.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I see that some Members are worried, and some are making remarks to the effect that if I have been sent to finish off Ngei, then they do not know what would happen. But, Mr. Speaker, Sir, I have the right, just like any other Member, to speak in this Chamber and make my views clearly known.

Mr. Speaker, Sir, the people of Ukambani, and particularly the people of Yatta, who were mentioned by the hon. Member, particularly with

regard to the closure of the Yatta Furrow—I think it is a well-known fact, Sir, that this country cannot, and does not, offer free services for anything. I think, Mr. Speaker, Sir, that it would be very misleading for us in this House, for the public at large, to be misled by any particular person that there are free services of any nature, especially when we come to the question of water, which is where the people have to be employed to run the machinery, the boreholes, which also have to be paid for to be sunk; and the people employed to operate those boreholes. Mr. Speaker, Sir, I, personally, as the Member for the area, led a delegation to the District Commissioner, Machakos, and a promise was made that the people would pay their water rates and there would be no water until the people paid for it, as is happening in many other places.

Mr. Speaker, Sir, I see that my time has finished, I would like, to make this point very clear, that the people of Yatta know very well that they are doing well in collecting the water rates, and therefore, Sir, very soon, the water will be opened and they will be making use of it.

Mr. Mallinda: Mr. Speaker, Sir, thank you very much.

Mr. Speaker, Sir, before I correct the impression which was given to the House by Mr. Ngei regarding these people who are at Makueni, I would like, first of all, to touch upon a few other things. Firstly, Mr. Speaker, Sir, I hope that now we are going into recess, the Government will find it fit to see that, when we resume our sitting next time, they make arrangements with regard to the days of supply, so that instead of us just having fifteen days in which to debate the Estimates, we can have more, so that we can all have a chance to talk and also that we do not curtail the sitting days which are allocated to the parliamentary timetable for 1966.

Mr. Speaker, Sir, going on from that, I also hope that the Government will devise a method whereby relief will be brought with regard to the question of unemployment, because, Mr. Speaker, Sir, since the end of the Tripartite Agreement, the Government has not initiated any other policy, or scheme, whereby a lot of people who are jobless can get employment.

Mr. Speaker, Sir, I would now like to touch on the question of the city council. One Member said that the city council proposed to the Ministry of Education, that they could give free primary education, and the Ministry of Education refused. Mr. Speaker, Sir, I think the Ministry of Education was quite right, because the city council here is so conceited and is so arrogant about money, which, in actual fact, does not even

(Mr. Mallinda) belong to them. We have paid our taxes. We pay Sh. 600; but, Sir, out of that Sh. 600, Sh. 300, which should be remitted to our county councils, have never been remitted since 1964. We do not even have receipts to show that we have paid our taxes. This, Mr. Speaker, Sir, is the money which has amassed itself in the city council and which is making the city council big-headed. Mr. Speaker, Sir, I hope that, by the time we come back here, the Government will have appointed a special commission, let alone the commission which is inquiring into the county councils and local government, but a special commission to look into the affairs of the city council, because they are completely rotten now.

Mr. Speaker, Sir, I also hope that the Ministry of Commerce and Industry will have decided on the restoration of the castor oil seed factory at Kibwezi. Mr. Speaker, Sir, we have been waiting for this factory for a long time. We know that all the surveys have been carried out, feasibility studies and arrangements have been made, therefore it should be started any time from now, and I hope that the Government will see fit to start it immediately.

Now, Mr. Speaker, Sir, with regard to the question of foreign policy. This, Mr. Speaker, Sir, needs to be properly looked at and I feel that the Government should also make an announcement as to what the Kenya Government's views are with regard to the Rhodesian issue; and also with regard to recognizing these governments which have had *coups d'état*. We want to know what the Government policy is.

Now, Sir, I would like to touch on the question with regard to the people who were removed from Donoyo Sabuk to Makueni, because they were brought to my place of residence and I have seen them so many times that, by now, I know quite a bit about them. Mr. Speaker, Sir, it is known that when these people were being taken away, the Member who was speaking about them was a Minister. We also know that this question, in the question of these people, has been aired in Government circles. Mr. Speaker, Sir, I would like to say here that I am very grateful to the Government for taking steps to ensure that these people do not die of famine, because, Mr. Speaker, Sir, I, myself, have gone to the provincial commissioner, the district commissioner and the Minister for Home Affairs to see that the welfare of these people is not neglected. I have also, Mr. Speaker, Sir, gone to the Commissioner of Squatters who has promised land for these people, because these people were taken away during the time when the hon. Member

was in the Government, but, it is ironic and also shows the insincerity of the Member to come and start talking about them now, because when he was in the Government and had the chance to present the difficulties of these people, he did not do it; but, Sir, now that he is no longer in the Government he finds it necessary to blame the Government. Mr. Speaker, Sir, that should not be allowed.

Mr. Speaker, Sir, I wish to support the Motion.

The Assistant Minister for Labour (Mr. Odero-Jow): Mr. Speaker, Sir, I am sorry to have to say this while the hon. Member for Butere is out of the Chamber, but Sir, the hon. Member has elected himself the president of the poor people and, at the same time, he is also a self-appointed trade union official. Mr. Speaker, Sir, I wanted to warn him to stop meddling in the affairs of the drivers of the Ministers, because these people have a contract with their employers, and if the Mr. hon. Shikuku's meddling brings about a breach of contract, this, Sir, will be too bad. Mr. Speaker, Sir, I would like to inform the drivers of all our Ministers, including mine, that they are free to join the Transport and Allied Workers Union. It is only by joining this union, that their rights and their responsibilities as workers will be taken care of most effectively. The hon. Mr. Shikuku's noise in this Chamber, does not help these workers one little bit. They are free to join the Transport and Allied Workers Union, and I would be delighted to see all of them become members of that union. Through that union, Sir, they will be given better support and protection than the noise the hon. Member usually makes here.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, I am seeking your ruling on this point. Is the hon. Assistant Minister in order to refer to any hon. Member's speech here as only noise?

The Speaker (Mr. Slade): No, No, it is not. Order! Hon. Members are free to disagree with what other hon. Members say, but they should never be offensive in their description of what other Members have said.

The Assistant Minister for Labour (Mr. Odero-Jow): Mr. Speaker, Sir, I withdraw the "noise" part of what I said, but, Sir, I believe, and this is my sincere opinion, that it is doing these people no good. Mr. Speaker, Sir, I would like to say a few things with regard to the question of unemployment. The Government is fully conscious of the plight of the unemployed people in this country. I have, personally, been charged with the responsibility of drafting a plan as to what should be done to combat unemployment in





[Mr. Khasakhala]

want this country to develop and if we really want to see true *Uhuru* in the proper spirit, the time has come when the President should have an advisory committee of fifteen experts who are not Ministers or Members of Parliament. Let them be experts drawn from a wide circle in this country. I will propose the composition of these experts who will assist the President so that this House, and the Council of Ministers, would only implement on the advice given to the President through this impartial advisory committee.

Mr. Speaker, I feel very strongly that the country is not moving forward, because the President is kept in ignorance and is surrounded by tribalism, by Ministers, by politicians who want to obtain certain credit for their own areas, and as a result, we are not moving forward. I feel very strongly that the President needs an advisory committee of fifteen impartial people and the composition of this committee should be as follows: I will only name a few of them, Mr. Speaker. Let him have a professor who is an economist and who can advise the President on matters to do with the economy of this country. Let him also have a lawyer who can advise him on legal matters. Let him have a doctor to advise him in the field of medicine. Let him have a geologist who can advise him on such a matter of great importance, and so forth. The reason why I say this, Mr. Speaker, is because it is impossible today for the President to decide on his own. He finds it very difficult, even on very important matters, because there are politicians around him confusing him, and also he finds Ministers around him confusing him, he finds tribalism, Kikuyus around him confusing him and he cannot move, Mr. Speaker. I feel most strongly that the Council of Ministers—which is a high-powered council in this country—should only face problems that are brought to them by this impartial advisory committee. For example we have had matters of great importance, such as resolutions taken by the Organization for African Unity. Once such a resolution comes to the President he is confused. He does not know what to do, but if we had a committee, such as this one, he could go with this resolution on all these important matters and present it to his committee and say, "Gentlemen, find a solution". Then he can bring what he has been advised by his impartial advisory committee to the Council of Ministers for final action.

Mr. G. G. Karikiak: On a point of order, Mr. Speaker, Sir: For the interest of the House am I in order to ask Mr. Khasakhala to substantiate that the President can never make any decision on his own because he is surrounded by a few Kikuyus?

The Speaker (Mr. Slade): No, Mr. Karikiak. Mr. Khasakhala is obviously expressing an opinion on the state of affairs that he sees. Hon. Members are entitled to do that; you cannot substantiate the accuracy of your opinion.

Mr. Khasakhala: I am sure that my proposal will be sent to the President. He should have an advisory committee to advise him.

The second problem that is facing this country, whatever we say is that, unless we can find a solution for unemployment, Mr. Speaker, a hungry man can never be happy at all. The Government must try and solve the problem of unemployment immediately.

With these few remarks, I beg to support.

Mr. Anyieni: Mr. Speaker, Sir, thank you. Time being short, I will go straight to the point.

Mr. Speaker, the other day there were some five students from Kisii who were accepted into the Mangu Secondary School. These students were in Catholic schools, but they were baptised in other denominations. Now when it was discovered that these students were not Catholics, they were kicked out of the Mangu Secondary School. I tried to get the Minister to do something, but, up to this moment, some of these students are still in my house. I believe that the Government should take strong action and not penalize a young man, who has not even yet decided on his religion, because he will decide on his religion when he comes of age, and I hope the Government will take firm action on this and not be controlled by other people.

Mr. Speaker, on the question of employment, the Government should be able to spread the chances of employment. It seems here that the only people who can obtain employment are the people who are around Nairobi and the people who have relatives in these big offices. Some of us who have no relatives in these big offices find it very difficult to obtain employment for our people. Therefore, I would suggest to the Government that they should set up a bureau where people can register for employment and when ten office messengers are wanted in Nairobi, they should be distributed throughout all the districts of Kenya so that every place can have a chance to employ people.

Now, Mr. Speaker, the other point I wish to make is on the question of Kanu. Today, there is tension in Kenya because some of our Ministers have used their portfolios—and here nobody must ask me to substantiate—because the two Ministers from Kisii, Mr. Nyamwaya and Mr. Sagini, used their influence to call a secret Kanu election in the Kisii District and, as a result,

[Mr. Anyieni] there are two branches of Kanu. For unity's sake, we demand that open elections should be held and if there are people who fear that in an open election they cannot be elected as leaders, they should retire from politics and join some sort of business.

Now, Mr. Speaker, there is another thing and that is the question of *coups d'état* in Africa. There are a lot of *coups d'état* which are taking place in Africa today and, if we analyse these *coups d'état* properly, we will find that they are imperialist inspired. For example, Mr. Speaker, some people heard what Chou En Lai said about these *coups d'état*, but whatever Chou En Lai said about these *coups d'état*, they are not for Chou En Lai. For example, in the Central African Republic, where there was a *coups d'état*, immediately the *coup* took place, the Chinese Embassy was closed and all of them were expelled. The same thing was done in Upper Volta and in other places. Even in Ghana, this has been done. Let nobody deceive the masses that these *coups d'état* have been brought about by the Chinese or the Russians. These are *coups d'état* that have been brought about by the imperialists. For example, Mr. Speaker, in Ghana immediately when Nkrumah was expelled, while Kenya was withdrawing her delegation from Addis Ababa and the United Arab Republic was doing so as well as Tanzania, the United States was recognizing the régime as well as Britain. So the people must know that the imperialists are very busy staging *coups d'état* and I want to ask the Kenya Government to be very careful of these *coups d'état*. The Government must guard against any foreigners approaching our people in the army in order that our army may remain loyal only to the Kenya people and not to imperialist forces or any other forces for that matter who want to interfere with the smooth running of our country.

Now, Mr. Speaker, on the question of ambassadors. We have some ambassadors who are not allowed to move as they are thought to be a danger, but then we have ambassadors who are here to represent their own Governments but instead of doing this they are running all over the country preaching their ideology and giving gifts. Our Government should put a stop to this. Any gift which is given by any Government should be given through the Government of that country. If this is done without any discrimination, I think Kenya will have peace.

Mr. Speaker, shall I be given my time?

Mr. Kihoga: On a point of order, Mr. Speaker, Sir. This is very important because the hon. Member has alleged that some ambassadors are

travelling all over the country, preaching ideologies, whilst others are restricted to their offices. Could he substantiate?

Mr. Anyieni: Mr. Speaker, Sir, I hope that I will be given extra time because the hon. Member interrupted me. I heard it recently announced over the radio and read in the papers that His Excellency, the United States Ambassador to Kenya, Mr. Atwood, was in the hon. Mr. Khasakhala's constituency where he gave a gift. But, Sir, we know that other ambassadors are not allowed to move as far as that into the countryside.

Now, Mr. Speaker, Sir, I would like to finish off quickly by saying that there is a hotel in the Kisii District known as the Kisii Hotel. Mr. Speaker, Sir, before this hotel was run by a person called Mr. Duffy. This certain man, Mr. Duffy, kicked out the Mzee from his hotel. Another man came, but he soon went. Now, Sir, there is another man at this hotel who thinks that the African is abusing the people. Therefore, I am asking my Government kindly to take a step which will remove this man from this hotel.

With those few words, Mr. Speaker, Sir, I also wish to support the adjournment.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, thank you very much. Mr. Speaker, Sir, I would also like to join my other hon. friends who have spoken in this House. But, Sir, I would like to clarify a few points which the hon. Member for Machakos North made here, who, very unfortunately, is not in the Chamber any longer.

Mr. Speaker, Sir, the hon. Mr. Ngei who was, until recently, a Minister, had the audacity to criticize the Government at this particular moment, for the Government having failed to do certain things on behalf of the Wakamba people. Mr. Speaker, Sir, he was a Minister, until a few weeks ago and, therefore, he could have used his influence to help the Wakamba people. Mr. Speaker, Sir, the Member did speak about a number of persons who were removed from a part of my constituency, Donyo Sabuk. This, Mr. Speaker, Sir, is a part of my constituency, and therefore, Sir, I know what really happened. In fact, Mr. Speaker, Sir, the people who were removed from this particular area were misled by the very same Member who has spoken in this House. This, Mr. Speaker, Sir, can be clarified. It is in the administration books. The reports were made, and even some allegations with regard to some money, which was collected in his name, the case was heard in court after it had been mentioned.

[The Minister for Commerce, Industry and Co-operative Development] Order! I am glad to hear that the Member to whom you refer is earning Sh. 2,000 plus an allowance of £6 per day here?

The Speaker (Mr. Slade): Order! It is a matter of opinion entirely whether you are poor or rich.

Mr. Shikuku: I am sure, Mr. Speaker, the hon. Member is ashamed of himself.

Mr. Speaker: I am of the opinion—

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): On a point of order, Mr. Speaker, is it in order for the hon. Member to say I am ashamed of myself when I am very happy?

The Speaker (Mr. Slade): Order! Yes, these things are in order. I would ask you, Mr. Mwendwa, to restrict yourself to valid points of order.

Mr. Kamurem: On a point of order, Mr. Speaker, may I seek your ruling on this? If there is a Minister who goes on making interjections in the House, what is your ruling?

The Speaker (Mr. Slade): Hon. Members are aware that a certain degree of interjection is allowed, and even encouraged, to make a debate lively; it is only when it becomes intolerable that the Member concerned is told so, and if he does not desist he has to go.

Mr. Shikuku: Mr. Speaker, I do not have much time, and my time has been taken.

There is another issue, Sir. We have been told of the deportation of certain people. There is one European at Uplands, Mr. Speaker, a former commander in charge of detention camps, who has introduced a system that is segregation, that people on higher scales should not mix with the people on lower scales.

The Speaker (Mr. Slade): Order! I am giving Mr. Shikuku another minute because of the interruptions he had.

Mr. Shikuku: Thank you, Mr. Speaker.

This man, Mr. Speaker, has brought this system in, in Uplands and, as a result, one African has been ticked. Mr. Speaker, when I rang him this morning, he told me that he did not care who I was, not even the Ministers, that he has pocketed everybody. Mr. Speaker, I feel—the man in question is called Mr. Leslie, and the manager there is Mr. Connery, all these people should be deported.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, the hon. Member has alleged

that a certain European at Uplands has told him on the telephone, that he has pocketed every Minister, could he substantiate this as I personally take this very seriously, if it is true it should be followed up by the Government?

Mr. Shikuku: Mr. Speaker, I am ready to substantiate. I had a telephone call this morning and when I asked him he told me, "Whether you are a Minister or a Member of Parliament, I do not care a hoot, you are all in my pocket." The person who was sacked was called Mr. Shikaka. Mr. Speaker, Sir, if this European is not sacked, the former detainees who made many people in this country suffer, and created a lot of hardships for the people of this country, if he is not deported then, Mr. Speaker, I will be very disappointed in this Government. I think this is the right person to be deported for the sake of the country.

Mr. Ngeli: Mr. Speaker, Sir, I thank you for allowing me to speak awhile. This is a question of national importance, and I would like to ask the hon. Members to listen. I would like to ask the speech because of any improper motive, but I am making it from the bottom of my heart on behalf of 1,500 families who are really suffering. A year ago in Donyo Sabuk, 1,500 families of the Wakamba were removed and sent to a remote area of Kenya, 150 miles away from Nairobi, and left in the wilderness. There were no means—this is beyond Makeni Settlement—there were no means of livelihood; there were no means for the supplying of food, no water, nothing. They were just put there in a camp like prisoners of war. Even, I believe, prisoners of war are far better treated because they have biscuits and many other tinned fruits, but these Wakamba people, very lovely people, very courageous people, were removed because of one settler from the Donyo Sabuk Estates. It was alleged that a few prominent people have grouped together to buy what is known as McMillan's Farm, which is a very big farm indeed, extending about fifty miles in width. These people were removed and taken away—I am not prepared to slander anyone, my dear friend, I am here to spread the truth. I said alleged—these families were taken to Makeni and left there. It is understood that the settler in question gave Sh. 20,000 in order that this should be distributed to these people, or that food be bought for these people. Later on, further people were removed from Donyo Sabuk, and even today, I can tell the hon. Members that there are some people who have been removed from this same farm, women who are working on this same farm, after working five days the pay is calculated to be or a stint is made of one day. Stint means a stint of labour, I think the Minister of Labour would know this. Therefore, a stint is given of

[Mr. Ngeli] but they have worked for five days. They are being harassed, and these poor souls have been left in Donyo Sabuk and those who are 120 miles away from Donyo Sabuk have not received any help from the Government at all. The camp has become like a show camp, that means people have been going there to show sympathy, but sympathy forms a lip service of administrators, and I accuse, and I stand by my own words, that the district commissioners in this what I should call closed district of Machakos, have been responsible for this matter. I have checked and I have found that they have not reported the matter to the high authority of the Government, and I have made attempts that the President should know about these families. Mr. Speaker, Sir, this is not a question of tribalism my dear friend; this is a question of the lives of 1,500 families, and it is serious. Therefore, Mr. Speaker, I would like to ask the Government to look into this serious affair. It is so serious.

Mr. Speaker, let me come to another point. At Yatta, it has been very dry and the crops have failed. The Minister for Local Government has seen fit to say that the water which was in the Yatta Furrow is not to be used; the cattle are not to be taken there at all. Instead the place—if you can wait the president of the poor, I will make my point, if you want to interrupt because you think you have scored, my dear friend you are wrong.

The Speaker (Mr. Slade): Order! You will address the Chair.

Mr. Ngeli: Mr. Speaker, this furrow was dug by ex-detainees, people who had been put inside because of their nationalism to set this country free. The furrow was dug to provide water. Of course, at that time, it was meant to make these people die. Today, when the Government knows very well that there is no water, that there is no food in Yatta, they have chosen to close the furrow, and women go about thirty miles to get water. This is a shame. Mr. Speaker!

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, the hon. Mr. Ngeli has alleged very seriously that the Government has decided to close down the Yatta Furrow, can he substantiate that?

Mr. Ngeli: Mr. Speaker, it is true that the furrow has been closed and the people are not watering their cattle. May I go ahead?

The Speaker (Mr. Slade): You must say on what grounds you say that, Mr. Ngeli. Either that you have seen that the furrow is closed, or that you have read an order, but you must say why.

Mr. Ngeli: Mr. Speaker, what I said is true, the furrow is not being used by the Akamba people, and women are travelling forty and thirty miles to get their drinking water with a calabash.

The Speaker (Mr. Slade): Order! You have not yet substantiated if it is anything to do with Government. Order! You are being asked to substantiate that Government has closed the furrow. You must say for what reason you associate Government with these events.

Mr. Ngeli: Well, Mr. Speaker, I have been told that it has been done because of the tax. But can you really close water for human beings because of tax when they are nearly dying?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, what I am trying to get from the hon. Member is that he has alleged that the Government has closed this; is he talking about the Government or a county council? That is the substantiation that I want.

Mr. Ngeli: Mr. Speaker, Sir, if it is local government, body or a local council, or whoever, even if a Government servant closes it, is construed that it is the Government who has given its consent. Mr. Speaker, may I go ahead?

The Speaker (Mr. Slade): Order! You have had your time anyhow. Order! I think on that point. Mr. Ngeli has made it clear that he does not know whether it is the Government or local government. Some authority he says has done this.

Mr. Ngeli: On a point of order, Mr. Speaker, Sir, I was saying how very important this issue was, because there are 1,000 families removed today from Ulu and they have just been put on the Mombasa Road, Akamba people.

The Speaker (Mr. Slade): Order! Order! What is your point of order, Mr. Ngeli?

Mr. Ngeli: My point of order is that I was interrupted. Can I have an extra minute, Mr. Speaker?

The Speaker (Mr. Slade): No, you had finished your time already when you were asked to substantiate.

Mr. Khasakhalu: Thank you, Mr. Speaker, for this chance. I am going to speak on a matter of great importance to the nation and if I think that it is opportune, I will bring forward this point to the House.

Mr. Speaker, I feel very strongly that His Excellency the President in Kenya today cannot water his matters of national importance decide on matters of national importance impartially, because he has politicians around him who have the interests of their own constituencies at heart. I am suggesting, Mr. Speaker, that if we

[The Minister for Commerce, Industry and Co-operative Development] it is his duty to clarify it. It should not matter whether he is a Minister or a Back-bencher, I think this is the right of every Member and I have that right because I am a Member here, Mr. Speaker. In fact, instead of wasting time, I would have finished.

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

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

Mr. Speaker, I would like the Members to take time to think about the things which have brought unemployment to this country, and how, Sir, we can improve the situation. Things will never be improved by simply pointing out that there is unemployment. No one in this Chamber can be forced to employ somebody when he has no vacancy either in his house or in his business. One has to think whether he has a vacancy, or whether he has the money. Mr. Speaker, I want to point out to the hon. Members here what has actually been happening which has caused a lot of unemployment and about which, with the help of the Members here and with the help of the Members concerned, perhaps we can do something, before we shout and say, "Let the Government create employment." Government cannot just create employment if there is not employment. Employment is created by everybody. Even you can create employment. If an hon. Member here starts to clear a bush somewhere and he employs ten people to clear that bush—there are very many bushes to be cleared here in this country, and the hon. Members here who earn, fortunately, like myself, Sh. 2,000 a month; and if an hon. Member can just cut ten acres of bush, he could employ one or two unfortunate fellows to clear this bush. This is what we mean by employment.

Mr. Speaker, if you look at Nairobi, for example—

An hon. Member: How much bush have you cleared?

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Twenty acres, and I have employed ten people. You come, you will see them.

Mr. Speaker, if the hon. Members will look around at what is happening in Nairobi—

The Speaker (Mr. Slade): I am afraid that your time is up.

Mr. Jahazi: Thank you, Mr. Speaker.

Mr. Speaker, Sir, while supporting this Motion for the adjournment, I have two points to make.

The first touches the Ministers and it touches the Ministers' drivers. Mr. Speaker, Sir, the Ministers employ drivers and they exploit them, terribly.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): On a point of order, Mr. Speaker, Sir, would the hon. Member substantiate that we exploit our drivers?

The Speaker (Mr. Slade): Mr. Jahazi, were you about to explain?

Mr. Jahazi: Mr. Speaker, that is what I was going to say.

Mr. Speaker, Sir, the Ministers' drivers earn about Sh. 240 per month. Although they are employed by the Government, they do not get overtime; they have no working hours; they work from morning; they drive the Ministers around; they bring them to Parliament; they are now outside there; and from there they will drive them to cocktail parties or a meeting and they will wait there up to 12 o'clock at night and then drive them home. Then, Mr. Speaker, they are supposed to be at the Ministers' houses at 7 o'clock to wash and clean the cars and drive them to their offices. For all this, they do not get overtime; they do not get any extra money for the long hours they put in. If that is not exploitation, Mr. Speaker, I do not know what else it is.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): On a point of order, Mr. Speaker, I would like the hon. Member to prove beyond any doubt that we do not give our drivers food to eat and money when they travel with us all over the place apart from their salaries.

The Speaker (Mr. Slade): Order! Order! Of course, substantiation does not necessarily require absolute proof, as I have said on other occasions in this House. It is a case of the hon. Member saying on what grounds he alleges something; but if the hon. Member is alleging a negative, then, as I have stated, you cannot really substantiate a negative. That being so, I allow another hon. Member to correct what he believes to be untrue; so, Mr. Mwendwa, you have, in fact, had the opportunity of correcting the Member by saying that you do give food, and so on, to your drivers.

Mr. Jahazi: Mr. Speaker, Sir, in my substantiation I did not mention food. I did not say that they were hungry and dying of starvation. I just said they had no fixed times; they work such long hours and then they do not get paid for that.

The Speaker (Mr. Slade): Order! I think we have dwelt long enough on this point, but Mr. Mwendwa was making it clear, when he rose, that

[The Speaker] That does not mean that everybody would get extra rations are given on journeys, in his case, and financial compensation on some occasions also. You must accept what he says, you know, in these things.

Mr. Jahazi: Mr. Speaker, I am not arguing with what he says and I do not think his intervention is necessary, Sir, because I am not accusing one Minister, I am just mentioning the terms of employment of these drivers. If any Minister is generous enough to pay his driver out of his pocket, that is called *bakishiti*, but the driver could not demand and say that he was not paid and could not take him to the industrial court, for that matter.

The Speaker (Mr. Slade): You have clarified something now which was disturbing Mr. Mwendwa. You did appear to say that Ministers exploited their drivers. You mean that Government exploits the drivers?

Mr. Jahazi: I am glad that you have corrected this, Sir, let this appear so, Sir, that the Government exploits them.

Mr. Speaker, Sir, having made that point I think the second point is about the police in Mombasa. These days, Mr. Speaker, it is fashionable for the policemen to go around at night and arrest all small offenders; I mean cyclists who may not have a light on their bicycles or something, and then lock the cyclist and his bicycle up inside. They are not even allowed to give a bond or to be bailed out. Now, Mr. Speaker, this is surprising because a bicycle costs more than Sh. 300 and the fine for riding without a—

On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Yes. Who has a point of order?

Mr. Jahazi: It is my point of order, Mr. Speaker!

Mr. Speaker, having been interrupted so much, and the time is up, can you give me an extra minute to finish this point?

The Speaker (Mr. Slade): I think you hardly can claim that, Mr. Jahazi, because you really did call for the interruptions by what you said. I think we must let somebody else have a turn now.

Mr. Shikuku: Thank you, Mr. Speaker. I have two points to raise here.

One is about the question of extravagance inside this Government. Mr. Speaker, I have, time and again, advocated the reduction of salaries of various people, including the Members of Parliament, plus the President of the Republic of Kenya, as a sign of sacrifice to the people in this country.

That does not mean that everybody would get employment out of that money; but it would be a step towards doing something rather than just talking.

Mr. Speaker, it has been proved of late that there is a lot of money being spent in this country extravagantly, particularly in the City of Nairobi. Only the other day, we were told of somebody with a Cambridge School Certificate blowing Sh. 11,000 a month. Today, Sir, we have heard of another expatriate in the City Council earning Sh. 15,833/34 a month. This is ridiculous, Mr. Speaker. I feel, Sir, that there is something definitely wrong with this Government, when we have so many people unemployed; so many going hungry; so many sleeping in the drains; and some people drawing such very large sums of money and enjoying themselves in this country. Is this the African Socialism we advocate? If it is that, Mr. Speaker, I say, "To hell with African Socialism".

Mr. Jahazi: On a point of order, Mr. Speaker, is it in order for a Member to use such language as "to hell", is it Parliamentary?

The Speaker (Mr. Slade): No. It is not Parliamentary language.

Mr. Shikuku: Mr. Speaker, Sir, I withdraw that word "hell", but the view still remains.

Mr. Speaker, the other issue is the question of the civil servants who are now earning the former colonial salaries. They blow this salary and they do not employ a *mpishi*; they do not employ a houseboy; they do not employ an *ayah*; and all they do is keep the money for themselves and their wives work in the Ministries or with this, or the other, company. They do not help other people to come up. Mr. Speaker, we know of people now in high positions, whose fathers were drivers or cooks of the imperialists. Today the son of the ex-cook cannot learn, and now more cooks—and even *shamba* boys—cannot have their children at school because the Africans have taken up the posts and they are sitting on the money, they call themselves provincial commissioners, district commissioners, district officers, sioners, district commissioners; district officers, permanent secretaries and all the rest of it. I feel permanent secretaries and all the rest of it. I feel that this is not helping the country at all. Mr. Speaker, I am of the opinion that a commission of inquiry should be set up to look into the expatriate salaries which are exorbitant, so that we can assess the situation, because I feel that these expatriates and some of the Africans are really exploiting the poor people. Of course, as you know, I am the president of the poor people.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): On a point of order, Mr. Speaker, is it really in

Hon. Members: Then resign.

Mr. Omar: Well, I am putting this before the House, because I want the House to know that the people are not happy, and it is no use telling me to resign. It is us here who are satisfied, but the people are not satisfied.

Mr. Deputy Speaker, let us tell the Government the truth, because once they have the truth, then it is all right. If we do not tell them the truth, then we are fooling ourselves and allowing a situation whereby one day the masses will demonstrate their feelings to the Government. It is a matter to be looked into and a solution should be found.

Another thing, Sir, is about stable leadership in the Dock Workers' Union.

The Deputy Speaker (Dr. De Souza): I am afraid your time is up, Mr. Omar.

Mr. Mbohoh: Mr. Deputy Speaker, Sir, while supporting this Motion for the adjournment I wish that the Government would revise its foreign policy. *Coups* which have been taking place in Africa are not good. It is awkward that our Government can recognize one *coup* and next morning when another takes place, the Government does not recognize that one. This is very interesting. The other day when the Nigerian Government had a *coup d'état*, it seemed that even Dr. Nkrumah himself agreed that it was a good thing and now that Ghana has had a *coup d'état*, then everybody in Kenya says, "We support Nkrumah now because we do not want these military *coups*. Sir, this is awkward. So, when we are in recess, I hope that the Government will at least sort out the confusion and its attitude towards its foreign policy.

During the recess, I hope that the Government—and I call upon the President to do this—will look into the possibility of looking at the lazy Ministers and sacking them, so that when we come back here, we do not have any of them in Parliament. The hard-working Ministers in the Government should, during this time, visit the country and see what the people are doing; they should do this instead of coming and sitting here and making a lot of noise. I think that the Ministers who are lazy should be sacked and some Members who are hard-working, who can put some good and new blood into the work, should be given those jobs so that they can show the country what new blood can do.

Another thing which I would like the Government to look at is the policy of local government in this country. It seems as though there is a policy, a difficult policy, in this local government, whereby it can be given freedom to exercise its

own power while some other local governments are being stamped on by the Ministers; in this way he is killing them. So, Mr. Deputy Speaker, I am glad there will be a commission to look into this and I would like the commission to go deep into the local councils and see exactly what is happening in the country. They should check the accounts of Nairobi, and find out why the Nairobi City Council collects all the money from people and does not help the other local councils. Does it do this just because it is a grant thing which has power to pamper the authority of the Minister?

There is something that I welcome very much and this is the fact that while we are speaking about our recess, there is already a move to reconstruct Kanu as a national party. I disagree with anybody who says this is not the right time to reconstruct Kanu. All this time since we were elected we have been shouting to the Government that Kanu should be reconstructed, but now that we are trying to reconstruct it, some people, just because they have been given money by a foreign power to say, "No, not now," they object. This is absolutely useless and should be done away with.

I find that the Youth Service of this country is already in a mess and I believe that it is definitely in a mess although my Motion here was defeated. I feel that there should be a great deal of improvement in the Youth Service of this country. Though somebody is talking nonsense here, I know he is one of those people who does not understand how the Youth Service is run. Because he goes there and receives a report from a European, he then says, "O.K." After that, he goes home. I feel that the Youth Service should be reconstructed, though in the proper sense the Youth Service is a very good force of this country; one which can work very well for the benefit of the country. However, when it is left in the hands of an hon. Member like the Member for Nyandarua, it is just being corrupted. I think the hon. Member should close his mouth and see what is happening. The youths of this country will support me because they know how they suffer. If they are anywhere here, they will know exactly what the hon. Kariki is talking about. This question of Youth Service is such a burning one that it needs a lot of time. I do not think that although some person is shouting he has the right to think that he is right all the time. I hope things will be put right.

I beg to support.

Mr. Kall: Mr. Deputy Speaker, I want first of all to speak about this Organization for African Unity because, Sir, I think the Government did

(Mr. Kall) the right thing by recalling Kenya's delegation. My opinion is that the present Organization for African Unity is in chaos. For instance, since the declaration of unilateral independence, what have they done? They have been meeting every now and then. What have they done? So, I propose that instead of so much money being spent on sending delegations abroad, this money should be spent here on relieving unemployment. We have people who are starving and yet so many thousands of £s. are spent on first-class flights, first-class hotels in all big cities. This is a waste of money. This country is not going to agree to this kind of thing.

My second point is education. It is my sincere opinion that the present position within the Ministry of Education is chaotic. I will give you one example. The other day the police had to be called to clear away parents who wanted to know whether their children had passed the K.P.E. examination and where they were going to be placed. The Ministry had to bring the police to clear away the parents.

Mr. Deputy Speaker, Sir, the City Council of Nairobi has requested the Ministry to allow the city council to offer free primary education and the Ministry turns this down. Yet they know the position of Nairobi; they know there are so many children in Nairobi who are fatherless. I cannot see a responsible Ministry turning down such an offer when the city council is financially able to provide free education. I can prove this to the Assistant Minister for Education. The city council obtained the money from overseas countries and from the taxpayers. Anyway, the money is there, Sir. If the Ministry had allowed this, today we would have had free primary education in Nairobi.

I now come to the problem of unemployment. Nairobi City is hit very hard by unemployment. You just go to one of these shanty towns where people are crowded and have no food to eat. In fact, the Government has been doing something good by feeding these people. I would like the Government to act again on the same basis as it did when it introduced the Tripartite Agreement. I think this should be repeated. Mr. Deputy Speaker, Sir, because the situation has grown desperate. This social menace, as one Member called it, can result in a very serious situation: You know what happens to a dissatisfied man who is frustrated because of hunger? These people are fathers, they have children, they want their children to have education. But where are they to get the money from? So, I appeal to the Government to think again on this question.

Another point is the present political situation in the country. Nobody can tell me that although in the eyes of the world Kenya seems to be a stable country politically, nothing is happening. I feel the President should not be lulled into a false sleep by thinking that this country is stable. Although we are supposed to be one party, in fact, virtually there are two parties within one party. Nobody can deny this. I think the President should consider this thing seriously and for the sake of unity of this country he should do something, and do it very quickly. There should be unity within the party. Now, Sir, we have our constitution of Kanu, and unless and until we can adhere to that constitution, there will be trouble and confusion. In Kenya today, whatever we do, it must be done constitutionally. Whenever the Government wants to amend the Constitution it brings it here, we discuss it, we exchange views, and then we pass it. So, the same thing should be in Kanu. (The constitution must be respected, otherwise we are inviting chaos.)

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Deputy Speaker, I have the right in this Assembly to speak as much as anybody else.

Hon. Members: Shame! Shame!

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Sir, I have nothing to be ashamed of. In fact, I am very proud.

Sir, I did not want to speak on this Motion, originally, but I have been prompted to do so because of a few remarks which have been made by the hon. Members who have spoken. I think it is fair that these remarks should be replied to. They should not go unanswered.

One of them—I am not going to be long in unemployment. I speak with authority because a few months ago I was the Minister for Labour.

Mr. Kall: On a point of order, Mr. Speaker, I would like to know, because the Minister had indicated that he is answering some of the points raised on the amendment, whether he is answering in his capacity as a Minister or as a Member for the area he represents?

The Deputy Speaker (Dr. De Souza): Well, I think he can only answer in his capacity as a Minister.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Deputy Speaker, I think that in this Chamber Mr. Deputy Speaker, I think that in this Chamber even if a big chap hears a Member put forward even a point which he thinks he can clarify, I think

[Mr. Mate]

Deputy Speaker, Sir, at Muthambi, Meru, the Provincial Education Officer, Embu, visited this area and also the Assistant Minister visited this place and he saw the good work which had taken place. Therefore, why do they not want to work with us? Mr. Deputy Speaker, Sir, take Chogoria as an example. Here we have two self-help secondary schools which were opened by the parents. One of the classes Form I and a Form II for boys was allowed to start by the Ministry and the Provincial Education Officer, Embu, side by side with the grant-aided section of the secondary school. Today, Mr. Deputy Speaker, Sir, we are told that the Government is not prepared to work with the parents in order to solve the problem of the secondary school places.

Mr. Deputy Speaker, Sir, another question is this: why is this Ministry so slow when the people are prepared to work with them? Mr. Deputy Speaker, I would like to touch on another point. I heard on the radio this morning about shortages of Form I places in the Bungoma District. This applies to Meru too. Recently, after the results were out, we had a problem in the Eastern Province of placing girls and boys in the secondary schools that were available in the Eastern Province and something unfortunate happened that the people of the Machakos District, Kitui District, Embu District, Meru District, Marsabit, Moyale, thought that one district was trying to outdo the other, in that children from Meru went to Machakos, others from Embu went to Meru, and some from Meru came to Embu and there was a quarrel among the parents as to who was bringing these children into their districts just because their own children were unable to get places. The fault lies with the Ministry of Education. They, themselves, wrote letters, or the Provincial Education Officer at Embu, wrote letters to the parents telling them that their children could go to such and such a school. Why should the Government—and the Minister for Education in particular, just because he cannot do his job properly—make people quarrel for nothing? We want him to offer these children places and not make people so confused just because he cannot do anything.

Mr. Deputy Speaker, I am glad to hear and to know that recently, when the Minister for Education and the President visited Meru, they assured the Meru parents that their children who were unable to obtain places in Form I would be helped to get those places. This is an assurance given to the Meru people and, Mr. Deputy Speaker, I want to emphasize that the Meru are only waiting to see what the Government are prepared to do to get places for our children in

Form I and I appeal to the Minister for Education to honour this undertaking and this pledge because it is so important. It is said that the Meru are backward but now that we have woken up we want the Government to meet us half way.

Mr. Deputy Speaker, I beg to support the Motion for the adjournment.

Mr. Kibaga: Mr. Deputy Speaker, Sir, while supporting the Motion for the adjournment, I would like to make a few comments. First of all, I would like to say that it is most surprising that on such a day as this when there is a Motion for the adjournment, there is only one Minister and one Assistant Minister in the House. This is a time when we, the Back-benchers, should be giving our views concerning the country and also that of our constituencies. To find that there is only one Minister present to listen to all our grievances, is really terrible, and I would say that these hon. Ministers are the advisers of the President, how can they advise the President when they do not attend during the time of debate? It is no wonder, Mr. Deputy Speaker, Sir, that most of the Ministers do not know much beyond Nairobi and their constituencies. Were they elected to serve Nairobi and their constituencies only? Some of the problems they know nothing about. I will soon talk about the Ministry of Agriculture and I will show the Assistant Ministers that they do not know. Once someone is a Minister or an Assistant Minister, he should make an effort to find out the problems of the country as a whole. Just moving about Nairobi and his own constituency is not enough. Again, most of the Ministers have made a habit of being absent from this House and the Members talk and talk and nobody answers them. Who is going to make the official reply?

Mr. Deputy Speaker, Sir, I think that the President needs to discipline his Ministers if Kenya is to progress properly. Once the Ministers are disciplined properly and come to the House and do not issue contradictory statements and there is a united policy, then the country will be united, but once a Minister says this and another one says that, the country becomes confused. We want a united front and we want discipline.

Mr. Deputy Speaker, Sir, on the question of secondary education, I would like to say that the Ministry of Education, which is not represented here as I cannot see a Minister or Assistant Minister, have more or less neglected the Kirinyaga District on the question of secondary education, and our people are anxious to know that they are being looked after. In my constituency, Mr. Deputy Speaker, Sir, there are only

[Mr. Kibaga] ... just two classes, in a constituency of about 100,000 people. We definitely need more secondary education and we need fair distribution. The Government may say that it has not got enough money, but we go to some districts that have so many secondary schools and in the other districts there are none. What can you call fair in this?

Mr. Deputy Speaker, Sir, I would like to say something about what the Government has failed to do in my constituency and my district. Before land consolidation, all the land belonged to different clans, people planted coffee in some *shambas*, others planted tea and others planted different kinds of crops, but when it came to land consolidation in Kirinyaga, it was an agreed policy that even if your coffee happens to go with somebody else, because of the demarcation, that coffee still remains yours and if the owner of the new garden wishes to move you out, the best thing would be to plant for you. Now the Ministry of Lands have actually confused people because they have issued circulars to say that anybody who owns coffee which is not in his garden, forfeits the right of ownership. This is terrible. I have been promised action by the Ministry of Lands and the Attorney-General's Department and we want action. We do not want the Government to encourage robbery.

Mr. Deputy Speaker, Sir, I would like to comment on the Press in this country. It seems that the Press in this country have become very lazy. They depend entirely on the Voice of Kenya to report for them. We need them to report so that we obtain a variety of reporting.

Mr. Omar: Mr. Deputy Speaker, I rise to support this Motion for the adjournment. As the House is now going into long recess, I would like to remind our Ministers about the political atmosphere in Africa, particularly in the countries where there have been *coups* by the military or the army. Now, our country, Kenya, is good; its political stability at the moment is good, but that is not enough. We would like the Government to ensure that our army and the police are satisfied, because, sometimes, when there has been a *coup* in other countries, some policemen in this country have raised those people who were involved in carrying out the *coups*. Some of the policemen and some of the army have been complaining that the conditions of service are not good. They want improvements. They claim that they are sleeping in very bad houses, that they are not satisfied with their salaries, and so on. So, it is very important, Sir, that the Government should ensure that the police force and the army are

satisfied, because if they are not satisfied, then they will be tempted to do the same as has happened in Ghana, Nigeria and elsewhere in Africa. So, in order to avoid all this, Mr. Deputy Speaker, Government must ensure that the police and the army are satisfied. To keep them out of mischief they must be satisfied.

Another thing is about unemployment. It has become a social menace in the country. About two weeks ago, I held a public meeting in my constituency, Mombasa, and I was speaking on the vote of confidence which had been passed in this House. I asked the masses whether I had made a mistake by supporting that Motion of confidence in the Government. Some of the audience told me that I had made a mistake, because they were not satisfied with the social conditions in the country; they said they had been looking for employment for a number of years and they have not found any employment to date. Some of them said that some parents could not get admission into Form I for their children and that boys and girls were just roaming in the streets, looking for employment. Some of them who had left school at Standard VII, others who had failed the Cambridge School Certificate, from all over the Coast, they came to Mombasa looking for employment. Some of them do not even have places where they can sleep. That is why I say that unemployment is a social menace in the country and the Government must do something right now. The call of, "Go back to the land," has not been heeded by these people. Parents who have sent their children to schools and those boys who have left at Standard VII of Cambridge School Certificate, encourage their boys and girls to go to Mombasa, from Kilifi, from Kwale, from Lamu District. They all send their boys to Mombasa for employment, but there is not enough employment to absorb all these people. So, I think the Government must do something to get these people employment in one way or another. We do not want these people to become dissatisfied with the Government, because if they become dissatisfied with the Government socially, then there is a danger that they might not co-operate with the Government. Thus they will cause trouble in the country.

Mr. Deputy Speaker, by passing a vote of confidence here, by the Members of Parliament who are earning Sh. 2,000 a month, they know they are pleased with themselves because they are all right, but the majority of people in the constituencies are not satisfied.

An hon. Member: But you supported!

Mr. Omar: Although I supported, I was told that I was wrong to do so.

The Speaker (Mr. Slade): Order! I think that is a very good reason for the House entertaining that suggestion, and so I will put the question.

(Question put and agreed to)

Mr. Malsori-Itumbo: Mr. Speaker, Sir, it is most unfortunate that this Motion came at the wrong time, because I can see Members who are very eager to speak on this particular Motion, but no time has been given to them to speak.

Mr. Speaker, Sir, it is ridiculous to learn with so much regret that our Government seems to overlook the question of security around the borders of our neighbouring countries. Mr. Speaker, Sir, the Assistant Minister according to his speech, said that he has visited this area, and he will agree with me, Mr. Speaker, that this particular area is where the firearms were found last year, which were said to be going to Uganda. One of the roads which the Assistant Minister travelled on is just about twenty-six miles between Nyabasi Trading Centre and Isebania: that is the Tarime/Kisii Road.

#### QUORUM

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, is there a quorum in the House?

The Speaker (Mr. Slade): No, there is not. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum. You may proceed, Mr. Malsori-Itumbo.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, I hope my wasted minutes will be given back to me.

The Speaker (Mr. Slade): Yes, you are entitled to a little bit longer, but I must ask you to make it as short as you can because we are due to have the adjournment of the House moved now.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, I had started saying that our Government is overlooking the question of the security of the borders. I had begun by saying that the Assistant Minister has had some experience of this area. Mr. Speaker, Sir, there are two roads which lead to Tanzania. The first road, Mr. Speaker, Sir, which is a trunk road which connects Kenya and Tanzania is known as Kisii/Tarime Road. This road, Sir, runs only half a mile away from the border, where you will find a police station in Tanzania. At this particular place, and the Assistant Minister will agree with me, that in order to pass through this place he used my name. Mr. Speaker, Sir, you cannot pass through this place without a thorough inspection: He had not used my name in order to go through. Mr. Speaker, Sir, the Tanzania Government is very, very

restrictive at their border. Therefore Mr. Speaker, Sir, we think that it is rather funny that our Government is overlooking this question of security between us and Tanzania.

Mr. Speaker, Sir, the other road passes through the trading centre where I am demanding a police post and that the traders may be compensated, is also about a quarter of a mile from this trading centre. Here when they visit this place they will find a big camp of National Youth Servicemen, where their security is taken care of. This big camp of National Youth Servicemen are looking after this particular gateway to Tanzania! It is funny, Mr. Speaker, Sir, to see that our Government sees through the eyes of Tanzania as devil, but, Sir, the Tanzania Government, in our eyes, seems to be an angel. I do not know why the Government of Kenya does not take these things seriously, because even these people who are coming to harass my people in Kenya, I believe that there is some carelessness on both sides. The Tanzania Government does not care about anything, because our Government is supposed to protect her own borders. Mr. Speaker, Sir, a person who wants to come into Kenya can do so with any amount of freedom. Nobody checks to see what happens to the person who comes from Tanzania to Kenya, but if you try to enter Tanzania, you will see something different.

Mr. Speaker, Sir, the Kisii/Tarime Road was the road on which the firearms were found. Mr. Speaker, Sir, there were lorries full of firearms which were found about twenty miles inside Kenya. Mr. Okwanyo noticed these lorries when he was coming from Kisii just inside Kenya. Mr. Speaker, Sir, our Government must not take this thing easily and simply, because, Sir, there have been cases where traders, requested the former Police Superintendent and the District Officer, Migori, and Mr. Mungai, and Mr. Joseph who told the trader at Nyabasi Centre that his *akaris* were not watchmen to be so used. Again, Sir, the district officer of the place, the former District Officer of Migori, had told these people that the Somalis should go back to the North-Eastern Region. Mr. Speaker, Sir, it is shameful of our Government to refuse deliberately to protect the citizens of Kenya and particularly those from my constituency.

Again, Mr. Speaker, Sir, if I look into the question of the General Service Unit who went purposely to attack the innocent people of my area, last year, on Christmas day. We therefore, Mr. Speaker, Sir, feel very strongly about the fact that the Government is not in favour of the Kuria living in Kenya, as the Assistant Minister said here, when he was speaking, that the main part of my tribe lives in Tanzania. They have

[Mr. Malsori-Itumbo]

only four locations in Kenya. Mr. Speaker, Sir, when we face this question of not being looked after, then I feel that the time will come when we have to demand for secession across the border.

Mr. Speaker, Sir, it is also very unfair for the Assistant Minister to disregard this Motion concerning this particular area and it is also unfair for the Minister for Information to shout at me by telling me to go. I do not know why. Mr. Speaker, Sir, yesterday I moved a Motion in this House, this Motion, and the Government deliberately told the Press not to report my Motion and it was also suppressed from going onto the radio. Mr. Speaker, Sir, this shows that they do not want the Somalis to hear that there is a Motion being moved in the House which is demanding their right to be protected. It is a shame for the Government, Mr. Speaker, Sir, for the Minister for Information to refuse my right, as the representative for Kuria, to speak to this House.

Mr. Speaker, Sir, this has been banned purposely by the Government: I can now see openly. The Assistant Minister came to my area by plane, but he only came to deal with the cattle thefts. He did not come to look into this particular question. In fact, we did not go to Nyabasi Trading Centre. We only went to Migori Division to meet with the Tanzania Ministers; the Kenya administrators, and so on, but all the time they were interested in the cattle thefts. We did not touch upon the question of the Nyabasi Trading Centre attacks at all.

Mr. Speaker, Sir, my Motion deals with the question of compensating these people and to return their firearms, which are their property. Mr. Speaker, Sir, I would therefore demand that Government compensate my people and return their guns.

The Speaker (Mr. Slade): Order! Mr. Malsori if you go on talking when I am on my feet, you will leave the Chamber. I warn you very severely. It is about the worst offence of order in this House. If you do it again, you will be given no further warning. It is time now for me to put the question.

Mr. Malsori-Itumbo: I am sorry, Mr. Speaker, Sir.

(Question put and agreed to)

Mr. Malsori-Itumbo: Mr. Speaker, Sir, on a point of order, is it in order for the two Assistant Ministers to tell me that I will never get it, that this is one of the Motions that will not be implemented? Are they in order?

The Speaker (Mr. Slade): Yes.

#### NOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Minister for Information and Broadcasting (Mr. Achieng-Onyko): Mr. Speaker, Sir, I beg to move that the House do now adjourn until Tuesday, 24th May 1966.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

The Speaker (Mr. Slade): As hon. Members know, we have a maximum of two hours to debate a question of that kind. Each hon. Member speaking is limited to five minutes. Mr. Achieng-Onyko, having moved this formally, can speak during the debate as well as replying at the end; that also applies to the seconder of the Motion.

Mr. Mate: Mr. Speaker, Sir, in speaking on this Motion for the adjournment; there is just one point I would like to raise and that is the question of urgency with regard to urgent problems.

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

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

Mr. Deputy Speaker, Sir, I do feel that there are some problems in Kenya today, but the Government seems to be very slow on doing something about them. Mr. Deputy Speaker, Sir, one of these problems is education. Mr. Deputy Speaker, Sir, we have now had the Kenya Preliminary Examination results and throughout Kenya the question of places for Form I in secondary schools is now facing every parent. Mr. Deputy Speaker, Sir, we have been told that there are not enough places for these people because the Kenya Government does not have any money. But, Sir, the Minister for Education does not seem to try and join hands with the parents, who, themselves, are prepared to help themselves. Therefore, Mr. Deputy Speaker, Sir, I would like to suggest to the Minister for Education that he look into the question of self-help education that he look into the question of self-help secondary schools today. Mr. Deputy Speaker, Sir, I have for an example a case in the Meru District where we have a secondary school which was built by the parents themselves at a place called Muthambe. The buildings are ready and the houses are ready, but so far, Sir, the Government has not done anything about it, and we have so many children who want places in Form I in secondary schools. What, Sir, is the Ministry doing to join hands with the parents so that this problem can be solved?

Mr. Deputy Speaker, Sir, we are tired of this Minister and his Ministry. We are tired because he does not want to come along with us. Mr.

**[The Speaker]**

Mr. Nyagah has said himself that he must refuse the three things for which the Motions asks, and he is offering something else. In ordinary circumstances I would say that this was too wide a departure from the main Motion to be allowed on amendment, and Government would just have to oppose the Motion as it stands. Only, I did understand yesterday that Mr. Maisori, the Mover, himself was ready to accept this amendment, and if he himself would have liked the substance of his Motion changed, then I think I ought to allow the amendment to be put to the House.

Would you tell us how you stand on this, Mr. Maisori?

**Mr. Maisori-Jumbo:** Thank you very much, Sir.

Yesterday when the Assistant Minister faced me with this amendment—I saw him yesterday before we came to the Chamber—the discussions we had in his office with his officers seemed to me to be fair, because by then he seemed to be promising me a police post at this area. But, Mr. Speaker, when he submitted the draft of his amendment I was reluctant to agree, because it was vague. Therefore, I agree with your ruling because it was now trying to debate the two main points from the Motion.

**The Speaker (Mr. Slade):** I do not want a long speech, please. I only want to know whether or not you would like this amendment to be entertained.

**Mr. Maisori-Jumbo:** I would rather have the main Motion as it was.

**The Speaker (Mr. Slade):** Then, in that case, I am afraid we cannot entertain this amendment.

**(Resumption of debate)**

**Mr. Ngala-Aboki:** Mr. Speaker, Sir, I would just like to remind the Government of a few things they seem to overlook, and this makes it very difficult for the Government to convince the House. In fact, these things are traceable back to 1963 when, I think, the position required some action by the Government. Since 1963 some action has been taken, I think this was taken late in 1965. This shows that a sense of urgency is lacking.

If the present staff of that Ministry are taking action now, I have no quarrel with that, but it seems that when problems as attacks and burglaries are first reported the Government does not rise to the occasion and try to sort out the situation before it reaches the stage of letters, advocates being hired and many other measures being taken by desperate people who seem to not be well-attended by the Government. This means

that the Government is really at fault and, therefore, Government must consider the Motion as it is. If there is a measure of compensation which should be given to these people, this compensation should be given. If these people should get their arms—because they live more or less right on the border—then they must get their arms.

The Assistant Minister went so far to convince us, but he did not go far enough, Sir. He said that these people should not have their arms because they had not satisfied the requirements to get their arms back, but he did not convince us of the reasons why these firearms were withdrawn. In fact, since these people were given the firearms they have not misused them and as to why the firearms were taken from them, this is still a question which pends the Government answer.

We would like to see emphasis on the action which was taken two weeks ago, we would like to see the Government assure the House that whenever there is a problem somewhere, they will alert the security forces, they will respond to the call and they will put things right. I think, Sir, because this involves a border area, a police post is very, very necessary, because in fact, it is so expensive for our Government to charter planes for almost the entire number of higher officials to go and spend one full day in discussing a border dispute—

**The Assistant Minister for Home Affairs (Mr. Nyagah):** On a point of order, can the hon. Member now speaking substantiate that the Government chartered a plane to spend a whole day there?

**Mr. Ngala-Aboki:** Mr. Speaker, Sir, I think I..... (Inaudible) the Assistant Minister wrongly, he will correct me, but he said pointing at the Member that he chartered a plane for the Member to go and show him some key points in areas that were attractive to these burglars.

**The Speaker (Mr. Slade):** Obviously the hon. Member thought that you had said this yourself.

**The Assistant Minister for Home Affairs (Mr. Nyagah):** Can I put it right because it is here..... (Inaudible)

**The Speaker (Mr. Slade):** Yes, if he is misrepresenting what you said.

**The Assistant Minister for Home Affairs (Mr. Nyagah):** I said that we went up there in a plane. This was a police plane which was on routine duties, and the hon. Member for the area was invited to come in this plane and show us his difficulties. It was a plane of the police doing normal police work.

**Mr. Ngala-Aboki:** Mr. Speaker, Sir, the Assistant Minister will agree with me that he has put no case to this House, because if this police chartered plane was not used on this occasion, it would have been used elsewhere, or it would have stayed there without being used, thereby saving some money. Equally the Minister who went there with these high officials, were spending Government money that day, discussing a matter which could have been treated in 1963.

Now, Mr. Speaker, Sir, having said that, and I think I have driven that point home, we need a police post there. This is a border issue, where a police post to time a situation of this nature will arise, and since 1953, Mr. Speaker, the Government is still trying to take some action to quieten this situation. It seems to me that they have not arrived at a solution. This Motion is inquiring into what solution could be applied to this situation. The only solution is a police post. Have a few staff there, have five policemen with a post there, because, Mr. Speaker, the Assistant Minister himself admitted that the only police post available in that area is twelve miles away from the border. In fact, this is a troubled area. Even the Government of Tanzania had to come from Dar es Salaam, a long way to come and meet our Ministers, whereas the whole case lies with the Kenya Government to put a police post there, and, Mr. Speaker, I have seen several times when I was working there in the Medical Department, I saw how we had to patrol the hospital, a vast hospital, we had to go round with watchmen during the emergency and we had to go to all corners all the time. Every half an hour we had to go all round the hospital. Patrolling is the most difficult job anyone can carry out during the night. In fact we need a police post with a few policemen. I am not very highly concerned about compensation in this particular case, I was a little bit convinced, neither am I very much concerned with settlement; I am a little concerned with the restoration of firearms, and I think this is why I support the original Motion very, very strongly. I do not wish to go in to other points strongly. I wanted to put across because the Assistant Minister will think that I am agitating. I wish to question very much the sense of urgency of our Government, in every field, whether it may be administration, defence, home affairs, labour, we must rise to the occasion where necessary and put matters right immediately.

**Mr. Speaker:** I beg to support.

**Mr. Khalif:** Thank you very much, Mr. Speaker.

**Mr. Speaker:** Sir, the hon. Maisori-Jumbo who, no doubt, is the sole political representative of that area has told us that Kenya has done three or four things to ensure that these firearms confiscated from these gentlemen are given back. For example, Sir—

**The Assistant Minister for Home Affairs (Mr. Nyagah):** On a point of order, Mr. Speaker, can the hon. speaker now substantiate that these firearms were confiscated?

**Mr. Khalif:** Perhaps, Mr. Speaker, it would be better for me to put it this way, that they were withdrawn.

**The Speaker (Mr. Slade):** The Motion itself says "seized". The word "seized" is used in the Motion.

**Mr. Khalif:** The hon. Maisori-Jumbo in moving this Motion told us that he led a delegation comprising of these gentlemen whose names are on the Order Paper, to the hon. Argwings-Kodhek, who was the Assistant Minister for Internal Security and Defence. He also told us that he brought a letter to the Minister for Internal Security in this connexion. He also told us that these people concerned hired an advocate to inquire as to why these firearms were still being withheld by the Government. We were told that a subsequent request for a police post in that area was made on 24th December 1965. Lately, Sir, I was here in this Chamber when the hon. Maisori-Jumbo brought a question in this connexion. It was unfortunate that the Minister who replied was not very sympathetic with the problems of the hon. Member. Sir, in his reply the Assistant Minister said that these firearms will be given back when the Kenya Government is in a position to know the sincerity of these Somalis in this area. It is very unfortunate that the sincerity of such loyal citizens, who were very far away from the Northern Frontier District, who had no connexion with the Somalis there in that area, is being doubted. I know, Sir, that their sincerity is being doubted because their firearms were seized by the Government. I do not want to go in to doubting their loyalty, Sir, because I know that in so far as the hon. Member who is representing them, has in a letter to the Government held himself responsible for these firearms and their loyalty. Sir—

**Dr. De Souza:** I must apologize to the hon. Mr. Khalif, but in view of the fact that we are going to finish at half past four, in view of the fact that the House is likely to be adjourned for another nine weeks, it is desirable that this Motion should end now. I move that the Mover be called upon to reply.

The Speaker (Mr. Slade): I think he was just going to.

Mr. Malsori-Itumbo: But, Mr. Speaker, he implied that these burglars are the Kenya Kurias.

The Speaker (Mr. Slade): Wait and see, Mr. Malsori. He was just going to give his reasons. Do not be too impatient.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, I was just going to say this; that Nyabasi is right in the middle of the Kuria tribe, there are Kurias on the Tanzania side and Kurias on the Kenya side, and I can no more substantiate this than the hon. Member can substantiate that these are Tanzania burglars, because, according to his allegations they have never been caught and identified as Tanzania people, one can only think that the burglars who come frequently to a remote place like that are Kurias. So, the best way, Mr. Speaker, of trying to help the Nyabasi traders is to teach his fellow-traders to live peacefully with those people who are trading there.

The other allegation which is made, Sir, that the Government does not care to look after the protection of these people again needs to be put right. Twice this year, Mr. Speaker—and we are now in the third month—the Minister for Home Affairs has visited the area. On the first visit, which was made towards the end of January, I, with two high officers of the Ministry of Home Affairs, unexpectedly found two of the policemen who patrolled the area regularly. We had a word with the police officer in charge of Kehancha Police Station twelve miles away, and asked him to keep a very careful eye on this particular place. We had gone there for a special purpose and, besides this particular one of looking after the Kehancha people as well as Nyabasi, we found that the work was being taken care of.

An hon. Member: Only two policemen?

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I said that two policemen patrolled from twelve miles away.

Then, at the second meeting, Mr. Speaker, the hon. Member for Kuria was present when the Kenya Government was well represented by the Minister for Home Affairs, the Minister of State to the President's Office and at this meeting the Government of Tanzania, through the Minister of State to the President's Office in Dar es Salaam came with high officers from there to try to talk over the problem of security in that part of the country. So, any allegation that the Government is not doing anything, or has not done anything, is not true and cannot be allowed to go unchallenged.

The hon. Member, Mr. Speaker, did ask for the breakdown of the figures, and here I will give them to him to his satisfaction.

Serious crimes reported from Nyabasi Trading Centre and the adjacent area, which covers a much larger area than Nyabasi, in the years 1964 and 1965 were; murder, nil in 1964 and 2 in 1965; assault, 6 in 1964 and 4 in 1965—a decrease—stock thefts seem to be at par; 8 in 1964 and 8 in 1965; robberies, 1 in 1964 and 2 in 1965; breakings—1 suppose that this is what they call burglars—4 in 1964 and 3 in 1965; other Penal Code offences, 10 in 1964 and 3 in 1965, a considerable decrease. In total, Mr. Speaker, there were 29 cases reported at Kibajja in 1964, as compared with 22 in 1965. This decrease, Sir, and the effective patrolling which is being intensified all the time in this area, has made the Ministry think that the Government is seriously protecting the lives of the people in the area in question.

Mr. Speaker, the Government has gone to further trouble, and the hon. Member knows because he was present at the particular meeting to which I referred and also from my Ministry that border control posts are to be established, not only to protect the Kahancha people or the Nyabasi people, but also to make sure that the Kuria do not steal the Masai cattle and that the Masai do not do the same to the Kuria people. So, to accuse the Government of not doing anything, or even investigating the cases, or even trying to take action, is not true.

Mr. Speaker, on the last visit the Ministers for Home Affairs and for State in the President's Office kindly agreed to give the hon. Member a lift in the aircraft which they were using, so that the hon. Member could show the points which he wanted to be patrolled. During the course of the flight back to Nairobi a number of things were said by the hon. Member and the Government took note of these points, including educational encouragement and so on. So, it cannot be said that the Government has turned a blind eye to that particular part of the country. On the contrary, Mr. Speaker.

Turning to the other requests, I understand from the hon. Member that some of these people have found settlement elsewhere. Some, it was said, have gone to Homa Bay, others have gone to Tanzania and others have gone elsewhere. If they have found a place, Mr. Speaker, where they can settle themselves—and I want this House to know that there is a lot of land in Kuria—well and good, but the Government cannot take care of the—

Mr. Malsori-Itumbo: .....  
(Inaudible.) O.K.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, when these people go to Tanzania it is not O.K. for us, the hon. Member was present at a meeting where we discussed the procedure of the Kuria people or anybody who ..... (Inaudible.) ..... to Tanzania how he could be brought back and identified as a Kenya citizen, because we want them back.

On the question of firearms, Mr. Speaker, it is well known to the hon. Member that the first time these people tried to have their firearms returned after the ruling of the then Minister of Defence that these firearms should be stored by the Somalis with contractors and dealers of their own choice they failed to get a positive reply. They tried a second time and they were told that the ruling still stood. They were attended to and they were not ignored, they had replies. They took the normal line of action, that was to try and make an appeal to the Minister. Their appeal was dismissed by the Minister on the grounds that the cause for which these firearms were to be removed from the hands of the four people in question had not finished. The cause was that there was a ruling that until it was proved that they were safe, Somalis should have their firearms stored by someone else.

Mr. Speaker, Sir, I do understand that Nyabasi is miles away—Nyabasi is as far away from here as perhaps Wajir, or anywhere else, but the Government feels that for the security of this country, until it can be proved that these people are absolutely free from any suspicion their firearms should be stored by someone of their choice. They are no worse than the hon. Member's father, who has a firearm, Mr. Speaker.

The question of the appeal to the Minister also failed, Sir. These people, Sir, through a group of advocates, Messrs. Patel and Parekh, wrote a letter to the Ministry dated the 16th September 1965, and a reply was sent to their trusted advocates on the 5th October 1965; barely a fortnight after the letter had been written. If their trusted advocates have not communicated with their clients, is that the Government's fault? The letter, Mr. Speaker, was signed by a Mr. Mbugua on behalf of the Permanent Secretary. So, the allegation that the Government did not even reply to the letter is not true. Therefore, Sir, while I agree with the sentiments expressed by the hon. Member of this Motion about the security of that particular area in general, I would like to say that the Government is prepared to intensify the security measures in the area so as to provide adequate, or what we might like to call maximum security for the citizens of Nyabasi and adjacent areas.

Therefore, with your permission, Mr. Speaker, I would like to amend the Motion. May I say, Mr. Speaker, that the hon. Member agreed when we talked about this that this would meet his demands, that between the words "of" and "police" in the first line the word "adequate" should be added, this would make it even better. All the words, Sir, in the fourth line, commencing with the word "compensate" to the last word in the last line "Mohamed Noor", be deleted and in place thereof the words "intensify its security measures on this area" be inserted? That is, Mr. Speaker, that the Motion should read:

THAT this House being aware of the lack of adequate police protection for the lives and properties of the Nyabasi Trading Centre traders, harassed by frequent attacks by Tanzania burglars, calls upon the Government to intensify its security measures on the area.  
This, Mr. Speaker, would be the amendment.

#### POINT OF ORDER

##### AMENDMENT WHICH DEPART FOR SUBSTANCE OF MAIN MOTION

Mr. Khalif: On a point of order, Mr. Speaker, is it in order that an amendment which changes the meaning of a Motion should be allowed, because in this particular case those particular men who are mentioned in the Motion, the question of firearms being issued to these people is excluded in the amendment?

The Speaker (Mr. Slade): I think I will wait until Mr. Nyagah has finished before I rule on that point, but it is a good point of order which I was going to comment on in any case. You were quite right to raise it, Mr. Khalif.

Have you finished, Mr. Nyagah?

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I was going to conclude by saying that the three points which I started with, which have been asked for in this question of compensation, the settlement of these people from Nyabasi and the return of firearms, I have dealt with in the course of my speech. Compensation is out of the question, settlement is out of the question, and the return of the firearms is out of the question, but the Government would like, on the security point, to help in the spirit contained in the amendment which I have just made.

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

The Speaker (Mr. Slade): Mr. Khalif has pointed out that this amendment departs very far from the substance of the original Motion. Indeed,



[Mr. Shikuku]

police force as such, I think it is only reasonable that Members in this Parliament or in the Senate should at all times support the police force, the army and all other security measures in this country in the interests of security of the people who elected them to this House. However, when the security forces, particularly the police, go astray, I think it is equally our responsibility to stand in this House and point out the mistakes.

It has almost become the order of the day for the Ministry of Home Affairs—or, when the police was under the Ministry for Defence—to stand up and refute anything that any Member says in connexion with the police force. Whatever any Member says in this House, Sir, in connexion with the police, all that is not considered true. I would not be very far from the truth if I said that whatever any Member says here is untrue as far as the police force is concerned. However, I feel this does not help the Government, nor does it help the security forces, because when we report here that such-and-such a thing did happen on such-and-such a day, at such-and-such a time, the Minister or the Assistant Minister says that is not true. Mr. Speaker, I recall one day when a theft took place in Butere at a place called Musalaba. I went to the police station. I, Sir, am elected by the people, a man who had and has the confidence of the people, a man from Butere, took the trouble to go to the police station and saw the inspector in charge of the police station; I told him of this theft incident. The man in charge of the station told the Member for Butere that there was no petrol. But when I mentioned this in this House, the Minister replied that it was not true, there was a lot of petrol. Since that time the property stolen at Musalaba has never been recovered. That is what you call the police force.

Mr. Speaker, the other day I heard of another case. When I was out in Nairobi some people, because they disagreed with a certain Indian in Butere, they organized to boycott the show. What happened is this, and it is true. We had a gang of Criminal Investigation Department people and policemen from Kakamega District who came to Butere. What had they—

The Speaker (Mr. Slade): Order! Order! Keep to the relevancy of the question.

Mr. Shikuku: I am coming to it, I am driving round to the point. I am first examining the police force.

So, when these people came to Butere, they were there only to push the people around. When we told them about murder, they usually take two days to come. That is very interesting.

The Speaker (Mr. Slade): I still do not see the relevancy to the Motion. You must keep to the terms of the Motion, you know.

Mr. Shikuku: I am coming to it, Sir.

The Speaker (Mr. Slade): Well, come to it and do not wander around before you come to it.

Mr. Shikuku: When the police attack people and harass them—

The Speaker (Mr. Slade): Order! Order! This Motion says nothing about the police attacking or harassing people. It asks for police protection against burglars who harass people. Please keep to the point in the ten minutes that you have. Other Members want to talk to the point.

Mr. Shikuku: Mr. Speaker, Sir, I will leave that point because I do not wish to argue with your ruling. The point I am trying to make is that there are cases where burglars harass the people, and instead of getting protection they are also harassed. Why I pointed out the Musalaba issue is because these burglars harassed those people in that area and nothing was done. Here we have a case in the hon. Masisoi-Lumbo's constituency where the people mentioned on the Order Paper were harassed and nothing was done.

I am of the opinion, Mr. Speaker, that the police are doing their best, but if it is a question of doing their best, then, I think, the machinery has to be improved. Thieving has become almost the order of the day. You have burglars these days who are more, or less enjoying themselves and harassing people and getting away with it. I am of the opinion that the policemen should do more, in addition to what they are doing at the moment, and harass the burglars so that they stop harassing the innocent people.

The other issue is that I think we are also—I mean the masses—falling in our duty, to be reasonable and rather considerate, by not doing much to help the police. You find that if a trader or an innocent man has been beaten up by burglars very few of the people in the area do collaborate with the police to get rid of the person. I think that some open burglaries take place. Those interested in thieving steal cattle, beat up the people, the owners of the cattle, get away with it, and when the police are called to the scene, they also turn up late. That is something I feel must be rectified.

The last point I feel I should mention is that it is very difficult to get arms these days. When you apply for arms for your own safety, or when people apply for arms they never seem to get their applications through. The Government has become very stubborn and say that the policemen are there to protect the people. But when

[Mr. Shikuku]

this harassing takes place, you find that the police hardly ever are there. Mr. Speaker, I feel the people must be provided with arms in order to protect themselves if the police cannot provide the protection. This is the point the Minister should also consider in addition to the others. You find some traders—and we have several in Butere—who had guns but the guns were taken away from them by the police and these people are robbed by gangsters. They had nothing to protect themselves with. There is a market in my area, Mr. Speaker, in Ikolomani where a trader was recently robbed but he could not attack the burglars because his gun had been taken away from him. Since the last two years the poor man has been asking for his gun but nothing has been done. When his property was stolen the Government, who should be responsible for protection, were not even prepared to consider compensation of his property.

If I may submit, Sir, I feel the police have to pull their socks up because if they do not, then it is the responsibility of the Government to be considerate enough to supply people with guns so that they can protect themselves against burglars. Also, Sir, people need guns to protect their crops. This is also essential. So, the Government must consider providing people with guns. I am sure that those people who had guns and whose guns were later taken away were the people who were considered by the then imperialists—which should have been more afraid of them—to be those who should possess guns. I do not see why the Government should now be afraid of them, the ordinary people, when the imperialists gave them the guns and were not shot at. Why should our people who have guns shoot the innocent people of the Government? The Government would show its trust in the people because these people were provided with guns in order to protect themselves against burglars.

With these few remarks, Mr. Speaker, I am of the opinion that all the hon. Members in this House who see these troubles would certainly support the Motion.

Sir, I beg to support.

The Speaker (Mr. Slade): Mr. Nyagah, if you speak for Government you will have twenty minutes.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I rise quite early in this Motion in order that I may put the matter in its proper perspective. I can assure the House, Sir, that I shall not deal with what was anticipated as the "answer of the Government" by the hon. Member for Butere, that we shall say that

what the hon. Member for Kuria said is untrue. So, the anticipation was untrue. The anticipation of the hon. Member for Butere was untrue, but there was a little grain of substance in what the hon. Member for Kuria said. As usual, however, he over-exaggerated the matter and it is to put the whole case in its proper perspective that I stand now.

First of all, Mr. Speaker, the Motion merely asked for three things. It asks for compensation, it does ask for these people to be settled, and it also asks for the firearms for the four gentlemen in question to be returned. In the course of his moving the Motion, the Mover, Sir, made several allegations which should not pass unmentioned. He did make an allegation that the Government does not care to protect these people of Nyabasi. He also said that the Government had violated that part of the Constitution which deals with the Bill of Rights. He did also make another allegation that the Government does not care to investigate the cases. He, further went on to say that the Government is encouraging this kind of crime in that area and that the Government does not take action.

Mr. Speaker, Sir, I think that in all fairness to the Government and to the people of that area of this country I must say that those allegations are most unfounded and cannot be accepted as truthful facts.

His second, Mr. Speaker, went on to say that the Government had said practically nothing about the Somali people at that particular centre, and he further went on to say that the Government had not done anything at all to protect the people at Nyabasi. It is important, Sir, for the people at Nyabasi to know where Nyabasi is, hon. Members to know where Nyabasi is, Nyabasi is a little trading centre in Kuria county, widely surrounded by wonderful vegetation and wide countryside where these people could be easily settled without any difficulties. So, the question of asking where these people should be sent does not arise. Nyabasi is about 200 yards from the Tanzania/Kenia boundary, and a mile from the hon. Member's area.

Mr. Speaker, there has been an allegation made in the Motion that the burglars from Tanzania frequently harassed these people is a very interesting one. The people that were, in fact, called Tanzania burglars are really Kuria people, because on both sides of the boundary live a great tribe of people known as Kuria.

Mr. Masisoi-Lumbo: On a point of order, Mr. Speaker, can the Assistant Minister substantiate that the burglars who harass these people, the traders of the Nyabasi Trading Centre, are Kurias?

The Speaker (Mr. Slade): Order! I am sorry I did not quite hear your point.

Mr. Nyagah: Mr. Speaker, Sir, I had just begun to answer this question as the Assistant Minister for Home Affairs, and the hon. Member interrupted me and asked me where my *bwana* was, is that in order?

The Speaker (Mr. Slade): It is not out of order, but if it is possibly rather childish.

Mr. Nyagah: Mr. Speaker, Sir, it is the policy of the Government that all game lodges, including Samburu, will remain open and that sufficient security will be provided for the lodges and the tourists as well as anybody else. Security requirements of the Samburu Game Lodge in particular, are currently being examined and will be implemented as soon as they are finalized.

Mr. Murali: Mr. Speaker, Sir, this question was very clear but I think the Assistant Minister has not answered the question. The question is: what security measures, if any, has the Government provided at the Samburu Lodge. You have not told us.

Mr. Nyagah: Mr. Speaker, Sir, the Government has all the security measures available through the police, the army and anybody else who can keep the security of a place like the Samburu Lodge.

#### Question No. 417

##### NON-AFRICAN KENYA CITIZENS IN THE UASIN GISHU

Mr. Tuwei asked the Minister for Home Affairs if he could tell the House how many Asians and Europeans had taken out Kenya citizenship in Uasin Gishu District.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The records kept by the Kenya Government are not based on districts and it will not be possible to give a breakdown of Asians and Europeans who have become Kenya citizens who are living in the Uasin Gishu District.

Mr. Balala: Mr. Speaker, Sir, can the Assistant Minister assure this House that he will advise his Ministry, or the Government, to keep a record of the citizens of this country on a district level?

Mr. Nyagah: Mr. Speaker, Sir, that will be done if the hon. Member can advise these Asians and Europeans not to keep on moving all the time.

Mr. Tuwei: Mr. Speaker, Sir, in view of the fact that this Ministry deals with the statistics of immigrants coming into the country and people emigrating out of the country, why is it that it has never been recorded in Uasin Gishu that so many people have come and gone?

Mr. Nyagah: Mr. Speaker, Sir, I answered before that we do not keep these records by districts, and Uasin Gishu is a district.

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

#### QUESTION BY PRIVATE NOTICE

##### WITHDRAWAL OF KENYA DELEGATION FROM O.A.U. CONFERENCE

The Speaker (Mr. Slade): I think you have a question by private notice, Mr. Mbogoh? Will you ask it now?

Mr. Mbogoh: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs, can the Minister tell the House why the Kenya delegation in the Organization for African Unity was withdrawn and recalled from Addis Ababa during a very important debate?

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The Government has already stated that the Kenya delegation was withdrawn from the Organization for African Unity Conference in Addis Ababa because there existed an atmosphere of confusion, at the conference, on the representation of Ghana. Tensions were created and, in Kenya's view, no useful purpose could be served by our delegation continuing to sit there. The Government has already reaffirmed its continued strong support of the Organization for African Unity Charter and its principles. The withdrawal from the Organization for African Unity council meeting does not mean that the Kenya Government has taken any sides on the controversial and contentious question of recognizing the new régime in Ghana.

The decision as to whether Kenya will recognize a new régime in any country is governed by two major factors. One, whether the new régime appears to be in full control of the country and has the support of the people of that country. Two, whether the new régime has a reasonable chance of success or survival or permanency. If the hon. Members persist, I am going to give them a lecture as to the law of recognition in national affairs.

However, Sir, Kenya has no embassy in Ghana and the information in possession of the Government today is insufficient to enable the Kenya Government to make a final judgment. I should like to say, nevertheless, that Kenya has no intention of interfering in the domestic affairs of another country and will continue with normal relations with Ghana.

Mr. Mbogoh: Mr. Speaker, Sir, arising from that reply, that Kenya is not going to interfere with the internal affairs of Ghana, would the

[Mr. Mbogoh] Minister then tell the House whether the Nkrumah image is the one which made the delegation leave the meeting of the Organization for African Unity or whether it is the fact that Kenya did not want to seem as though it had recognized the régime?

Mr. Nyamweya: Mr. Speaker, Sir, whatever the reasons are, or were, which caused the fall of Dr. Kwame Nkrumah, we believe that he has an important place in the political history of Ghana.

Mr. Mbogoh: Mr. Speaker, Sir, does the Kenya Government recognize the country because of its ruler or because of respect to that country itself?

Mr. Nyamweya: Mr. Speaker, Sir, I anticipated that question, and therefore, I am glad that I am able to deal with that question. The method by which a Government comes to power is a domestic affair of that country. Kenya adheres to the United Nations Charter and will not interfere in the internal affairs of any country. With all due respect to the views of the hon. Members with regard to Dr. Kwame Nkrumah, the recognition of the Ghana régime will not depend on whether Dr. Nkrumah is, or is not, the head of the Ghana Government.

Mr. Rurumban: Mr. Speaker, Sir, arising from the original reply of the Minister, are we to understand that if the Kenya delegates did not experience any political atmosphere in that conference, the Kenya delegates could have continued to sit in the conference? In other words, Sir, that the Kenya delegates recognize the new régime in Ghana?

Mr. Nyamweya: Mr. Speaker, Sir, the question of recognition has not risen as far as mentioning it in my reply. What made it difficult for the conference to proceed, and the House is aware that the conference was discussing a very important matter, and this could not have been discussed without emotion, was that there was a considerable amount of emotion being generated and confusion which enshrouded the Ghana delegation.

Mr. Kall: Mr. Speaker, Sir, would the Minister agree with me that the Organization for African Unity has become a mere talking shop, and that we should not send any more delegations and waste our money?

Mr. Nyamweya: Mr. Speaker, Sir, I have already said, I think, at another time in this House, that the hon. Members are entitled to hold the views they do hold in connexion with some of these world and international organizations, but the view, at the present time, which is held by the Kenya Government concerning the

Organization for African Unity, is that we are members and we support the Organization for African Unity Charter.

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the fact that the Minister says he is speaking on behalf of the Members of this House, and since we are included in the Government, we are part and parcel of the Government, if the Members in this House hold different views from those of the Government, particularly where public funds have been squandered and no useful purpose achieved, are we, in this House, not in order to move to express our views or disapproval of the Government's activities, because they went there not to discuss Ghana but to discuss the Rhodesian issue?

The Speaker (Mr. Slade): Order! Order! I think you have been a Member of this House long enough now, Mr. Shikuku, to know what opportunities there are to hon. Members of expressing disapproval of the actions Government, by the various forms of procedure we have, at the appropriate time.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

##### ADJOURNMENT OF THE HOUSE: TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Speaker (Mr. Slade): I would now remind hon. Members that at or about 4.30 p.m. today, the adjournment of the House to a day beyond the next sitting day will be moved by Government.

#### MOTION

##### PROTECTION AGAINST TANZANIA BURGLARS

THAT this House being aware of the lack of police protection for the lives and properties of the Nyabasi Trading Centre traders, harassed by frequent attacks by Tanzanian burglars, calls upon the Government to compensate them for their losses and show them where to go for safety; and furthermore return to the following traders their arms that Government has seized: Abdi Hassan, Abdullahi Abdi, Saidi Barudi, Mohamed Noor,

(Mr. Malsori-Itumbo on 9th March 1966)

(Resumption of debate interrupted on 9th March 1966)

The Speaker (Mr. Slade): I would remind hon. Members that on this Motion the question had just been proposed, and we have one hour and one minute of the debate still to run.

Mr. Shikuku: Mr. Speaker, Sir, I stand to support this for two or three reasons. Mr. Speaker, Sir, whereas I do not wish to quarrel with the

## [The Assistant Minister for Local Government]

On matters of protocol, the city council has generally followed the precedents established in the United Kingdom where a Mayor has precedence in all places in his borough except when the Queen is present, when the Mayor comes second in precedence.

Mr. Speaker, Sir, with regard to the second and third part of the question, the position is that the city council appointed in December, last year a public relations officer at a salary of £1,540 on local pensionable terms and conditions of service. This officer took up his duties at the beginning of January this year. The duties of this officer are appropriate to his designation.

Mr. Shikuku: Mr. Speaker, arising from the Assistant Minister's reply where he admits before the House that a circular has been sent to diplomatic representatives in Nairobi, would the Assistant Minister tell the House whether this was sent with the approval of the hon. Minister for Local Government? If so, could he also tell us what connexion he has between the United Kingdom and the Queen in his reply?

Mr. Njiriri: Mr. Speaker, Sir, as a short reply, the circular was not sent to all foreign ambassadors, it was sent to all interested people.

Secondly, in the question of the Local Government Regulations we refer to a "borough" because it is the same as a county or as a city.

Mr. Agar: Mr. Speaker, Sir, arising from the Assistant Minister's admission that the Mayor has sent a circular to foreign embassies—

Hon. Members: Interested people.

Mr. Agar: Mr. Speaker, Sir, arising from the Assistant Minister's admission that the Mayor sent circulars to all interested persons, including foreign embassies, does he imply that the Mayor of Nairobi has the constitutional right to correspond directly with foreign powers?

Mr. Njiriri: Mr. Speaker, Sir, according to the Local Government Regulations, the Mayor has the duty, but he was interested only with interested persons, those who were interested in his work.

Mr. Khalif: Mr. Speaker, Sir, would the Assistant Minister tell us in no uncertain terms whether this action by the Mayor had the approval of the Government?

Mr. Njiriri: Mr. Speaker, Sir, the question is that the city council did send information to all interested people and, therefore, they would have put consent—that is why it was information which we always believed hon. Members should also know.

Mr. Shikuku: On a point of order, Mr. Speaker, I am of the opinion that the Minister is evading a reply to what I asked in my question, and in view of the fact that the Mayor of Nairobi has consulted foreign embassies without—

The Speaker (Mr. Slade): Order! What is your point of order?

Mr. Shikuku: It is very serious, and I would like to raise this matter today under Standing Order 14—

The Speaker (Mr. Slade): ..... (Inaudible.) before you say that.

Mr. Shikuku: I would like to raise it under Standing Order 14.

I am of the opinion that something is definitely wrong and I was wondering, Mr. Speaker—I do not wish to take a long time on this—if you would allow me to raise this matter under Standing Order 14?

## NOTICE OF MOTION FOR THE ADJOURNMENT

## UNSATISFACTORY REPLY TO QUESTION 409: MAYORAL PROTOCOL

The Speaker (Mr. Slade): As Mr. Shikuku says, without wasting time, I can inform the House that it is quite outside the scope of Standing Order 14, but Mr. Shikuku, you can give me written notice of your desire to raise this matter on an adjournment in the normal manner.

Mr. Shikuku: I will do that, Mr. Speaker.

## ORAL ANSWERS TO QUESTIONS

## Question No. 416

## COUNTY COUNCIL ELECTIONS

Mr. Theiri asked the Minister for Local Government to tell the House why some county councils had direct and others indirect elections. Would the Minister be prepared to introduce indirect elections for all county councils.

The Minister for Local Government (Mr. Segini): Mr. Speaker, Sir, I beg to reply. I understand that by direct and indirect elections, the hon. Member, in fact, means elected and nominated members. Under the Local Government Regulations, I am empowered to nominate members to a local authority to represent special interests, provided the number nominated does not exceed one-third the number of the elected members. The purpose of providing for nominated members, is to enable certain interests to be represented on local authorities which would

## [The Minister for Local Government]

otherwise not be represented through elections. For example, on the Municipal Council of Mombasa, I nominate representatives of the railways, because the railways own a lot of property in the local authority and are the largest single ratepayer in that authority; in many local authorities, I nominate the district commissioner to represent the Government, as I feel it necessary to have a Government representative who can keep the council informed of Government policies and decisions; and, also, in many local authorities, I nominate women as I feel that women should be encouraged to participate in civic affairs and because I feel they can make a valuable contribution to the deliberations of a council on matters concerning the welfare of the community.

In the second part of the question, the hon. Member asks whether I would be prepared to introduce indirect elections for all county councils. If in fact, the hon. Member means whether I would nominate members on to all county councils then I would inform the House that all county councils do have nominated members.

Mr. Osele-Nyallick: Mr. Speaker, Sir, arising from the Minister's reply, would he consider it appropriate to have Members of the National Assembly on the local authorities as *ex officio* members?

Mr. Segini: Yes, Sir.

The Speaker (Mr. Slade): We must go on, next question.

## Question No. 430

## KENYA'S WORKING POPULATION

Mr. Nyaberi asked the Minister for Labour if he would give the House the figures of the working population. Also if he would tell the House how these figures compared with those of Uganda and Tanzania.

The Minister for Labour (Dr. Kioko): Mr. Speaker, Sir, I beg to reply. The numbers of persons engaged in wage-earning employment in each of the three countries are obtained from annual enumerations. I assume from the question, Mr. Speaker, Sir, that by the working population, the hon. Member is referring to people earning wages from employment. The latest available figures are those for the year 1964 in the case of Kenya and Uganda, and for the year 1963 in the case of Tanzania. These enumerations indicate that, in round figures, the numbers of persons in wage-earning employment were in Kenya, 590,000; in Uganda, 244,000; and in Tanzania, 366,000.

For the purpose of comparison, it is perhaps best to express these numbers of reported wage-earners as percentages of the total population of each country at the time. In those terms it may be said that in Kenya some 64 per cent of the population was employed for wages, whereas in Tanzania the percentage was only 34 per cent and in Uganda 31 per cent.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Minister's reply, which shows that Kenya is probably doing better than the other neighbouring territories, will the Minister tell this House if Kenya is going to be better than India where people are dying in their millions on the way, without our Government bringing these unskilled people to the agricultural production in this country, because most of our land is lying idle without the Government doing anything to introduce some skilled labour in the country?

Dr. Kioko: I am afraid, Mr. Speaker, Sir, with all due respects to the hon. Member, I did not quite understand the meaning of the question.

Mr. Nyaberi: Mr. Speaker, Sir, if I may repeat it.

The Speaker (Mr. Slade): I am afraid that there is not very much time left to spend on this, Mr. Nyaberi. Have another try, and if you do not, then get your meaning clear, I am afraid that we will have to move on.

Mr. Nyaberi: Mr. Speaker, Sir, I wanted to know from the Minister whether Kenya is going to be better than India if we are not going to encourage most of our unskilled people to go to the land. This, Sir, is my shortened version.

Dr. Kioko: Mr. Speaker, Sir, we are more interested in increasing employment opportunities in our country. We are not interested in competing with any country.

## Question No. 402

## SECURITY FOR TOURISTS AT SAMBURU

Mr. Rumban asked the Minister for Home Affairs if he could tell the House what security measures, if any, the Government had provided for the tourists visiting the Samburu District, particularly at the Samburu Lodge at Uaso-Nyiro.

The Assistant Minister for Home Affairs (Mr. Nyagih): Mr. Speaker, Sir, I beg to reply. It is the policy of the Government that all—

On a point of order, Mr. Speaker, Sir, is it in order, while I am trying to answer a question as the Assistant Minister for Home Affairs, for the hon. Members to shout out and ask me where the bwana is?

NOTICE OF MOTION FOR THE  
ADJOURNMENTUNSATISFACTORY REPLY TO QUESTION No. 401:  
Abattoir FOR ARCHER'S POST

Mr. Khalif: On a point of order, Mr. Speaker, in view of the unsatisfactory reply to this question, I would like to raise this matter on an adjournment.

The Speaker (Mr. Slade): If Mr. Rurumban does not wish to do so. It is his right, but if he doesn't object, you must give me written notice in due course.

## ORAL ANSWERS TO QUESTIONS

## Question No. 429

## KISII EXECUTIVE ON PYRETHRUM BOARD

Mr. Nyaneri asked the Minister for Agriculture and Animal Husbandry whether he would tell the House, in view of the fact that the Kisii District contributed a large amount of pyrethrum to the Pyrethrum Board of Kenya, why there was no Kisii executive officer on that board.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. While the Minister is appreciative of the large amount of good-quality pyrethrum that the Kisii are producing, the hon. Member should realize that both the Pyrethrum Board and the Pyrethrum Marketing Board of Kenya would be failing the industry if they started recruiting their staff on the basis of tribe and in proportion to pyrethrum production. All appointments are made purely on qualification and merit.

Mr. Nyaneri: Mr. Speaker, Sir, arising from the reply of the Assistant Minister, will he not agree with me that during recent times an important vacant post was advertised and a man with a bachelor's degree from Kisii was refused? Can he tell me now that this is not based on tribe?

Mr. Osogo: Mr. Speaker, Sir, I know that two Kisii applied for this post, but unfortunately they did not qualify according to the requirements of the board.

Mr. Nyaneri: Mr. Speaker, Sir, in that case, will the Assistant Minister tell us what the requirements are, what are the qualifications required?

Mr. Osogo: Mr. Speaker, Sir, the requirements were that the applicants had to be Kenya citizens with a minimum standard of education of Cambridge School Certificate and previous administrative experience, ability to speak and correspond fluently in English, particularly for correspondence

with overseas buyers, basic knowledge of commercial practice and sales documentation, and preference was to be given to candidates between the ages of twenty-five and thirty years.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that, while refuting the idea that there was not anybody with a suitable qualification, would the Assistant Minister explain why they recruit people from other areas than Kisii, where they are not used to growing even one flower of pyrethrum?

Mr. Osogo: That allegation is not true, Sir, because the field officer of pyrethrum in Kisii District is a Kisii. His name, if the hon. Member does not know, is Johnson Makoi. The junior accountant in the head office is also a Kisii. His name is Joseph Achaga.

## Question No. 397

## WATER SUPPLIES TO SEGA HOSPITAL, UGENYA

Mr. Odera-Sar asked the Minister for Health if he did not admit that, resulting from his visit to Segha Hospital in Ugenya, it had been agreed that the Government should supply this hospital and the community around Segha with water. If this was so, what was the cause of the delay in the start of this work.

The Minister for Health (Mr. Otieno): Mr. Speaker, Sir, I beg to reply. The need for a good water supply, Mr. Speaker, Sir, does not need the Minister for Health to admit that it is necessary because it is considered necessary, I happened to go to visit this place and I found that they lacked water; that is a fact. The provincial commissioner and I noticed that there were very many people resident at Segha but there was no water supply. So, we said that the provincial commissioner and I would do our best to find a means of helping these people to get water.

Therefore, I would like to inform the House that my Ministry, on my instruction, has already applied to the United Nations International Children's Emergency Fund for provision to enable this work to be put in hand during 1966/67 financial year.

It would, however, be appreciated if the people of Ugenya could also assist this mission hospital by raising additional funds for the water supply, and if the provincial commissioner for the area could be contacted by the hon. Member, for Ugenya, he would be able to give an additional contribution, because he happens to be in charge of certain funds, and he is the chairman of the local water committee.

## [The Minister for Health]

When we begin the work at this place, we expect the local people to help, especially the area council and the county council.

## Question No. 408

## PLOTS AND SHOPS OWNED BY CITY COUNCIL MEMBERS

Mr. Shikuku asked the Minister for Local Government:

- Would he tell the House how many aldermen and councillors of the Nairobi City Council owned council plots or shops in the city.
- Would he also tell the House how many relatives of alderman and councillors owned council plots or shops in the city of Nairobi.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. I think there is some misunderstanding regarding the ownership of land in the city from the manner in which the first part of the question has been framed. Unlike many county council areas, there is no such thing as trust land in the old city area. There is, however, trust land in the expanded Nairobi area, but this trust land is vested in the State. Thus land in the city is either in private ownership of individuals, the State or the city council. The land owned by the city council is scattered throughout the city. This land has been bought from private individuals, obtained from Government or acquired for public purposes.

Much of the land owned by the city council has been used for erecting high density housing estates. This land is not leased out to private individuals, though the city council property on it, for example, houses, shops, stalls, etc. may be leased out on monthly or yearly tenancies.

It would be an enormous exercise to supply the House with the information as to the plots owned by councillors and aldermen in the city. Mr. Speaker, Sir, I do not think the work involved in finding this information would be justified, unless it be required for a specific purpose.

As far as ownership of city council shops are concerned, the records of the city council indicate that two aldermen and three councillors are registered as tenants of council shops or stalls on monthly basis. These shops or stalls were allotted to the tenants before they ever became members of the city council.

Mr. Speaker, Sir, with regard to the second part of the question, I regret that there is no information available in the records of the city council which indicate whether relatives of aldermen and councillors lease city council property.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's very vague and confusing reply, would he tell this House whether or not the plots at Makadara, for example, belongs to the Nairobi City Council, and also, how many shops belonging to aldermen and councillors are in that part of the city? Makadara?

Mr. Sagini: Mr. Speaker, Sir, that—as I said—is a very big question and without carrying out a detailed investigation, the records of the city council indicated that two aldermen and ten councillors either lease or own land in the city.

Mr. Makokha: Mr. Speaker, in view of the fact that some crooked things seem to be going on in the city council, and in view of the fact that the Minister seems to be vague in his answer, could he give an undertaking that he would investigate any possibilities of corruption in the ownership of plots in the Nairobi City Council?

Mr. Sagini: This question is fair, but he must also be specific about this so that I should know exactly what he means.

The Speaker (Mr. Slade): Next question.

## Question No. 409

## MAYORAL PROTOCOL

Mr. Shikuku asked the Minister for Local Government:

- Whether it was true that the Mayor of Nairobi had sent out a circular to all foreign Embassies in Nairobi, informing them that, as far as protocol in Nairobi was concerned, he, the Mayor, ranked second to the President of the Republic of Kenya.
- Was the Minister aware that a protocol officer had been employed by the City Council of Nairobi.
- If he was so aware, could the Minister tell the House the salary of such a person and details of the actual work for which he had been employed.

The Assistant Minister for Local Government (Mr. Njiru): Mr. Speaker, Sir, I beg to reply. It is correct that the city council issued in December last year, to all interested persons, a circular on the subject of protocol connected with functions to which the Mayor had been invited.

The purpose in issuing the circular is to assist the organizers of functions to which the Mayor is invited by setting out the form of address, the precedence of and other relevant information concerning the attendance of the Mayor.

On precedence, the circular states that "the Mayor of Nairobi takes precedence immediately after His Excellency the President in the City of Nairobi."

Mr. Makone: Mr. Speaker, Sir, I have two questions to ask the Minister. The first question is this, Mr. Speaker, Sir, arising from the Minister's reply, where he says that he is making arrangements to transfer some of these students in order that they can train in the other courses, could he tell us what financial arrangements he has made to enable these students to train in different courses from the military course which cannot absorb them?

Dr. Mungai: Mr. Speaker, Sir, I did not say anything of the kind. I would like to repeat; that, through the Ministry of Foreign Affairs, we have asked this Government to switch the courses of these students now who are training in the military sciences and arts to other courses like engineering and others, which will be useful in the building of this country. But, Sir, I must say here that they are not doing these courses at the expense of the Kenya Government and wherever they are getting these funds, then they can continue to get them when they also train in these other courses.

Mr. Shikuku: Mr. Speaker, Sir, I have two points to raise. My first point is this. Arising from the Minister's reply, that the individuals send these students overseas without the knowledge of the Government, does he therefore not contradict himself by so saying and making it known to this House that he is not going to give employment to these people when they come back, because they were not sent by the Government? His statement that they should apply through the correct channels makes it quite obvious that they will not go through. If so, does this apply to the military course only or to the other courses where the people go overseas on an individual basis and come back to this country and are employed by this Government?

Dr. Mungai: That is not true, Mr. Speaker, Sir. When these people come, they are quite free to apply and if they meet the requirements, as I have said before, they will be accepted. We have already accepted some who are already in our armed forces, but, Sir, I cannot give a guarantee that every one of them who is out is going to be accepted by this Government. It is also true of any other student who goes out. When they come back, they apply through the right channels and then they get their jobs through the right channels, but I do not know of any student, including myself, who studied overseas for a long time, having been guaranteed by anybody that on my return to Kenya I would get a job.

Mr. Makone: Mr. Speaker, Sir, arising from the Minister's reply, does the Minister deny that it was a deliberate effort by the Ministers in the

Kanu Government that these people should be trained in military warfare so that they could fight Kaku if it had come into power?

Mr. Mungai: Mr. Speaker, Sir, the hon. questioner seems to be a little bit nervous about that. It might have been a good idea, but I am only telling him this today.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

##### UNSATISFACTORY REPLY TO QUESTION No. 418: MILITARY STUDENTS OUTSIDE KENYA

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the most unsatisfactory reply—I have the impression something is being hidden by the Minister—I wish to raise this matter on adjournment with the permission of the original questioner.

The Speaker (Mr. Slade): Mr. Makone, do you wish to claim your right to raise the matter on adjournment?

Mr. Makone: No, Sir, it will be in order for the hon. Member to do so.

The Speaker (Mr. Slade): You would like Mr. Shikuku to do so. Very well.

Mr. Mungai: Mr. Speaker, Sir, let me say that this Motion will be most welcome by the Ministry of Defence.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 358

##### LOANS FOR JAGGERY FACTORIES

Mr. Ngala-Aboki asked the Minister for Agriculture and Animal Husbandry whether the Minister would say why Mishali or Aserah Farmers' Co-operative Society which had had at least two decent factories for jaggery production on its own had not so far been given any substantial loans for further sugar and jaggery development.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. An application for an Agricultural Finance Corporation loan for 2,500 for tractors and trailers was actually approved on 27th August 1965. The Agricultural Finance Corporation has, however, not paid the money because the Awando Farmers' Co-operative Society has failed to meet one or two basic requirements of the Agricultural Finance Corporation.

Over and above, the South Nyanza District Agricultural Committee has recommended to the Agricultural Finance Corporation approval of a loan application for £1,000 by this same farmer

##### [The Assistant Minister for Agriculture and Animal Husbandry]

co-operative society. This is now pending consideration by the Agricultural Finance Corporation.

Mr. Anyleni: On a point of order, Mr. Speaker, Sir, today the microphones in the House seem to be a little bit too loud.

The Speaker (Mr. Slade): Order! Order! We are today conducting an experiment with the aid of an expert whom you will see sitting in the Chamber, to improve the hearing in the Chamber. We may have gone a little too far the other way round.

Mr. Ngala-Aboki: Mr. Speaker, Sir, will the Assistant Minister assure me that the Agricultural Finance Corporation will see the urgency and need for giving the present loan which is under consideration? In answering me will the Assistant Minister tell me what conditions were not satisfied by the particular society when it originally applied?

Mr. Murgor: The Agricultural Finance Corporation, Sir, wrote to Awando Farmers' Co-operative Society in October 1965, asking for the title deeds, and no reply has been received yet. The Agricultural Finance Corporation have not received the application for the loan of £1,000. It must be lying somewhere between the Agricultural Finance Corporation, the Awando Farmers' Co-operative Society and the Nyanza and the South Nyanza District Agricultural Committee.

Mr. Ngala-Aboki: Is the Minister aware that the question of title deeds is a problem which the South Nyanza people are fighting for, and that he should use these officers to influence the Minister for Lands to give title deeds to the people in question?

Mr. Murgor: Mr. Speaker, Sir, I think the hon. Member is right in saying that this is one of the difficulties. I mean, the question of title deeds. However, it must be appreciated that the Agricultural Finance Corporation cannot give money without security. I will, on his behalf, ask the Minister for Lands to speed up land consolidation in South Nyanza.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell this House what the securities are that are needed for these people?

Mr. Murgor: Title deeds, Sir.

Mr. Mufiro: Mr. Speaker, would the Assistant Minister not agree with me that it would be risky to lend money to people who have no title deeds?

Mr. Murgor: Yes, Sir.

Mr. Ngala-Aboki: Now, Mr. Speaker, Sir, is it not in order for me to ask the Assistant Minister for Education to clarify whether it is not true—

The Speaker (Mr. Slade): It is in order if I call on you, but I am not going to do so.

##### Question No. 401

##### ABATOIR FOR ARCHER'S POST

Mr. Rurumban asked when the Government would open the Archer's Post Abattoir for the Samburu scrub stock.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The Government is actively considering the economics of opening the Archer's Post Abattoir. Preliminary observations, however, indicate that if the abattoir were to be operated, it would run at a loss.

Mr. Rurumban: Mr. Speaker, Sir, is the Assistant Minister ignorant of the promise that was made to me last year by the Minister for Economic Planning and Development that this abattoir will be opened in order to maintain supplies of meat locally of the Samburu scrub cattle which are unable to travel to the Kenya Meat Commission on the hoof? In view of that, will he agree to open this abattoir because it is for the benefit of the Samburu people?

Mr. Murgor: Mr. Speaker, Sir, I do not agree with the first part of this question. I think I am more knowledgeable on this particular matter, more so than the hon. questioner.

The more economic proposition seems to be the improvement of stock routes and holding grounds for stock to a central abattoir, e.g. Kenya Meat Commission facilities, in preference to selling to rural abattoirs such as that at Archer's Post.

Mr. Rurumban: Mr. Speaker, will the Assistant Minister tell the House whether the Government has carried out any experiment to ascertain whether the opening of this abattoir would entail a loss to the Government?

Mr. Murgor: Mr. Speaker, Sir, an application has been submitted to the World Bank for funds to improve stock routes and holding grounds, as to improve stock routes and holding grounds, as recommended by the United Nations livestock survey team. Plans are under way to establish whether or not a meat extract plant near Isiolo, to deal with camel meat, would be an economic proposition, but preliminary results are not encouraging at all.

**[The Minister for Economic Planning and Development]**

cent gratuity at the end of their service. They are also provided with housing with hard furnishings for which they pay a standard Government rental.

The work of the Peace Corps volunteers in various Ministries has been very satisfactory. To date, there has been a wastage of only four volunteers since the programme was first initiated in Kenya and all the four left purely through domestic or medical reasons.

**Mr. Balala:** Mr. Speaker, Sir, can the Minister tell this House the total number of Peace Corps volunteers in Kenya?

**Mr. Mboya:** Mr. Speaker, Sir. Yes. There are 56 Peace Corps volunteers in the Ministry of Lands and Settlement, 27 in the Co-operative Department in the Ministry of Commerce, Industry and Co-operative Development, 98 in the Ministry of Education, 17 in the Ministry of Agriculture, Animal Husbandry and Marketing, and the total is 198.

**Mr. arap Tooi:** Arising from that earlier reply from the Minister, could he tell the House what steps the Government takes to check the Peace Corps so that they do not transmit American ideas to the schools in which they teach?

**Mr. Mboya:** Mr. Speaker, I would like to preface my answer to this question by making the following statement.

The employment of the Peace Corps in Kenya in various capacities arises from the acute shortage of local manpower at the present time required to ensure the continued provision of necessary services and, particularly, the implementation of the Development Plan. Even while the country is still employing considerable numbers of expatriate personnel, the latest information shows that there are at the moment 3,622 vacancies of all grades in the approved establishment of the Government service. This does not include the projected manpower requirements necessary for the implementation of the revised Development Plan.

In these circumstances, Mr. Speaker, the House and this country ought to be grateful to the American Government for making these cheap and efficient arrangements.

In addition to the Peace Corps, Mr. Speaker, it ought to be explained that we have expatriate technicians from a number of countries, including Germany, Britain, Australia, Canada, the United Socialist Soviet Republic, and a number of other countries in the East, from the Scandinavian countries and from practically all over the world. They are all doing work to our satisfaction and

I can assure the House that they are not being given an opportunity to meddle about in our politics or internal affairs.

**Mr. Murali:** Mr. Speaker, Sir, would the Minister tell the House when the terms of service of these Peace Corps volunteers will be finalized?

**Mr. Mboya:** Mr. Speaker, Sir, I suppose the hon. Member is referring to the Peace Corps in the Ministry of Agriculture. This will be finalized as soon as possible. The others have already been finalized.

**Mr. Jahazi:** Mr. Speaker, Sir, will the Minister tell the House who benefits most, the Peace Corps by volunteering to help Kenya almost free of charge or the Kenya Government?

**Mr. Mboya:** Mr. Speaker, Sir, I did not quite follow the question. Could the hon. Member repeat his question?

**Mr. Jahazi:** Mr. Speaker, Sir, I asked the Minister if he could tell the House who benefits most, if it is the Peace Corps who volunteer their services almost free of charge or the Kenya Government?

**Mr. Mboya:** Mr. Speaker, Sir, the Kenya people and the Kenya Government benefits most, because if we did not have them we would not have the personnel to do these jobs. Mr. Speaker, Sir, the hon. Member may shout about the jobs, but you cannot take a street sweeper and make him into an engineer. It would be interesting to know whether the hon. Member would like his child to be taught in a school by an illiterate, unemployed person.

**Mr. Speaker,** Sir, my answer to the question was; that we do benefit most from this arrangement, and I would also like to add that it is not just the United States which has these arrangements, but we also have arrangements by a number of other countries, for example, from Canada we get the teachers for the African programme. In the United Kingdom, we get a similar programme through the Ministry of Overseas Development. In Germany, a voluntary scheme has been started to help the developing countries. In Australia, the same thing has also been set up. In a number of the Eastern countries, the same thing is also happening and we have a number of them here today, and also from the Scandinavian countries.

**Mr. Speaker,** Sir, I would also like to add that we too are now making a programme of sending our own people to other countries to work. Mr. Speaker, Sir, our young people who are to take part in an exchange programme are to do so for two reasons. Firstly, it is to broaden their outlook, and give them the necessary training and experience. Secondly, it is so that they can also become our ambassadors at large.

**Question No. 418**

**MILITARY STUDENTS OUTSIDE KENYA**

**Mr. Makone** asked the Minister for Defence if he could tell the House firstly, the number of students training for military work outside Kenya. Secondly, could he tell the House what arrangements the Government had made to absorb them. Thirdly, the name of the countries who were involved and the number of students in each country.

**The Minister for Defence (Dr. Mungai):** Mr. Speaker, Sir, I beg to reply. We have had about 400 students who have received, or who are now receiving, military training outside Kenya. About 220 of them have already returned to Kenya, and about 180 of them are still receiving military training in foreign countries. I cannot be more exact because none of these students are sponsored by the Government. We have not had an accurate report as to the actual numbers. They have been trained, or they are still being trained, in the following countries, Bulgaria, the Soviet Union, the Chinese People's Republic, Czechoslovakia, East Germany, United Arab Republic and Israel. There are some students who trained in the United Kingdom, but these we have made arrangements for. They are officers in the armed forces.

In answer to part (b) of the question, the Kenya Government have advised the countries concerned that we wish to train our own officers, soldiers, airmen and sailors here in Kenya, and we have asked these students to be switched from military courses to more important courses which will help build the nation, such as electrical engineering, road engineering, building engineering and the other courses which will be more useful. However, if any of them apply to join the armed forces, they will be considered on their merits in exactly the same way as any other Kenya citizen. They have also been requested to apply for jobs in the Directorate of Personnel, like any other students who come back from overseas.

**Mr. Speaker,** Sir, here I must emphasize that we are not going to have any back-door entry into the Kenya Army. If any Kenya citizen wants to join the Kenya Army, Air Force, or Navy, they have to do so through the regular legal channels, and the way laid down for doing so. Again, Sir, I must say, and make it clear, that there is no discrimination against any Kenya citizen who wants to join the armed forces, irrespective of where he was trained. The only thing they have to do is to apply and meet the requirements of the standards of the armed forces, then they shall be accepted. If they do not meet the required standards, then they cannot be accepted.

Finally, Mr. Speaker, Sir, our officers in the armed forces and men must be protected. They cannot just be ousted and other people brought in who have been trained in foreign countries to take their places when we have taken the trouble and when some of those officers, who have been waiting for about twelve, fifteen or twenty years to become officers, because these positions were held by the British expatriate officers, and now that their chance has come, we cannot just send them out of the armed forces and bring in some other new people who have been trained through individual help.

**Mr. Makone:** Mr. Speaker, Sir, arising from the Minister's reply, would he tell the House the number of students who are being supported by the Government out of that 400?

**Dr. Mungai:** Mr. Speaker, Sir, I did make it clear that none of those 400 have been sponsored by the Kenya Government. We have made our arrangements, as the Ministry of Defence, with regard to the Republic of Kenya that, if we want people trained and are being trained by individuals, they are not a part of that. They are trained in different places but most of them in Kenya.

**Mr. Khasakhalah:** Mr. Speaker, Sir, could the Minister tell the House, the persons if any at all, who sponsored these people who went to train outside, and whether they left this country with valid passports and whether the Government has a record of these people?

**Dr. Mungai:** Mr. Speaker, Sir, the people who sponsored these people did not report to me, and the people themselves have not identified those who sponsored them. It does not matter how they came there, but what I can say is that they were not sponsored by the Government of Kenya. I was not consulted.

**Mr. Makone:** On a point of order, Mr. Speaker, Sir, would it be possible for the questioner to be given more time to answer this question as it is quite an important one?

**The Speaker (Mr. Slade):** You cannot raise that on a point of order.

**Mr. Masinde:** Mr. Speaker, Sir, arising from the Minister's reply, is the Minister aware that during the struggle for independence, the very party in power now, or the party governing the country, was part and parcel for sending students overseas? Therefore, Sir, they have to take care of them.

**Dr. Mungai:** Mr. Speaker, Sir, that is not in my records.

[The Assistant Minister for Education] should be developed, rather than the development of just a few by giving them extra forms. Mr. Speaker, Sir, applying this principle to the provincial programme, necessarily involved a complete revision, since the provincial programme included the majority of schools which would not reach three-stream status in a three-year period. Three-stream development necessitated concentrating the number of streams projected in the development plan for each year and province into a smaller number of schools.

The other point which the Ministry of Education came to think about was of additional streams other than putting in new secondary schools, we thought that perhaps as we are also short of teachers, and it is far better to give additional streams to one school, whereby the same staff in that particular school would be able to share the subject and teach, rather than starting a new secondary school and then try to employ more teachers to come to this school. This is also difficult because everyone in this country knows very well that Kenya is short of teachers. Therefore, in selecting schools, Mr. Speaker, for this three-stream development, the priority suggested by the provisional programme was kept in mind, but an additional consideration was the need to include as many as possible of those schools which opened new streams in 1965. Since they were included, no alternative source of funds with which to complete the facilities was in sight. This loan which we received was for developing quite a number of schools in every corner of Kenya, not only in one place. This was actually the aim of the Ministry of Education, it was not a matter of rejecting Ng'ya, but it was a matter of priority. I quite agree with the hon. Members who said that Ng'ya School has got a high standard; I quite agree that in all circumstances Ng'ya, in other respects, had achieved a recognized degree of priority. I quite agree that the school has achieved a recognized degree of priority and I would inform the House that my Ministry is looking into the affair, so Ng'ya would not be held back in the current programme, and we are thinking in our current programme—Ng'ya Secondary School is included in the current programme—that it is going to be aided and it is going to have additional streams.

Mr. Speaker, Sir, these were some of the points raised by hon. Members who spoke and one point was that education had been overlooked in some parts of Kenya, but I would say that in Central Nyanza the Government has put a lot of effort into that area, as it is one of the developed areas and is one of the areas that has many aided schools. Therefore, I do not think that anyone could actually blame the Government and say that it is not doing anything in that part of the country. I would say that Nyanza, as a whole, has been aided and many projects are in hand; many projects have actually taken place so far, and a number of streams have been opened in many schools which are being aided by Government. On the other hand, blaming the Government as a whole and saying that perhaps it has not done anything, I am quite sure that the Government has opened many schools in Kenya. It is only, as I said before, that there has been pressure from all over Kenya, because everyone wants his child to go to school. There has been pressure because everyone needs education.

An hon. Member: How many schools have been opened?

The Assistant Minister for Education (Mr. ole Konchellah): I hope that my hon. colleague, if he studies physics in Kenya, he will know how many schools have been opened and he might know also at the moment how many schools have been aided in his own province or in Kenya as a whole. That is not a matter for me to reply to, but if the hon. Member wishes to know what sort of development has taken place, he can come to our office and we will be able to show him what we are doing and what we are going to do.

Mr. Speaker, Sir, without talking too much on this particular subject, our Ministry is going to look into the affair of the Ng'ya Girls' School and, as I said, it has achieved a recognized degree of priority, so the Ministry is going to take steps to aid this school and also to give it additional streams.

(Question put and agreed to)

#### ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until tomorrow, Thursday, 10th March, at 2.30 p.m.

Thursday, 10th March 1966

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

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

#### PRAYERS

#### COMMUNICATION FROM THE CHAIR

##### RESPONSIBILITIES OF MR. SPEAKER

The Speaker (Mr. Slade): Hon. Members, during debate on the Second Reading of the National Assembly (Powers and Privileges) (Amendment) Bill, and again on the Second and Third Readings of the Constitution of Kenya (Amendment) Bill, there was discussion as to whether or not certain powers should be conferred upon your Speaker.

It is not for me to attempt to influence any decision by the House on such matters, and for that reason I have postponed this Communication until both Bills had been read a Third Time; but some of the arguments adduced in these debates suggested misunderstanding of the responsibilities of a Speaker, which I should therefore like to clarify.

When you elect your Speaker, you are electing the representative of the House as a whole. His duties do not begin and end in this Chair. He is also the custodian of the powers and privileges of Parliament, and your spokesman, on all matters affecting the welfare of this House, to all persons, high or low, including hon. Members, outside this Chamber. That indeed is the reason for his being called your Speaker.

In that representative capacity, Mr. Speaker has various powers outside this Chamber; but whether exercising those powers or otherwise purporting to speak for the House, he is bound always to act in a representative manner. That is to say, he must never act according to his personal whim, but must always do what he believes that the majority of Members would wish him to do, apart from those special occasions when he has also to protect the basic rights of a minority of Members. It is to guide and to support him in this that such institutions as a Speaker's Committee are invaluable.

The same applies to his conduct in this Chair; though his task is easier here, because he has Standing Orders and many established practices for his guide, and comparatively few novel questions of order arise. Thus, in the matter of a casting vote, I can assure the House that this will never be exercised by me according to personal inclination; it will always be exercised, according to the convention of the House of

Commons and other Parliaments, to preserve the status quo; and where possible, to preserve an opportunity for further discussion.

In conclusion, I repeat the undertaking which I gave to you on the 7th June 1963, when you conferred upon me the supreme honour of election as your Speaker: "I pledge myself to give all that I have to the service of this House, I acknowledge, according to tradition, that, though I am privileged to be your collective figurehead and spokesman, I am no more than your servant. It will be my duty to all of you to enforce strict compliance with your own rules of procedure, and to ensure that the voice of the minority is always given a fair hearing; but only with those two important reservations, I shall bow to the will of the majority, or such special majority as our Constitution may require for special occasions", and that applies to all that I do as your Speaker, whether here or outside this Chamber.

#### ORAL ANSWERS TO QUESTIONS

Question No. 419

##### PEACE CORPS IN KENYA

Mr. Makote asked the Minister for Economic Planning and Development whether he would tell the House the terms of service of the Peace Corps and his own experience of these people's work.

The Minister for Economic Planning and Development (Mr. Abuya): Mr. Speaker, Sir, I beg to reply. The terms of service under which Peace Corps volunteers work in Kenya are very much on an *ad hoc* basis. To date, Peace Corps volunteers work in the Ministries of Lands and Settlement, Agriculture, Animal Husbandry and Marketing, Commerce, Industry and Co-operative Development and Education. In the Ministry of Lands and Settlement, the Ministry pays Sh. 104 per month direct to the Peace Corps for each volunteer. In addition, the Ministry provides motor-cycles for the use of volunteers while on duty and housing with hard furnishings. Peace Corps volunteers in the Ministry of Agriculture Corps volunteers in the Ministry of Commerce, Department of the Ministry of Commerce, Industry and Co-operative Development, Peace Corps volunteers are provided with housing with hard furnishings. The department does not make any financial contribution for their services. The situation in the Ministry of Education is slightly different. The Peace Corps volunteers receive the same basic salary as local officers with similar qualifications. They are employed on local contract terms with local increments and a 25 per

[Mr. Muliro]

He said. It was stated that the World Bank Mission which gave money to Kenya for development of secondary education, wanted to develop a few schools to three or four streams, and not have many schools in this respect. Sir, I think it is only right and fair, even if Kenya has to borrow money from the World Bank, that we should have the freedom of planning our own secondary school development. If we do not have this freedom to plan the development of our own secondary education, Sir, I think we are slaves of the United Nations.

This was the reason why I said it was most unsatisfactory that the World Bank should dictate to Kenya which schools should have double streams or treble streams.

In this case, Sir, the school was promised this. Applications were coming to this school from every district in Nyanza Province, from a number of districts in Rift Valley, and from a number of districts in the Western Province. These were all for Form I. The teachers there, the sisters, were ready to accept Form I. However, lamentably, they found they could not do so simply because the planning at the top, here, was bad. Here, Sir, is where we would like the Minister to assure this House that the development of education in this country is to be determined by the people of this country and not by an organization outside Kenya. Sir, unless this is looked into, we will find eventually that the United Nations might decide that only the schools around Nairobi will have treble streams, or six streams, and the schools away from Nairobi will never be developed. This is what we would like the Minister to assure us: that a school in a remote area, like that, where there are children wanting to go to school, will be given an opportunity to have a double-stream.

I hope that the Assistant Minister who is replying will give us the assurance that Ny'ya in future will be given a double-stream as from 1967.

An hon. Member: Why not this year?

Mr. Muliro: Well, if it can be this year, so much the better.

With these few remarks, Sir, I beg to move. My colleague, Mr. Luke Obok, will second this Motion.

Mr. Obok: Mr. Speaker, Sir, I beg to second this Motion. First of all I think I will be failing in my duty if I did not congratulate the Member for Trans Nzoia, *Mwalimu Masinde Muliro* for overtaking me and taking the lead on this very serious matter, because it is the expansion of education in this country which is being overlooked because of carelessness of a few individuals sitting in the Ministry of Education.

Mr. Speaker, Sir, the lead that the hon. Member for Trans Nzoia has taken, I personally take it as one of the examples how the people of this country should care for the welfare of the entire country, and not just think of their own places. He did not think of Ng'ya being situated in Alego Constituency, but he set an example of somebody who probably, one day, will become a leader in this country.

The reasons for double streaming Ng'ya Girls' High School are as follows: the school has already a good water supply, electricity, permanent buildings including a science laboratory, domestic science room, large dining hall, and good academic results as a character training, and so on. I would like the Assistant Minister for Education, who is going to answer on behalf of the Government, not to forget that Ny'ya is not a tribal or a sectional school, but a national school which caters for all girls who come from all parts of Western Kenya. We have as well as Luo girls, Baluhya girls, Kisii girls, and even Kikuyu girls; they all want to go to Ng'ya, Mr. Speaker. I would like to say that this school is well staffed. It stands on a beautiful site and Ng'ya does not need teachers. It is well staffed and we have everything at Ng'ya.

Mr. Speaker, Sir, the land Ng'ya occupies is enough for its present needs, and even enough for further development of Ng'ya. I would like it to be known, Mr. Speaker, that what we really want for Ng'ya is not only a secondary school double-stream but preparations to see that Ng'ya becomes a college in Western Kenya. In fact, this is our ultimate target.

Another point, Sir, that I would like to remind the hon. gentleman who will be replying on behalf of the Government, that it was very unfair that the headmistress at Ng'ya, who is Miss L. Wood, who works very hard—she was at Butere at one time. Miss Wood was given an assurance throughout last year—Mr. Speaker, Sir, a promise is a promise. We were told that Ng'ya would have a double-stream in 1966. The Assistant Minister who spoke in this House on behalf of the Government told the House that his Ministry, or the Government—because he was speaking for the Government on that occasion—told the House that his Ministry did not take orders from the World Bank, or any other loan agency. Mr. Speaker, the Government definitely promised that Ng'ya would have a double-stream in 1966, whether the World Bank existed or not.

I think this is going to make our people in Western Kenya feel that, perhaps, the Government is trying to neglect certain parts of this country. This is very serious, Mr. Speaker, and we are very concerned. People like ourselves who

[Mr. Obok]

are the servants of the masses are, in fact, people who do not have time of their own at the weekends. We are faced with a lot of difficulties, and I am appealing to my hon. friend the Assistant Minister, who is going to speak on behalf of the Government, that the Government should do something, more in Western Kenya with Ng'ya School. The African Government of the moment, should not take educational matters so lightly. I think, Mr. Speaker, and it appears that the Ministry of Education seems to be taking things very lightly, because I personally walked into the Ministry of Education last year to try and find out the problems why Ng'ya should not be double-stream. I was told to go and try and find out whether there was sufficient space for further development of this school. I came back, Mr. Speaker, and reported to a senior Government officer at the Ministry, and I was ashamed, Mr. Speaker, it was shocking when Ng'ya could not be double-streamed.

Mr. Speaker, with these few remarks I beg to support the Motion and appeal to the hon. gentleman who is going to answer on behalf of the Government, and I know he is my good friend. I am sure he is not going to disappoint me by telling me that there is no money. If the question of money is raised, Mr. Speaker, I will challenge the Government and shall say that Ng'ya does not require any money from anywhere. Ng'ya has a supply of water, there is electricity, there is a laboratory to provide the school with everything required. Mr. Speaker, with these few remarks I support.

The Assistant Minister for Education (Mr. Ole Kouchellah): Mr. Speaker, Sir, the question regarding this Motion on adjournment was that the Minister disclosed to this House the reasons which led him to eliminate Ng'ya Girls' High School from the priority list of developments for double-stream in 1966.

Mr. Speaker, Sir, the reply which was given by my colleague the other Assistant Minister, Mr. Mutiso, on behalf of the Ministry, was this. That like many other schools, Ng'ya Girls' School was eliminated from the Ministry's development programme for 1966, because of a policy decision to expand a smaller number of schools to three-stream status, instead of developing a larger number to one and two-stream status, in order to attract World Bank loans.

Mr. Speaker, Sir, although the reply did not give any details, I am quite sure that it mentioned one vital point with which I think a number of hon. Members in the House would agree. That instead of developing one school, we can get a

loan if we could divide what could go to these schools at once, we could get a loan which could develop three streams or three other schools at once. Mr. Speaker, after assuming direct responsibility for secondary education in the provinces in December 1964, the Ministry of Education formulated a secondary school development programme for 1965/68, which was based on less ambitious intentions than the former regional assemblies. This meant that a number of regional assemblies who had approved the building of a number of schools or the creation of additional forms, found that there were no funds available to run those schools; or even to construct more classrooms, and perhaps, this is one of the schools which was actually approved by the regional assembly. For instance, when the regional changes came in, there was no money to carry out what had been approved by the regional assembly. This problem included a number of first, second, third and even fourth streams at various schools and, as was emphasized, that the necessary facilities could be constructed in phases and be financed over the development period of 1965/1970. The programme was notified to provincial education officers and the schools concerned in 1965, so that necessary preparatory steps could be initiated and were stated to be of an exploratory nature. Since the necessary capital funds had yet to be obtained, when this approval came there were no funds, so these funds were sought from the World Bank, and in the course of negotiations with the bank representative in July, he urged that the programme should be completely revised, so the programme which was laid down by the *Majimbo* Government previously had to be revised, in the interests of sound educational practice. The bank did not influence the Ministry of Education at all, but the bank wished that their loans, their funds, but the bank wished that their loans, their funds, should be devoted to schools which could be developed to not less than three-stream status, and these were to be financed and constructed in a three-year loan period. This was not an order made by the bank to the Ministry, but it was a matter of negotiation. They also wanted to know where the funds they were going to contribute, where these loans were going to be put. This does not mean, and should not be interpreted to mean, that the World Bank has any baleful influence. I oppose this completely; the problems which are being met by the Ministry of Education are made known to these World Bank people, and they do not mess about with the policies and they do not mess about with any development plans do not mess about with any development plans in this country. Mr. Speaker, Sir, this view is accepted as being educationally sound and is in accord with the recommendations of the Kenya Educational Commission that many more schools



[Mr. Areman]

Mr. Deputy Speaker, Sir, in ending I would like to say that the Ministers have visited all these places and promised the people there that they will do this and do that, and provide them with milk for their children, fruits and so on, and so now, Sir, I think the Minister concerned will do his best to provide the people in Lokori and Kangeit with transport for getting food to the places or increase the supply of these foodstuffs.

Mr. Deputy Speaker, Sir, I beg to support.

(Question proposed)

**The Minister for Home Affairs (Mr. arap Moi):** Mr. Speaker, Sir, a matter of this nature, especially if the hon. Member is serious in what he has said, is very bad indeed.

Mr. Deputy Speaker, Sir, since the 1961/62 famine crisis, the Turkana people have continued to be fed by the Government and have received 500 bags of maize per month until July 1965, when the present crisis started. Since that time, Sir, the allocation was increased considerably from 500 bags to 800 bags per month. In the last three months, this allocation continued and in October His Excellency the President ordered that 5,000 bags be given to the Turkana people. The 5,000 bags were to be allocated to the Turkana people at the rate of 900 bags a month and covered the period between October 1965 and March 1966. In 1966, Mr. Deputy Speaker, Sir, an additional 900 bags were given to Turkana. In addition to maize, a considerable amount of other foodstuffs, for example, milk, edible oil, mixed vegetables, sugar, cocoa, chicken meat and canned beef were allocated to supplement the maize allocation. The Government was feeding, at that time, 11,700 people, and it is estimated that it will continue to feed this number of persons until the end of June. The need for the continued famine relief in Turkana will be eased round about June.

Mr. Deputy Speaker, Sir, the voluntary organizations have assisted very much in the running of the famine relief in Turkana, Oxfam donated a five-ton lorry this month for the purpose of transporting maize and other foodstuffs throughout the Turkana area, apart from other lorries which are provided by the provincial administration. Similarly, Sir, Catholic relief services donated a mill for gristing maize. The Salvation Army are also assisting us at Lokitaung and Catholic services at Lorugum. I therefore fail to understand the hon. Member who seconded the Motion, who suggested that people at the camp at Lake Rudolf have nothing to eat. In fact, Sir, those at this camp are very healthy. I would like any hon. Member—

Mr. Ekitella: On a point of order, Mr. Deputy Speaker, Sir, you know that the Government camp has been broken down by the district commissioner.

**The Deputy Speaker (Dr. De Souza):** I think what Mr. Ekitella means is that your information is not correct, Mr. Moi, that the camp itself has been closed by the district commissioner. I think he is rising on a point of information, not a point of order.

**The Minister for Home Affairs (Mr. arap Moi):** Mr. Deputy Speaker, Sir, the hon. Member is not correct, because the Christian Council of Kenya is running a soup kitchen at this camp. Therefore, Sir, if the hon. Member has not visited the area, I would very much like him to visit the area. As I said before, Mr. Deputy Speaker, Sir, I wish the hon. Member would visit these areas, apart from the Member representing that area, so that they know exactly what the Government is doing in these areas. On top of this, Sir, the African Inland Mission at Kangeit, where the hon. Member comes from, is running a soup kitchen in that part of the country and in two weeks' time we are sending two workers to assist in the fitting up of a grist mill. Therefore, Mr. Deputy Speaker, Sir, I do not see why the hon. Member should criticize the Government when it is doing everything it can. If you will let me, I would like to quote the number of foodstuffs which we have sent, as a Government, to this district since the 30th September 1965.

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

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

On the 30th September 1965, 800 bags, and on the 7th October 1965, 5,000 bags of maize were sent there by the order of His Excellency the President. On the 3rd January, 800 bags of maize, 40 bags of milk were sent there. On the 16th November 1965, 56 bags of maize were sent. On 26th November 1965, 150 cases were sent there. On the 28th January 1966, 35 bags were sent there. On the 25th February 1966—

Mr. Areman: On a point of order, Mr. Speaker, may we know from the Minister, because he mentioned it was something to do with cases of beer—

**The Speaker (Mr. Slade):** Order! Order! It is not a point of order, but perhaps the Minister will clarify the point.

**The Minister for Home Affairs (Mr. arap Moi):** Mr. Speaker, Sir, if the hon. Member was listening he would have heard me when I said 70 bags of powdered milk, 56 lb. each; edible oil, 18 on

[The Minister for Home Affairs]

the 1st November, and 90 cartons on the 22nd November; Pan Mboga mixed vegetables, 1,000 lb. on the 1st November; sugar, 400 lb. on the 10th November; cocoa, 1 case on the 22nd November; soup powder, 2,000 lb. on the 4th December; 5 bags on the 5th January, 14 bags on the 3rd February 1966; chicken meat, 20 cartons on the 23rd November; canned beef, 240 crates on the 23rd December 1965, 140 crates on the 21st January 1966, 100 crates on the 18th January 1966.

Mr. Speaker, Government has done all it can. I have visited this area three times. The executive officer in the President's Office has visited the area last week and toured many areas, Lokitaung, Lorugum, Lokori, Baragoi, Kangeit and Lodwar. Therefore, Mr. Speaker, I hope the hon. Member will realize this and will always speak on facts.

On the question of the district commissioner, I would like to hear— it is surprising to hear what the Member says. The District Commissioner, Lodwar, has done his best and toured many parts of Turkana District in trying to help the Turkana people. Instead of appreciating what the district commissioner has done, people say things which could never be substantiated, except by saying, "He said . . ." and having no proper substantiation.

So, Sir, this is the position in Turkana and I hope the hon. Member will help, and even contribute in terms of money in order to help those who are not well off in the district.

**The Speaker (Mr. Slade):** Mr. Nyamweya, you have only five minutes.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, this is a very serious matter and the Government takes this Motion very seriously. We are grateful to the hon. Member for Turkana North who has drawn the Government's attention to the shortage of famine relief supplies in Turkana. We want to take this opportunity to assure the House and the nation that the Government will do all it can to feed the Turkana people, as well as other people, who may be stricken by famine in the country.

Hon. Members should appreciate how difficult it is to feed the Turkana, Mr. Speaker, because they are an extremely nomadic tribe. I have visited this particular place several times. The first time I visited Turkana in Lodwar, I had occasion to visit the manyatta which belongs to the hon. Member for Turkana, Mr. Ekitella. Next time when I visited the place, I thought I would visit his manyatta again, but I found it had disappeared. Now, this is a difficulty which

the administrative officers experience up in Turkana, because the people are constantly moving. This means that we have constantly to move the supplies from one place to another. This is why the Government has started the fish industry along the shores of Lake Rudolf.

Mr. Speaker, the most interesting thing is that most of the Members do not visit these areas, their own constituencies.

Another thing, Sir, we have started an irrigation scheme along the Kerio Valley where we hope the Turkana people will be able to settle and work. If they can do that, it will be much easier to feed the Turkana people.

Hon. Members will appreciate that, if they visit the areas themselves, they will come back with not only words but sympathy, where human misery is really apparent. Perhaps one of these days, I will organize a visit to Turkana and I hope some hon. Members, who have not been to Turkana, will take this opportunity to visit this place.

#### MOTION FOR THE ADJOURNMENT

##### NG'UYA GIRLS' HIGH SCHOOL

**The Speaker (Mr. Slade):** It is time now for the interruption of business. There is a matter to be raised on the adjournment, so I would ask a Minister to move that the House do now adjourn.

**The Minister for Home Affairs (Mr. arap Moi):** Mr. Speaker, Sir, I beg to move that the House do now adjourn.

**The Minister of State, President's Office (Mr. Nyamweya):** Seconded.

(Question proposed)

Mr. Muliro: Mr. Speaker, Sir, I gave notice of my desire to move this Motion on adjournment because of the most unsatisfactory reply this House received to Question No. 214, Ng'uya Girls High School, double-stream.

Sir, information and planning for development was that this school was to have a double-stream in 1966, in the same way as other schools were promised this in Nyanza and Western Province. Ng'uya School has special prominence, in that it is a boarding school, and education for girls is only beneficial as long as it is carried out in a boarding school. Now, this school was promised a double-stream as from 1966. This went on until recently, in December, Sir; that they were told there would not be a double-stream in the area.

Now, the unsatisfactory reply came from the Minister for Education because the Minister told this House that Ng'uya had to drop the double-stream, simply because of the World Bank

[Mr. Kibuga]

so that we do not have these people wishing to go to Tanzania. It is only recently that some of the people in the Kuria area were saying, "We are afraid because we are a small tribe and we would like to go to our brothers in Tanzania." We do not want such a thing to happen, we want everyone in the country to feel secure and to feel that the Government is near-by and feel that whether weak, strong, rich or poor, everyone is protected.

Mr. Speaker, Sir, I hope that the hon. Members in this House, although the Nyabasi Trading Centre is very far away from their constituencies, will feel that this is part of Kenya and as a part of Kenya it must be protected and must be taken care of. Thank you, Mr. Speaker.

*(Question proposed)*

The Speaker (Mr. Slade): It is now time for Mr. Ekitella to move the adjournment of the House.

#### MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

##### FAMINE RELIEF IN TURKANA

Mr. Ekitella: Mr. Speaker, Sir, I move that the House doth now adjourn.

Mr. Speaker, Sir, I beg to move that in view of the hardship and shortage of maize supplied to the Turkana District, I urge that the Government should increase the supply of maize to the Turkana District, especially in Kangetit and Lorugum and Lake Rudolf.

*[The Speaker (Mr. Slade) left the Chair]**[The Deputy Speaker (Dr. De Souza) took the Chair]*

Mr. Speaker, Sir, the Turkana, like other tribes in Kenya who form the strong Government of Kenya, are part and parcel of the Kenya Government. Due to climatical conditions, the great Turkana tribes have been suffering from drought and the people have been facing two difficulties each year: (a) lack of food during the dry season and (b) the rain which comes makes the grass grow and the Turkana can graze their cattle. When the rains come and makes the grass grow, the Turkana move their cattle to grazing areas where they met with—I think I should read without spectacles.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, Sir. Is it really in order that the hon. Member should read his speech when he cannot understand what is written on the paper?

The Deputy Speaker (Dr. De Souza): I think an hon. Member may refer to notes. I think he is doing that just now.

Mr. Ekitella: Mr. Deputy Speaker, Sir, I think the hon. Mr. Mbogoh is terrible. The rain comes which makes the grass green. Mr. Deputy Speaker, Sir, the Turkana people move their cattle to where there is grazing. Mr. Deputy Speaker, Sir, people from the Sudan and Tanzania as well come to Turkana and raid it. I do not want to say much, but, Sir, I feel that it is high time my Government freed my people from hunger. The Government which has been distributing food to these places has had little effect in these areas in Kenya. Mr. Deputy Speaker, Sir, maize and *posho* have been distributed but could I know the reason why my people have not been given some of these food-stuffs?

Mr. Deputy Speaker, Sir, famine is prevalent in the Turkana District in a very bad way, and they are also citizens of this country. They are facing a grave shortage of rain which is causing widespread famine. It should be understood, Mr. Deputy Speaker, Sir, that the Turkana area receives rain for six months and then it is dry for another six months. The Turkana tribes are threatened by famine so much so that, unless something is done, people will face death. We want the Government to provide *posho* and other foodstuffs to the hungry people of Turkana.

Mr. Deputy Speaker, Sir, I beg to move.

The Deputy Speaker (Dr. De Souza): Mr. Ekitella, who is seconding your Motion?

Mr. Ekitella: Mr. Deputy Speaker, Sir, you can choose whoever you want.

Mr. Aremam: Mr. Deputy Speaker, Sir, I beg to support this Motion on the adjournment of Mr. Ekitella's. This Motion, Sir, is a very ad Motion. It is not a happy one as other Motions which have been brought to this House. We are laughing, but, Sir, this is not a jolly one which we sometimes book in this House here.

Mr. Deputy Speaker, Sir, if you go to Turkana, you will find that people are dying. The hon. Minister has visited this place, he has seen the people and the conditions of the people there. Mr. Deputy Speaker, Sir, these people are starving there. Mr. Deputy Speaker, Sir, they are given a pound of foodstuff to last them, perhaps, three days, but what happens if this person has a family of three children? How can he make three lb. of foodstuff last three days if he has three children as well as his wife and himself? Mr. Deputy Speaker, Sir, if an irrigation scheme was established, we could then till the land and provide some food for ourselves.

Mr. Speaker, Sir, if one goes to Lokori, for example, where there is some famine relief going on, thirteen people have died since January to

[Mr. Aremam]

Deputy Speaker, Sir, in Lokori we have no facilities at all for transporting food. We would like some transport facilities so that food can be provided for us from Kitale, which will go through West Pokot to Lokori, but it should not go the longest way round through Lodwar and back to Lokori. In Lokori, Mr. Deputy Speaker, Sir, about fifty-odd people have died. I am telling the truth, Sir; that, between this year and last year, about fifty-nine people have died from starvation.

Mr. Deputy Speaker, Sir, we have a famine relief camp at Lake Rudolf. No one visits this camp and now the people are running away from this camp. I am telling the truth, Mr. Deputy Speaker, Sir. In fact, Sir, I was there yesterday—you should not accept the letters from the district commissioner who has not visited the place but claims that he is telling the truth, because, Sir, I have been there and I have obtained the right information. As you the Minister is getting information from—

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Deputy Speaker, Sir, we are treating this Motion with great seriousness because it affects the people of Turkana, and the allegation which the hon. Member has made against the administrative officers, who are doing a good job, we would like it to be substantiated, so that we can take any necessary disciplinary action.

The Deputy Speaker (Dr. De Souza): Mr. Aremam, I think you understand what that means. Can you substantiate your allegation that the district commissioners or the administrative officers asked the persons concerned to sell their beads so that they can get food, rather than give them any food?

Mr. Aremam: Mr. Deputy Speaker, Sir, sometimes when I went to Lorugum the district commissioner visited the mission there where the famine relief was situated, there were some women who had beads around their necks and when the district commissioner came he said, "Why not sell all these things here so as to enable you to have some food?"

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Deputy Speaker, Sir, I am still interested in this and I would like to be given the specific details as to the date, the place and the name of the district commissioner concerned.

Mr. Aremam: Mr. Deputy Speaker, Sir, the date was some time last year, I am sorry but I cannot remember the date, the place is Lorugum and the district commissioner is Mr. arap Tui. Do you want the tribe? I can give it to you. Mr.

Deputy Speaker, Sir, in Lokori we have no facilities at all for transporting food. We would like some transport facilities so that food can be provided for us from Kitale, which will go through West Pokot to Lokori, but it should not go the longest way round through Lodwar and back to Lokori. In Lokori, Mr. Deputy Speaker, Sir, about fifty-odd people have died. I am telling the truth, Sir; that, between this year and last year, about fifty-nine people have died from starvation.

Mr. Deputy Speaker, Sir, we have a famine relief camp at Lake Rudolf. No one visits this camp and now the people are running away from this camp. I am telling the truth, Mr. Deputy Speaker, Sir. In fact, Sir, I was there yesterday—you should not accept the letters from the district commissioner who has not visited the place but claims that he is telling the truth, because, Sir, I have been there and I have obtained the right information. As you the Minister is getting information from—

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, the hon. Member claims that he was there yesterday, and knowing the camp myself, I do not know whether he had a plane in which to fly or whether he is merely trying to say—

The Deputy Speaker (Dr. De Souza): That, Mr. arap Moi, is not a point of order, I am afraid.

Mr. Aremam: Thank you, Mr. Deputy Speaker, Sir.

Mr. Omar: On a point of order, Mr. Deputy Speaker, Sir, on many occasions in this House, Sir, some Members have been told to leave the Chamber when the Speaker found that a Member had raised a point of order which was not actually a point of order. Now, Sir, am I in order to ask you to rule that the hon. Minister leave the Chamber because he has raised on a fraudulent point of order?

The Deputy Speaker (Dr. De Souza): Order! I think that is the Speaker's unenviable duty to order an hon. Member to leave the Chamber, and he does not like to do it lightly. I personally do not think that this is a suitable occasion on which to do so.

Mr. Aremam: Thank you, Mr. Deputy Speaker, Sir. Mr. Deputy Speaker, Sir, before I was saying that in this camp most of the people have run away because the supply of food was—some of them have come to Baragot but some of them have gone astray and are now roaming in the bushes, perhaps eating the fruits of the bushes and dying. We cannot count those who have died in the bush.

[Mr. Malsori-Itumbo]

Mr. Speaker, this man Mohamed Noor has been attacked about four times. The next attack occurred on the 7th March 1964 when his property amount to Sh. 1,114 was taken away. His wife, Sir, was thoroughly beaten and his brother-in-law, whose name is Sheikh Suleman, who was staying with them was beaten almost to death. He was taken to the hospital in Kisii and when we went to see him the next morning he could not even distinguish or recognize the people he used to know. He was almost at the point of dying. When the Government came to this place they brought a dog, it was too late—about five hours later—although I do not blame them because they are not near and they do not care about putting a police post near by. Nothing was done and they did not even dare to find the property belonging to this man.

The next one, Mr. Speaker, was in the same year, 1964, when also, Sir, the watchman was beaten almost to death, and the wife of the man was almost killed by a *panza* when she was trying to escape from the shop by the back door.

Mr. Speaker, Sir, I feel that the Government ought to know the trouble in this particular area because it is high time, Sir, that all the citizens of Kenya were protected, if the Government does not want to show inefficiency in the running of the Government as such.

The other trader is known as Saidi Barud. The total property of this man—he has been attacked about six times and various wounds and damage have been inflicted on him—amounts to Sh. 29,000.

Mr. Speaker, I feel that all the time I have spent in trying to negotiate and to see the Government to see what they could do in this area has been in vain, because the Government seems to neglect this question of protection in this particular area. I have a lot of papers and evidences here with me, Sir, but it is a pity that I do not have time to give examples. This case is very well known to the Minister for Defence, Dr. Mungai, when he was the Minister who controlled the police force. I have written letters and letters and I have seen the Permanent Secretary to the Ministry of Defence, I have seen the Minister himself, but it has all been in vain, Mr. Speaker.

These people have even applied for a police post in this area, but all has been in vain, and they have been tortured by the Government.

Mr. Speaker, I do not have time to quote all the documents but it is a serious thing and even now—it was only recently that I brought a question to this House asking the Minister for Home Affairs to try to get a police post in this

area. The answer—if you will allow me to quote again—was this: the Minister for Home Affairs said that, for my information; it showed that criminal activity in the Nyabasi Trading Centre area is not unduly high. In 1965 only six cases of crime were reported to the police. Also, Mr. Speaker, he went on to tell the House that the nearest police station is at Kabancha and that it was sufficient to guard this place and that they were patrolling the area very efficiently; that they did not need any police post.

Mr. Speaker, I wanted to have a detailed explanation from 1963 to date, Sir. When I asked this question in the House, Mr. Speaker, I wanted the Minister to tell the House how many cases had ever been reported to the Police Station, Kisii, or Kehancha for that matter. Mr. Speaker, the Minister was unable to tell the House, he just dodged and he only dared to give an answer for our year, which was 1965. The trouble began once these people's firearms were seized from them by the Government. I feel strongly that my people must be compensated because the Government failed to protect them. Some of them have now moved to Homa Bay, leaving their buildings empty. Some of them have gone to Tanzania. Yet the Kuni elders feel very strongly that the Government is being lazy and yet the British Government used to take care of everybody. But once the Government of the Africans came into power there was no longer any effective protection for anybody's property.

Mr. Speaker, my people are loyal, so why should they be included in the Somali *Shifa* activities. I protest, as a representative of the area, and, Mr. Speaker, I feel strongly that it is my duty to notify the Government of any trouble or activities that take place in my constituency and it is up to the Government to see to it that constitutionally these people also deserve the right to have their property and their lives protected. Mr. Speaker, I do not know whether the Ministry has anything to do with my constituency. If these people were at any time alleged to have been co-operating with the *Shifa* in the North-Eastern Province, the Government should have made this clear and should have arrested some of them, but they have said practically nothing. Mr. Speaker, I feel that my people have every right to their claims and if the Government is not going to protect these people, Mr. Speaker, then I feel that it is time they were compensated.

The Speaker (Mr. Slade): Order! Order! It is the end of your time, Mr. Malsori, I am afraid.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, I beg to move.

Mr. Kibuga: Mr. Speaker, Sir, I second, Mr. Speaker, I am speaking as one of the Members of the National Assembly in Kenya and Kuria is part of Kenya. I hope that the hon. Members will take an interest in all the parts of Kenya and not merely their constituencies. This Motion is a very important one, Mr. Speaker. The Nyabasi Trading Centre traders are in Kenya and their case has been known for a long time. It is in fact shocking that such incidents as those which have been related by the hon. Mover of this Motion had been known by the Government for a long time and the Government has not acted at all. If it has acted it has not done enough to show that the Nyabasi Trading Centre traders are citizens of Kenya.

Mr. Speaker, Sir, this is a most important place in Kenya, because every citizen of Kenya should be protected by the Government of Kenya. All the property of the people of Kenya should also be protected, but it is more important when we consider that this is a town or a trading centre near the border of Kenya and Tanzania. The Government of Tanzania protects its own people over the border. I have known that every time that anyone wishes to move from Kenya towards Tanzania, immediately after crossing the Kenya border, he is stopped by the Tanzanian police. Why should the Kenya Government not protect its people in the same way as the Tanzanian people have done? It is important that in this border trading centre there should be a police station. As the hon. Member for Kuria has said, every time these burglars or robbers come from Tanzania, and rob or beat or do other types of damage, they immediately run across the border. It becomes very difficult, because in normal cases a police officer amongst his people would chase the thieves, robbers or criminals for miles and miles until he has been caught, but near the border where a person has a chance to run across the border, and our police cannot follow him, it is very important that there should be a police station near by. The Motion, as it is, asks for very little. It asks for compensation, because these traders have worked hard for their property. This Motion also asks for protection. It is unfortunate, Mr. Speaker, Sir, that the traders who have worked so hard to build up their shops in order to keep their goods in them, and who keep good accounts and take care of them and probably even starve themselves so as to enrich Kenya are just left like that.

Mr. Speaker, Sir, I hope that when the Minister comes to reply to this Motion he will give us reasons why the people in the Nyabasi Trading Centre have not received the necessary protection

required from the Government. Our Government has said many times, and we believe it, that the first duty of the Government is to protect its citizens. These are citizens of Kenya. They should be protected. Being near another country they would feel rather sad if left to look after themselves. The Government should make a move to establish a police centre in order to make these people feel secure, so that they can trade properly. It is only recently, Mr. Speaker, Sir, that we heard that firearms passed through this area and that they crossed into Kenya and they were not caught until they had gone miles away from the Kenya border. How do we know that more firearms have not passed through? How can we be told for certain that more firearms have not passed through there?

Mr. Speaker, Sir, it is necessary, because this is a border area, even if the Government is not ready to compensate immediately, they should see fit to establish a police station there immediately. Mr. Speaker, Sir, the police should be on the spot at the Nyabasi Trading Centre. These traders, unless the Government feels that they are not loyal and they have to prove to this House that the traders in the Nyabasi Trading Centre are not loyal, have been asking for their own property to be protected. They have asked for firearms. They would buy their own firearms, they are not asking the Government to buy firearms for them. Why stop them from doing this and still not protect them? If the Government is not ready to give them firearms to protect themselves, the Government should then establish a police post near-by and put a guard there daily, so as to enable these people to trade freely. We want this trading to grow and become a big trading centre and even get a lot of goods from Tanzania to Kenya, but if the traders live there in fear, as well as the citizens, then we cannot progress. I hope that the Government will see to it that they protect the property of every citizen in Kenya, but not only a citizen of Kenya. If someone has come to trade in Kenya, even if he is a foreigner and he trusts the Kenya Government, it is necessary, because this person has been given proper licences and follows the laws of the country, that he should also be protected.

It is unfortunate, Mr. Speaker, when we hear that some traders at the Nyabasi Trading Centre have had to run away to Tanzania. This gives a bad name to our Republic. Some others have run over to Homa Bay, why was this necessary? Let us have this trading centre protected.

Mr. Speaker, Sir, I do not need to relate the whole story because the hon. Member has said enough, all that I am asking for from the Government is to immediately give police protection

[Mr. Muti]

a pity that that hon. Member is not here, but if he were I would tell him that the Mover is not frightened of any opposition whatsoever. He has stood on two occasions, and on both occasions he has come here. Not only that, he has been opposed by two people who have both lost their deposit, therefore, there cannot be any question of having any fears from any quarters from any man.

Mr. Speaker, all we are trying to do here, what we are trying to make understood in this House is that we want to give women the chance to make a start. We are not suggesting that they cannot ever come here. We know that in time they will. We want them to make a start, they have been late starters, as I said, and we want to give them a chance to make a start. Mr. Speaker, when people talk about equality here, they forget at the same time that we are not, in many ways, equal in the sense that men have had advantages which women have not had. This is the thing we want to put right. We want to give them a start here. As a matter of fact, Mr. Speaker, it surprises me to see the attitude of some of the hon. Members of this House. Whereas in the old colonial days, it was found necessary to have women Members in this House even to nominate women Members to the Legislative Council, today, this independent Government thinks that such a thing cannot happen. We seem to be less liberal than the imperialists and I hope that the women of this country are noting this. It is no use arguing that women do not want to be given this privilege, that they will fight for themselves. Of course, they will, one day, but what I want is to see them given an opportunity. Again Mr. Speaker, when people quote other countries and say that other countries have no women members, West Germany and so on, we will not be guided by what happens in other countries, we shall decide on our interests here as we see them. Mr. Speaker, I know of countries where there are provisions that can make it possible for women to be brought in if they cannot come through the normal election. In some countries constitutions provide for nomination by someone like the President, in which case he can nominate women when it becomes necessary, we know this happens, but we have some Members who spoke as if this had never happened anywhere else, and which seemed only to expose their lack of knowledge of what happened in many other parliaments. So, Mr. Speaker, I really believe that we are fighting for a very genuine cause, and that the women of this country would like us to do exactly what this Motion asks should be done. I do not agree

with those who take the view that women have not given us a mandate. Of course, no woman has told me to come here and stand and speak for them. I do not have to be told to come and speak for anybody, it is for me to see where there is the need to speak, and then to speak for those needs.

Mr. Speaker, I still maintain that we have a very strong case. I beg to move.

(Question put and negatived)

### MOTION

#### PROTECTION AGAINST TANZANIA BURGLARS

Mr. Maitori-Itumbo: Mr. Speaker, Sir, I beg to move:—

THAT this House being aware of the lack of police protection for the lives and properties of the Nyabasi Trading Centre traders, harassed by frequent attacks by Tanzania burglars, calls upon the Government to compensate them for their losses and show them where to go for safety; and furthermore return to the following traders their arms: that Government has seized: Abdi Hassan, Abdulahi Abdi, Saidi Barudi, Mohamed Noor.

Mr. Speaker, Sir, the reason why I said that the House is aware of the situation in my constituency is, Mr. Speaker, because these traders in 1963 as a result of the clashes that arose in the present North-Eastern Province, my supporters in Kuria Constituency, in this particular market, Mr. Speaker, had firearms. They were given firearms to protect themselves and their property in this place.

Mr. Speaker, Sir, because of the suspicion the Government had of all Somalis all over the country, their firearms were seized from them by the Government. Mr. Speaker, since then, because the market is on the border of Tanzania and Kenya, the people of Tanzania realize that these people had nothing with which to protect their lives and properties and they began to harass them by attacking them at night, taking away their property and breaking into their *dukas* and in every case, Sir, these people did report to the nearest police station, which is at Kehancha, about sixteen miles away.

Mr. Speaker, if I am allowed to quote instances, the first one was on the 10th October 1963 when the trader known as Abdi Hassan had his shop broken into at night, his property was taken away by these burglars and the property was valued at Sh. 16,210, and other things like his radio and house furniture were taken away as well by these people who robbed them with violence. The same person, on the 18th of the same month, was robbed again. By then a watchman had been

[Mr. Maitori-Itumbo]

employed and he was out watching and he was beaten up completely, he was even unable to walk and he was taken to the hospital and his name was Marwa and he was badly wounded. Property worth Sh. 9,100 was stolen by these particular robbers. Again, in the same month and in the same year, Mr. Speaker, these people came back again and robbed the same shop, beating up the two watchmen until they were almost dead. When the owner of the shop tried to come out to resist the action, one of the young men known as Abdulai Rigar was beaten, and he was taken to hospital that very night, and he died the next morning.

Mr. Speaker, the next one was on the 5th January 1964 when a man known as Nyamohanga Mengangi was killed while working as a watchman at the same *dukas* belonging to Mr. Abdi Hassan. Mr. Speaker, it has seemed to us that these instances are being encouraged by our Government because the Government does not take any serious steps and they do not really care about the lives and the properties of these people at this trouble spot.

In our Constitution—if I am allowed to quote—on page 32, we have fundamental rights which claim to protect the individuals. I quote section 14, Mr. Speaker:

Whereas every person in Kenya is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, tribe, place of origin or residence or other local connexion, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—

- life, liberty, security of the person and the protection of the law;
- freedom of conscience, of expression and of assembly and association; and
- protection for the privacy of his home and other property and from deprivation of property without compensation—

Mr. Speaker, I strongly feel that our Government did not care to protect these particular people because I feel—and other people in my constituency feel—that because these people are Somalis and their tribe is known as *Shifita* fighters, my constituents are being neglected because they are Somalis. This is unconstitutional, Mr. Speaker, and it is wrong of Government to do this.

The next person who is also regularly attacked by these burglars from Tanzania is a man known by the name of Abdulai Abdi. In the same year,

on the 28th September 1963, Abdulai Abdi's shop was broken into and property worth Sh. 7,600 was taken away and several men, his wife and children, were beaten up, there was blood everywhere. The police were called and when they came they brought a dog from Kisii—a distance of ninety-nine miles—and when the dog came, Sir, it did not help much because by then, Sir, these people had gone into the interior part of Tanzania. The trading centre is right at the border, it is just a few yards inside Kenya.

The next incident was on the 24th October 1963, when the same man was attacked again by the same people from Tanzania. I say people from Tanzania, Mr. Speaker, because whenever an incident takes place and when the tracks of these people are followed they are found to lead into Tanzania. I do not know, because most of these cases happen at night, nobody knows whether it is our people who come, some of them might be in co-operation with these Tanzania burglars, and then come and attack these people and follow the Tanzania route. I cannot really tell, but whenever anything like that happens, Sir, tracks automatically lead to Tanzania.

Mr. Speaker, Sir, this man was again attacked at night, his family were beaten up and his belongings were stolen by these thieves and the cost of this property amounted to Sh. 3,900. Some of the people dealt thoroughly with these people.

The next man is Mohamed Noor, he is a trader in the same trading centre. All of these are Somali people. Mr. Speaker, when I tried to intervene in this matter and when I tried to see the Government and the police about the protection and the defence in the area, they seemed not to take any serious action. That is why I wonder whether the Government is, maybe, feeling that because these people are Somalis they are not supposed to be protected. Mr. Speaker, the Constitution says that whatever race one is, whatever belief, whatever religion or political opinion, all the citizens of Kenya deserve the right of protection, of their lives and their property. Mr. Speaker, I strongly feel that these people are being hated automatically simply because they are Somalis, and I believe, Mr. Speaker, that these supporters of mine have stayed in this area for over twenty-five years and they do participate in Kuria customs and traditions. I do not see any difference in these people although they are Somalis and I strongly feel that they are part and parcel of my tribe in the area. They are voters of mine, like anybody else.

Mr. Speaker, the Government is not prepared to protect these people while they also pay their plot rents and also their trading taxes, as other people in Kenya do.

[The Minister for Commerce, Industry and Co-operative Development] women prove their ability in talking, let them prove that they are strong, that they will not come here and cry in front of men.

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

The Speaker (Mr. Slade): Mr. Njonjo, you have just ten minutes.

The Attorney-General (Mr. Njonjo): Thank you, Mr. Speaker.

I know that the hon. Members who have spoken in this debate will be the first to say that I am the least qualified person to speak on this Motion. However, I have to reply on behalf of the Government and say that the Government does not accept this Motion because it is misconceived. If one has read the Constitution one will have realized, the hon. Mover who moved this Motion will have realized, that there are no impediments in our Constitution to bar women from becoming Members of this honourable House.

I need only refer the hon. Members to the disqualifications to become Members of Parliament. None of the disqualifications mentioned in our Constitution refer to sex. No one is disqualified from becoming a Member of this House because she is a woman.

Mr. Speaker, the hon. Mover did say that we should allocate special seats to women. I do not think even the women themselves would like seats to be specifically reserved for them. I would have thought that if women wanted to take an active part in politics in this country they should fight their battle as their menfolk. After all, I think I have heard women say that they are equal. If there is this equality, which is recognized in the Constitution, the women must be prepared to fight elections in the same way as the men do.

Mr. Speaker, there has been an attitude on the part of our women in this country, to think that politics or special reserves should be made for them, particularly in jobs or in politics or, for instance, in this House or in the Senate. My own submission, Mr. Speaker, is that if these women, and I am addressing my remarks to the hon. Member, if these women have advised you that the Constitution bars them from becoming Members of the House, I hope you will inform them that the Constitution is quite clear and they can become Members of Parliament. What these women should do is to join local political parties right from the bottom, and then work their way up.

Mr. Speaker, it is not clear from the Motion whether the hon. Member has joined the suffragette movement. If he has, then he has not been

properly advised: All that the women of this country need do is to join their local Kambu branch, fight their way up, join in the fight for nomination as candidates for the next election, and win the support of the electorate. All I can do for my part, is to wish them luck in the next General Election.

Mr. Speaker, having said that, and I say it quite seriously, our Constitution does not contain any bar to women in joining the rough and tumble of politics if that is what they want to do.

The other point, I think there are other hon. Members who are more qualified to speak from personal experience which I have not got, on either the weaknesses, the strength or the capabilities of women, I cannot speak on that. The only point, Mr. Speaker, I can say is this. A few minutes ago in this House we were trying to get 65 per cent of hon. Members in this House. Mr. Speaker, can one imagine for instance, if we want one vital vote and at that crucial moment we are faced with some maternity cases in this House! Then, of course, we would not get that vote, and the Bill—I hear an hon. Member mention labour pairs, that might be another point, Mr. Speaker. The other point, Mr. Speaker, that the hon. Member will have to think about, is that if we were to admit women to this House, then I think, Mr. Speaker, you will have to have another thought about the accommodation in this House, and perhaps we might have to think of a maternity wing in this House. Mr. Speaker, as I said, the Government opposes this Motion. It is unnecessary, and as I said, the Constitution clearly provides for women if they want to fight in the election.

Mr. Speaker, I oppose the Motion.

The Assistant Minister for Works, Communications and Power (Mr. G. Godana): Thank you, Mr. Speaker. I am standing to oppose this Motion, and I wish to make clear that this Motion actually scorns our women. Although the Mover is trying to help our women, this House is ignoring our women, because we are precisising the normal democratic way, if we say that women should have a special place to sit, that means they are not allowed to participate in any election. I think the Mover, although he is in sympathy with the women, is just trying to cool down the women ready for the general elections, which are so near. If the hon. Member would like to help our women, there is the simple way of just teaching them how to campaign, and also to teach them how to participate at public meetings, and join our Kambu branches, as my colleague has just said, thereby getting proper seats. When we say that we have to

[The Assistant Minister for Works, Communications and Power]

provide one or two seats for them in this House, is this really going to help them? We said that this is really going to help them. We said that we would keep one—this was actually asked me by the Mover—and we said that we would select one or two for special ones, then do we decide that they can also participate in the General Election? Or do we just give them one or two seats, and then they will not be allowed to take part in another national election? If that is the belief of the Mover of this Motion that one or two seats will be enough, that is wrong. A woman is equal to a man, and they must practise all the public works including political and other services as well; as they are doing in other parts of the world. I do not see why only the women of Kenya should be helped in that special way, while in other parts of the world they have equal participation in any elections, the same as the men. To encourage this, let us not forget when we are trying to help our women, we must help them in the right way. This Motion appears to ignore them and suggests that they are not taking an interest in the elections. I hope our women are here to hear this, but they are not here now. The women must not forget that this Motion can actually help them. What they should do is to keep participating in the normal way at the elections as any other Member of this House does. Mr. Speaker, we have, as somebody mentioned, we have a special election; we have the women contesting for the special seats, and there is no objection. If there is no objection, why has this question arisen? If there is no objection for women to come to this House, why should this question arise?

The Speaker (Mr. Slade): I am afraid I have to interrupt you now, it is time for the Mover to reply.

The Assistant Minister for Works, Communications and Power (Mr. G. Godana): Mr. Speaker, I beg to oppose.

Mr. Matti: Mr. Speaker, Sir, may I begin by thanking those hon. Members who supported this Motion? May I also express my disappointment that the Attorney-General has found it necessary to reject this Motion? First of all I suppose the Attorney-General was not serious when he made reference to some possible complications which might arise if we brought women, some maternity complications. If these complications are real then the problem is not solved by not agreeing with me, for the simple reason that the Attorney-General argues that women can get in here through the normal channels. What will happen when these women come here? Or will they be some special women?

Mr. Speaker, Sir, some of the hon. Members chose to either misconstrue what I said in moving this Motion, or deliberately to ignore the facts as I stated them. The hon. Special Elected Member, who is not here, I wish he were here. Mr. Matinda, said that provision already existed for women to become Members of Parliament, this has been repeated several times by a number of other Members including the hon. Attorney-General. It is not because I was not aware of this, as a matter of fact it might interest the Attorney-General to know that I was one of the architects of the original Constitution, and I am fairly well versed in its contents.

Mr. Speaker, the same hon. Member argued that there was no need to have some entrenched clauses to have women here. This is strange coming from such quarters for the simple reason that without an entrenched clause in our present Constitution, such a Member would not himself be here. He is a Special Elected Member simply because there was that entrenchment. I can well understand his difficulty in understanding the political views of women since he has no constituency. As a matter of fact, when he says that women do not address public meetings he exposes his absolute lack of knowledge of what is going on in Kenya today, because we have had women at our meetings, they have addressed big rallies, and we know that they are quite capable of making themselves understood. Mr. Speaker, the same gentleman was again wrong when he said that no woman had ever tried to stand for election and so on. These are points which have been dealt with.

Those hon. Members who argue that, by refusing to support this Motion, they are supporting the idea of unity that they do not want to encourage divisions are misguided in my opinion. Mr. Speaker, we are not suggesting, and I made it quite clear when I was moving this Motion, that I was not suggesting that women should vote on separate rolls, or that they would vote for women only. I did not even suggest that for women who come here will come to speak for the interests of women only. That is not the case. I said that women's views here would be valuable. The Specially Elected Members who are here do not necessarily represent the views themselves of the Specially Elected Members, they are supposed to view matters broadly, and to tackle the problems of this country nationally.

Mr. Speaker, Sir, the hon. Mr. Osoyo who made some quite useful remarks and I think he was fairly balanced in his views, made an error when he said that perhaps the motive behind moving this Motion was that the Mover was frightened of being opposed by a woman. It is

**[The Assistant Minister for Agriculture and Animal Husbandry]**

Mr. Speaker, I have seen many times in our Government that because our Ministers cannot express the views of the women in the United Nations Organization, they pick a woman from outside the Parliament, from anywhere, and send her to the United Nations Organization to represent the women of Kenya. Those men who say that they understand the grievances of women are not able to stand on those platforms and put the subject in the same way that a woman would. It is not that they do not understand, but that they cannot express things exactly as a woman would, because she is the one who feels it, not the men. The point is that a woman can put forward her grievances much better than a man can.

So, we should give a chance to these women to be represented here and if one of them came to this Parliament and started speaking about the grievances of women, every Member here will be impressed. Then we will know how strong the grievances of women are.

Mr. Speaker, we owe a lot to women. Knowing that we owe a lot to women, realising that they are very intelligent and that we tend to underrate their intelligence, we should give them a chance to come to this House so that they will give us a chance to know exactly what they want without us having to go round at night to find out what they want. We want to find these things out during the day, not only during the night, during the day and during the night as well.

We know that women are our mothers. They have managed to bring us up, they have managed to keep us alive. Is a woman not intelligent if she can keep a man like the hon. Ngala Mwendwa for nine months in her womb? Yet we say that women are not great! Mr. Speaker, women are great and they should be given a chance of being represented in this House. Women are our companions in childhood, in life, in grief, while we are happy. You will find that when a man is very happy he needs a woman beside him to complete his happiness. This is quite true. If we had some women in this House today you would find that some of us would not be sitting very far from them!

During the Emergency, Mr. Speaker, Sir, women helped us very much. They have strong and loyal hearts. In most cases, they carried the secrets of the freedom fighters and they never let the country down. In that case, they are entitled to a place in a Government for which they fought so strongly, a Government for which they were prepared to lay down their lives. They were humiliated in the same way as

men were. Well, why then, Mr. Speaker, should we not have them sitting next to us in this Parliament? If they cannot come in through the main door, we can have legislation to enable them to come here and share in the fruits of their labour. Let them contribute to fruits of their own independence.

This Motion gives us a chance now to shed our cloaks of hypocrisy because we have been hypocrites. We have not told the women the truth. We have been telling them that they are the masters of the kitchen, but now this is the right time to tell them that they should not sit only in the kitchen, they should share the destiny of our country with us. We do not want them merely to sit in the kitchen.

The purpose of this Motion is to ask the Government to bring special legislation so that women can be brought to this Parliament and they can sit down with us, talk their minds, organize themselves here, not behind us. I understand that there is an organization called *Maendeleo ya Wanawake*. Reading the newspapers, now and again I find them saying, "The Parliament has no woman. If these men in the Parliament continue to have no woman in the Parliament, we will have nothing to do with them, because they are keeping us down all the time." So, Mr. Speaker, this is the right time when the women should be given chance to come here. If these women have started expressing their grievances in such manner, it is high time we gave them a chance to show us that they are capable. It is no use telling them to sit down and say, "You women cannot do anything in Parliament." I believe that women can do a lot. When you read in the papers of these women shouting at conferences, that they have been let down by men, I feel they are quite sincere about it. We must now show them that they are our partners, we should sit together, plan the welfare of the country together and then we will find that our Kenya is being given some contributions by the women.

So, I support this Motion wholeheartedly.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Mr. Speaker, Sir, —

**The Speaker (Mr. Slade):** Mr. Mwendwa, are you the official Government responder?

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** No, Sir, I am speaking as an ordinary Member. I am not speaking here on behalf of Government. I only want to put my views with regard to this interesting Motion.

**[The Minister for Commerce, Industry and Co-operative Development]**

Mr. Speaker, the Mover of the Motion indicates that all that he needs is to have a provision in the Constitution so that there is room for one or two women to come into this Chamber. I do not oppose the fact that we should have women here in this Parliament, I agree entirely with that view, but, Mr. Speaker, what I really object to is to the putting of a provision in our Constitution so that we can have one or two women in our Parliament because, the moment we do that, we will be actually admitting that a woman is weaker than a man, both physically and mentally. The hon. Member for Kirinyaga, Mr. Gichoya, said yesterday that women are weaker than men. I do not know whether it is necessary to have a provision in the Constitution in order to allow a woman to come here.

Now, our Constitution as it stands, does not object, does not stop, a woman from coming to this House. This is testified by the public who are the voters, by the intelligence of the woman, by the ability of the woman who stands to contest any seat. Mr. Speaker, perhaps the Members do not know that during the last election I was opposed by a woman in Kitui, I never abused her in any public meetings. I used to call her to my own meetings, I used to give her all the assistance necessary and, in fact, when she lost her deposit, her husband said to me, "Mwendwa, I thank you very much because you never abused my wife. You always treated her very well; you told your youth wingers not to beat her or bully her." I think this is what is needed. We should give the women a chance to prove their ability. This cannot be done by a provision in the Constitution, that we should put a woman here because she is weak. If she is weak, if we admit she is weak, what is she coming to do in this House? We require able, strong people, people who when they are abused, listen to accusations happily. If a woman is abused here, she might start weeping in front of people. I am sure we do not want to see such things in this Chamber. We have known women politicians in other countries collapsing when things become stiff for them. They collapse! I would not like to be represented by a man who just collapsed because something went wrong. In fact—the Members do not remember—at the last election when we were electing the Members for the special seats, there was a woman contesting a seat. These very Members who are now bringing such Motions here, and also talking very sharply about women, did not give this woman any votes. In fact, she only obtained one vote. Only one! The people who are talking now, supporting the

women, did not vote in favour of that woman then. Mr. Speaker, is not all this hypocrisy? I would have liked to see more hon. Members voting for that woman.

Mr. Speaker, there was a very interesting point raised by the hon. Member who spoke last. He said women are our companions, our partners. It is true that they are our partners. When I come to this House Mrs. Mwendwa is my partner, but where is she?

An hon. Member: She is at home.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Although she is at home, she is here with me in spirit. How can I come to this House if she has not clothed me properly? How can I come here if she has not given me food, if she does not see that I am able to talk? Can I be told by any Member here that when a woman accomplishes her duty, she is not actually in Parliament with the Members? What other duties do we require our women to do? Are we forgetting that when we are here, when we are talking, our women are at home looking after our homes, our children? If Members go home and find no food, believe me, Sir, next morning they will raise hell here. Something will definitely be going wrong then. Surely, Sir, when God created woman—and He knew the duties of a woman—He told Adam, "I am going to make woman your partner." That is what He said. You cannot have two partners sitting here while the children have no one to look after them at home.

I am sure Members will support me here. Although we say in this Chamber that we want women to come here, nobody wants his wife to come here. I for one would not like that; I would not like Mrs. Mwendwa to be here, because whenever I go to Kitui I must be assured—very much so—that the Members here are not sitting near her.

So, Mr. Speaker, my question is this: what women are we talking about? Are we talking about mature, unmarried women? I do not want my sister to be represented by a woman who has failed to get a husband! No, I do not want to be represented by a woman who has failed to get a husband. The first duty of a woman, any woman worthy of her name, is to get a husband. This is the first qualification of a woman. If she fails to get a husband, she has failed her first examination, and she is not worthy to represent anybody, Mr. Speaker.

Therefore, all that I ask the Members to do is to put the women together with the men in any election. Our Constitution allows that. Let the

[Mr. Kibng'o]

agreed to marry. You are brought up by your fathers and I am brought up by my father and we agree to live together. Nobody is buying the other one." But if we say that they are inferior, I think this abuses them terribly and I hope the hon. Member will have a partner to advise him what to do.

Mr. Deputy Speaker, Sir, having said that, during the time when we were contesting for national seats, there were men but there was only one woman who came forward, there might have been two. Whereas I think there were about twenty men. Why is it that the women did not come forward? After everything had been done that was the time when the women went to demonstrate outside on the advice of some hon. Members in this House. This is really bad. People should not twist women around and tell them not to go and contest seats, but just wait until everything is finished and then go and demonstrate. How does this help?

Mr. Deputy Speaker, Sir, I do not need to say much more. I hope that the hon. Mover and Second will see the necessity for equality in this country and the necessity for not having any discrimination and will not abuse our women by creating a special discrimination against them. In fact I have heard of some countries outside, West Germany for example, where you can go there and see that the women are free but you do not have a single woman in the West German Parliament. Why? We do not need special consideration in Kenya. Women are as equal as men and must be treated equally.

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo):** Mr. Deputy Speaker, Sir, I have to speak very shortly on this debate. I would like to inform the hon. Mover of this Motion, Mr. Deputy Speaker, that this kind of Motion is very unfortunate here. What I would like to remind the House of is what happened during the time we were electing the Specially Elected Members. We had two candidates in this role, during the time that we were electing these national Members, and the hon. Mr. Malinda has said that there were no women. This is not true. We had women candidates and I remember, Mr. Deputy Speaker, that these women candidates had sponsors who signed their forms, but when it came to the actual voting in this House by the very hon. Members that are either moving this Motion; supporting it, we voted and each one of the women obtained only one vote, despite the fact that their forms had been filled up and signed by some hon. Members. The hon. Members will remember at that time there was a lot of interest in these women candidates. There

was a lot of moving in and out from Parliament Buildings and I am sure that they were trying to tell these women that they would vote for them. But when it came to the actual voting where we would have at least a chance of a lady going through—

**Mr. Mbogoh:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has made a very serious allegation that Members of this House were going in and out to tell these women that they would vote for them. Can he substantiate that any Member did that?

**The Deputy Speaker (Dr. De Souza):** No, I do not think that is the type of allegation that requires substantiation. I think the hon. Assistant Minister was in fact drawing an inference by the fact that Members were going in and out and talking to them.

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo):** Mr. Deputy Speaker, the fact that we signed the nomination papers of these ladies and each of them received one vote, proves that we were not sincere in the way that we were talking to them, so if at that time the hon. Members had been sensible, and the hon. Mover of this Motion should have moved in the Parliamentary Group that nominated the candidates, that he wanted a woman. During that time there were those with the selfish idea that men should come through. Mr. Deputy Speaker, we should not come and shed crocodile tears at this time by complaining that we do not have women in this Chamber. Indeed, Mr. Deputy Speaker, with due respect, it would be my pleasure to have a lady in this Chamber; but because we were selfish when we were alone as an electoral college where we could have exercised a certain amount of sympathy towards the ladies, if we did not do this there is no reason why we should not have a special section in our Constitution to cater for the women's interests.

**Mr. Deputy Speaker,** with due respect to the ladies that might be in this House, most voters in this country are women and I for one know that 80 per cent of my voters were women—80 per cent—and I am sure that if they put up a capable candidate in any constituency they would challenge men. I am very sure of this. Maybe the hon. Mover fears this move, maybe he might be challenged by a woman who, if she was capable of convincing women voters, all the women's votes could go to women. What are they waiting for, Mr. Deputy Speaker? There is no Member here who came in with a majority vote of men except the Specially Elected Members. Any woman interested in coming to this House should rely on the votes of her sex.

**[The Assistant Minister for Agriculture and Animal Husbandry]**

Mr. Deputy Speaker, there is another very interesting point that was raised by the hon. Member for Gichugu: He said that the twelve Members who were specially elected to this House should resign their seats or should be sacked from this House, I think—I forget the actual word he used—now, I do not know, and I am subject to correction, if the hon. Member for Gichugu actually sponsored any of the ladies that had contested these special seats and if he did I do not know if his is the one vote that voted for one of the candidates. In any case we cannot find out if he did vote, but if he did not sponsor—

**Mr. Gichoya:** On a point of information, Mr. Deputy Speaker, Sir. According to what we heard during the time of the nominations for these Specially Elected Members, it was the party that decided on the candidates and sponsored at least some of the candidates. We were told by the Whip, and also the President of the Republic said, that these are the people who ought to be there. For your information, I did not sponsor a woman, but I am insisting that there should be a place under the sun today when we are free—

**The Deputy Speaker (Dr. De Souza):** I think you have made your point.

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo):** Mr. Deputy Speaker, Sir, in fact that information is not information, because I know there was the Party Whip behind that and I know that after the Whip had whipped us in the party nominations, there were people who still signed the forms, so there is no question of the Whip having whipped us to nominate particular people. If we followed the Whips, honestly then people should not have signed the nomination forms for these candidates, so I do not think that the Member for Gichugu is right in saying that he followed the Party Whip.

**Mr. Deputy Speaker,** it is very unfortunate that this Motion has come up unless we have other interests in this Motion. I think the ladies have not given us this mandate and have not told us that they want special treatment. In fact, just as the hon. Member for Ndia has said, they will not accept special treatment.

They always say in their own organizations that they do not want to be treated in a special way. They can fight their way. If they have said this, and it is in several public places, I do not see how a Parliament like this one should regard women as the weaker sex when they regard themselves as being no weaker than the men. If

they do that, then, obviously, Mr. Speaker, they would not expect us to be here to legislate specially for them.

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

**Mr. Mbogoh:** Mr. Speaker, Sir, I am glad that some sense does prevail in this House now that the hon. Member has decided to bring this Motion after keeping quiet for a long time. I am sure the hon. Mover was thinking about this Motion for a long time. It is obvious that there will be difficulties in connexion with the representation of women in this House.

Sir, during the last election, in which there were some women who stood for election, but they were always opposed by men. In most cases, the men in these constituencies spent their energy fighting these particular women so that they could not come to Parliament.

Though we know that, at present, the majority of our voters are women, you find that the imperialism of man does not allow a woman to contest a seat properly. Every time a man looks at a woman, he thinks he can colonize her and do so effectively.

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

*[The Speaker (Mr. Slade) resumed the Chair]*

The imperialism of man has kept the women out of this House so strongly that I think the Members who oppose the inclusion of women in this House are still trying to show their imperialistic nature again, after defeating the women during the last election.

Mr. Speaker, Sir, it was quite fortunate that the hon. Member for Gichugu, who stood to give his views when seconding this Motion, was frank. He showed that he did not know the difference between a pregnant woman, an old woman, a young woman. This shows that we need somebody to come here and enlighten us on this. We need to know more about women. Although we know women, we also know there are problems which are different. There are some of us here who would not be able to recognize these problems.

Sir, as some politicians have said, some countries are ripe for revolution, I wish to state here that the revolution of women in Kenya is ripe now, because if men continue to colonize them like that, it is high time they revolted against these imperialists and became their own masters. Then they would be able to come to Parliament. We would like to see what the kingdom of women will be. It will be the best. I am sure.





[Mr. Shikuku] could have palantypists to take a verbatim report so that we could be furnished with the full report of all that has been said. If we do not have a check on whatever happens in this committee, Mr. Speaker, the public funds—I do not want to say that they would be misused, but there is a possibility of overlooking some of the items which should have alerted the House to the fact that something was going wrong.

I support the Motion very much because I am of the opinion that I must know of every single cent belonging to this country which is being spent, and I should be given a full report rather than being given the excuse that we do not have palantypists to take verbatim reports. Therefore, Mr. Speaker, I submit very strongly to the Government that the only solution to this would be that this committee should meet on days other than the days on which Parliament sits so that the palantypist could take a full report and report to us in this House so that we could know what is going on with the public funds.

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

I was wondering, Mr. Speaker, whether I am in order—since there is no amendment to be made—to end by suggesting that this committee should meet on days other than the days when Parliament sits?

The Speaker (Mr. Slade): You cannot move it as an amendment, I am afraid, because I have not had written notice of it. Mr. Shikuku, though it is on record in the debate.

I will call upon the Mover to reply.

Mr. ole. Tlps: Mr. Speaker, I would like to thank the hon. Members who have taken part in the debate on the Public Accounts Committee and, in thanking them, I would like to thank those officers, those in the Controller and Auditor-General's Office, who have let nothing go really unchecked and who have done their job in such a way as to point out to the Public Accounts Committee whatever excesses have been incurred in the public funds of the Government of our country.

I would also like to thank the hon. Members and assure them that we, on our part, feel that we are duty bound to report anything which smells as far as public accounts are concerned, and we shall not hesitate to do so.

With regard to the question raised by the hon. Member, my friend, the hon. Member for mendous pressure of work on our palantypists Butere, as I said earlier there has been a tre-

and this has more or less made our job very difficult. In addition to that, there was a delay in appointing the members of the Public Accounts Committee. I can assure him that we already have the machinery in hand and, of course, I hope that we shall meet some time in April when this House will be in recess and we shall not be in any hurry, we shall properly and carefully scrutinize all the accounts as required by the Constitution of this country.

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

(Question put and agreed to)

## MOTION

### WOMEN IN PARLIAMENT

THAT this House urges the Government to introduce legislation to amend the Kenya Constitution so as to provide for the special representation of the womenfolk of Kenya by women in the Parliament of Kenya.

(Mr. Mati on 8th March 1966)

(Resumption of consideration of Motion interrupted on 8th March 1966)

The Speaker (Mr. Slade): In this debate at the time of interruption Mr. Gichoya was seconding the Motion and he had still six minutes to go. We had spent altogether eighteen minutes on the debate which left one hour and twelve minutes, so that I shall be calling on the Mover to reply about one hour hence, if we do not conclude the debate earlier.

Mr. Gichoya: Mr. Speaker, Sir, I stand again to more or less to repeat what I said that it is high time that we encouraged the womenfolk of this country in taking part in nation building here in the House. As I said yesterday, we have the twelve Specially Elected Members, but the reasons behind electing these twelve Members were that since we had two parties in this country and it was feared that one party might be having a very narrow majority, and in order to carry on the work of the Government that party with its own Whip could muster the twelve seats and then it would have a proper majority in the House. Now we have the one party system and there is no need to have these twelve Specially Elected Members. As a matter of fact, if we cannot add additional seats for women, I would suggest that these twelve Specially Elected Members be removed from this House—

## QUORUM

Mr. Bonaya: On a point of order, Mr. Speaker, is there a quorum in the House?

The Speaker (Mr. Slade): No, ring the Division Bell.

(The Division Bell was rung)

The Assistant Minister for Labour (Mr. Odoro-Jowi): On a point of order, Mr. Speaker, I do remember once you suggested that an hon. Member should not inquire about a quorum and that he should not rise on a point of order to ask the question as to whether there was a quorum. I was wondering if we could not ignore that now and continue the debate.

The Speaker (Mr. Slade): No, once it has been raised it is mandatory to go on waiting until we have a quorum, or adjourn if we have not.

We have a quorum now. You may continue Mr. Gichoya.

Mr. Gichoya: Mr. Speaker, Sir, in supporting this Motion, which I am seconding, my intentions are simple, that we must give women a place within this House, so long as we understand their problems. It is not that women could not compete fairly with men if we were under similar conditions. If we take the educational problem in this country. You hardly find any African graduates, whereas you can get as many African boys in the University. If one asks himself why this is so, the problem is that our customs have made our women remain behind, these are tribal customs and we should try to find an answer to bring a kind of balance between the two groups, that is the female and male groups in this country. Although, Mr. Speaker, it will not be possible to have 50 per cent women in this House, and 50 per cent men in this House, it is sensible enough, Mr. Speaker, if we can say that in every district let there be one woman representative in this House. In that case, Mr. Speaker, women, who have already contributed a lot, and at public meetings we find more women than men, and in voting we have more women than men. Because of their educational background—

An hon. Member: Why do you not marry?

Mr. Gichoya: I shall marry your sister tomorrow.

The Speaker (Mr. Slade): But you promised to marry someone else's sister yesterday, Mr. Gichoya!

Mr. Gichoya: Mr. Speaker, Sir, under the African tribal customs I can marry two or three.

I feel that we should, if possible, do away with the twelve Specially Elected Members we have, and replace them with women for the sake of the interests of the women. Or else we have additional special seats, one per district, and then we

shall retain the already Specially Elected Members who shout more but contribute less in this House.

Mr. Speaker, Sir, if we want to be fair, and we say that we are promoting the backward group, then women must be promoted as the backward section in our community. Women are really backward. Politically they are backward, and they follow what men say, and we want them also to be among the people who determine the destiny of this country.

With these few words, Mr. Speaker, in order to allow other people to speak I second the Motion.

(Question proposed)

Mr. Malinda: Mr. Speaker, Sir, I am going to speak my mind on this Motion.

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

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

Mr. Deputy Speaker, Sir, in speaking my mind I would like to oppose this Motion. I oppose this Motion very, very strongly, Mr. Deputy Speaker, Sir, the reason why I oppose this Motion is not because I do not like the company of women, I do, just like any other man, and if it is a question of being in the company of women, then I am there. But, Mr. Deputy Speaker, Sir, we have heard both the Mover of the Motion and his secondor trying to tell us that it is necessary to have special legislation so that it can be made possible for women to become Members of this House. I wish to submit, Mr. Deputy Speaker, Sir, that there is no necessity for such legislation because already there are provisions in the Constitution. Mr. Deputy Speaker, Sir, it is a pity if the Mover and the secondor of the Motion did not know that during the last elections we had women candidates who fought in the elections. If these women can do that, then there is no necessity for them to be specially entrenched in the Constitution, because even now they can become Members of this House. There is no provision anywhere which prevents them from becoming Members of this House. If, Sir, it is a question of organizing them, then, Sir, I submit that the women of this country have the most votes in the country and can bring in as many women as they like. In fact, Sir, if they so wish they could bring more women into this House than men, because they have the most votes.

Now, Sir, another argument was that the women have special problems which need to be brought up by women themselves. But, Mr. Deputy Speaker, Sir, here again I submit that by virtue of the fact that the Mover of this Motion



Mr. Mungor: Mr. Speaker, Sir, I think what I should say to the hon. Member is that there will be no question of discrimination, whether one is black, whether one is white or one is red, all are taken as Kenya citizens.

Mr. Odoyo: Mr. Speaker, Sir, the question here asks about Africanization and, as I understand it, the word "African" means a black man. Can the Minister, because this is not asking for a citizen but it is asking for Africanization, tell us when these Africans will be appointed?

Mr. Mungor: Mr. Speaker, Sir, to "Africanize" is the same as to "citizenize".

The Speaker (Mr. Slade): Order! We will go on to Mr. Kioko's other question.

#### Question No. 415

AFRICANIZATION: CHAIRMAN, NATIONAL PARKS, CHIEF GAME WARDEN

Mr. Kiamba, on behalf of Mr. Kioko, asked the Minister for Natural Resources and Tourism—

(a) whether he could tell the House when the post of Chairman of the Kenya National Parks Board of Trustees was going to be Africanized, and, also,

(b) the post of Chief Game Warden in the Kenya Game Department.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. This is a very interesting question. Sir, just now we have discussed Africanization and this is a question where, although the original questioner is not here, I hope the hon. Kiamba would like to know that the post of Chairman of the Board of Trustees of the Kenya National Parks is being held by a Kenya African; and it is very surprising that the hon. questioner does not know that he is an African now.

In answer to the second part of the question, the post of the Chief Game Warden will be Africanized as soon as an African officer with adequate qualification and experience is available. The Government has repeatedly emphasized in this House and elsewhere that the process of Africanization will not be carried out at the expense of efficiency in our services. Mr. Speaker, Sir, as soon as a suitable African candidate is available, the necessary steps will be taken through the proper channels to offer the post.

The Speaker (Mr. Slade): We have had this kind of question and answer so often that I think we can go on now.

Mr. Tumbi: On a point of order, Mr. Speaker, Sir, can I get your ruling on this as to how the Ministers are privileged to sit on our benches

when we are not allowed to sit on theirs? Why is the Minister for Agriculture sitting on the Back-bench?

The Speaker (Mr. Slade): Order! This matter, as hon. Members know, is governed by Standing Orders. What the Standing Order provides is that the Front Benches are exclusively reserved for Ministers. It says nothing about the back benches. If hon. Members wish to reserve the back benches exclusively for the Back-benchers, they will have to get another Standing Order through the House in due course.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, on a point of clarification. I am raising this question purely on a point of clarification. Mr. Speaker, Sir, how do we know whether an hon. Member has been authorized to ask a question on behalf of another hon. Member?

The Speaker (Mr. Slade): Because he says so. We take his word for it.

Now, Mr. Sagini, you have a Ministerial Statement?

#### MINISTERIAL STATEMENT

NAIROBI CITY EDUCATION OFFICER

The Minister for Local Government (Mr. Sagini): Yes, Sir. Mr. Speaker, Sir, thank you for allowing me to make a statement in connexion with a reply given by my hon. friend the Assistant Minister for Education to Question No. 382 and to the debate that ensued.

Mr. Speaker, Sir, I wish to clarify any misunderstanding that may have arisen regarding the relationship of my Ministry with the Ministry of Education with regard to the appointment of the City Education Officer. I wish to make it clear that, as Minister for Local Government, I have direct control only over the appointment of chief officers, namely the town clerks, clerks, treasurers and engineers to local authorities and in the case of medical officers of health and health inspectors, in conjunction with the Minister for Health. In addition to the direct control over the appointments of chief officers, I have, as Minister for Local Government, indirect control over the salary scales of all other local authority officers through my control over the estimates of local authorities.

The legislation regarding the appointment of education officers is contained in the Education (Entrustment of Functions to Local Authorities) Order, 1965 which states that the appointment of county education officers, assistant county education officers, municipal education officers, assistant municipal education officers and officers

#### [The Minister for Local Government]

responsible for supervision of primary schools shall require the prior approval of the Minister for Education. It is, therefore, obvious that as far as approval to the appointment of a city education officer is concerned, it is the direct responsibility of the Minister for Education. The legislation regarding the appointment of education officers is to be amended and I hope that when this has been done, it will be quite clear that the appointments of education officers will be made subject to the approval of the Minister for Education with the agreement of the Minister for Local Government.

Comments were made by the hon. Assistant Minister for Education in his reply on the anomalies in the salary structure of local authority officers. Although I think that this comment was irrelevant to the question of the approval of the appointment of a city education officer, I shall clarify this matter of salary structures for the benefit of hon. Members.

Prior to independence, we had, as you all know, African district councils, county councils and municipal councils. The county councils and municipal councils were controlled by the Europeans and the salary structure of the European staff was pitched as high as possible to suit their own needs and wishes. We then got rid of colonialism and local authorities were reconstituted to do away with racial divisions in local government. As hon. Members will appreciate, we were left with anomalies in the salary structure of various local authorities. Subsequently we were faced with *Majimbo*, so it was not possible for Central Government to streamline the salary structure of local authorities. *Majimbo* was dissolved and Central Government assumed responsibility for local government so that action can now be taken to eradicate the discrepancies and anomalies in local government which were a hangover from colonialism.

Mr. Speaker, Sir, my Ministry is, in fact, working on proposals for setting up a Local Government Service Commission with the idea of introducing a unified service for local government staff. In addition, as you will know, His Excellency the President has agreed to a commission of inquiry into local government to make recommendations to suit our present-day needs. This commission should commence its work next month.

Mr. Masinde: Mr. Speaker, Sir, I would like to bear more from the Minister, while agreeing with him as far as the appointment of the Chief Education Officer is concerned, but, Sir, we want to

know if it is not true that the Minister for Local Government approves the estimate for the City Council of Nairobi?

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, of course.

Mr. Ochwada: Mr. Speaker, Sir, I stand to be corrected by the Minister, but if I heard him correctly he said that his Ministry has direct control over the salaries of officers in local authorities. I believe that this also includes salary scales. Do we then understand that the salary scale of this particular person was approved by the Ministry of Local Government?

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I think you are confusing one thing. The salary of an individual officer or person is connected with the nature of his work. If he is a doctor, then he will be paid a doctor's salary. But, Sir, before a certain officer is allowed to work, he must be accepted and he was accepted by the Ministry of Education.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, I think he touched upon the question of being in charge of the appointment of clerks, town clerks, treasurers and so forth. Now, Sir, I was wondering whether he could tell the House if he approved of the salary earned by the Treasurer of the City of Nairobi, who, I understand, earn well over Sh. 15,833.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, the thing here is, and the hon. Member will remember, that these officers are expatriates who are on temporary terms.

The Speaker (Mr. Slade): I do not think we can go into any further detail at this stage. Hon. Members have to be patient and wait for the effect of this commission, I think.

I would remind hon. Members that the matter to be raised on the adjournment today is by Mr. Muliro on the matter noted on the Order Paper.

#### NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

FAMINE RELIEF IN TURKANA

The Speaker (Mr. Slade): I think, Mr. Ekitella, you were wishing to move the adjournment of the House under Standing Order 14, to raise the question of shortage of famine relief in Turkana?

Mr. Ekitella: Yes, Sir.

The Speaker (Mr. Slade): I am of the opinion that that is quite a definite matter, and if it is a fact, it is definitely an urgent matter. So if Mr.

## Question No. 399

## SHOOTING OF WOMAN IN WAMBA BY G.S.U.

Mr. Rurumban asked the Minister for Home Affairs what action the Government had taken against a General Service Unit policeman who shot Ester Wairimu on the 24th December 1965 at Wamba in Samburu District.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. The inquiry file into this incident has been forwarded to State Counsel, Nakuru, for perusal and advice.

As the inquiry is, technically, still under investigation, it is not considered appropriate to make any comment at this stage.

Mr. Rurumban: Arising from the Minister's reply, and in view of the fact that this incident took place a long time ago, does the Minister not agree with me that by continuing to keep this case as *sub judice*, he is deliberately and inevitably delaying the action that the Government could take against this man?

Mr. arap Moi: No, Sir.

Mr. Shikaki: Mr. Speaker, Sir, arising from the big "no" from the Minister, could he tell the House the reasons or the difficulties which have made it impossible to have the results of this case, since this was done in 1965 and it is now March?

Mr. arap Moi: Mr. Speaker, the hon. Member ought to know that thousands of cases are pumped into the State Counsels all over the country and, therefore, this is one of the many cases that are still being investigated so that justice may be done.

Mr. Choge: Mr. Speaker, Sir, is the Minister aware that the Government is indirectly promoting the shooting down of the Samburu every now and then by promoting some police officers who ordered fire to be opened on some Samburu previously, and that this has encouraged the General Service Unit policemen to shoot down the Samburu?

The Speaker (Mr. Slade): Order! Order! This question is only concerned with action against a particular policeman, not general policy.

Next question.

## Question No. 400

## MARALAL DETENTION CAMP

Mr. Rurumban asked the Minister for Home Affairs whether he was aware that Maralal Police Detention Camp was so small that detainees suffocated. If the answer was in the affirmative, what action would the Minister take to ameliorate the situation.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. No, Sir.

Mr. Odhaya: Could the Minister tell the House as far as his knowledge is concerned about what Wairimu was doing when the General Service Unit shot her?

The Speaker (Mr. Slade): Order! Order! We are on another question now.

Mr. Rurumban: Mr. Speaker, if the Minister is aware that the place for custody in the camp there cannot hold more than thirty persons, what method is the Minister taking to alleviate the problem?

Mr. arap Moi: Mr. Speaker, Sir, as there is no remand prison in Samburu District, convicted people have—of necessity—to be held at the police station pending transportation to prison. It is on occasions such as this that overcrowding occurs, but the police officers concerned are well aware of the problem and ensure that every advantage is taken of cash bail and bond facilities so that no more prisoners than need be are in the cells at any time.

Mr. Agur: Mr. Speaker, Sir, arising from the Minister's original reply, that there was no crowding at the detention camp, would he tell this House what is the square footage per head of detainee in that particular police station which justifies him to say that there is no overcrowding?

Mr. arap Moi: Mr. Speaker, I think this is a rather irrelevant question, but I did say that when convicted persons go to a central police station prison, bail or bond securities are accepted so that there is no congestion at all in the prison cells.

Mr. Rurumban: Is the Minister not aware that some of the prisoners who are not convicted are transported to Thomson's Falls for detention and brought back again before the court just because there is not enough room in the camp to keep them in custody?

Mr. arap Moi: Mr. Speaker, Sir, I completely refuse to accept that. There is nothing like this.

Mr. Agur: Mr. Speaker, Sir, on a point of order I consider that the Minister did not answer my question as to what is the space allowed per head.

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

Mr. Rurumban: Would the Minister then tell the House how many detainees can be accommodated in that camp in custody?

Mr. arap Moi: I would like to tell the hon. Member that when people are put in prison cells, the prison or police officers always see that nothing of the nature of suffocation occurs.

Mr. Tnuni: Mr. Speaker, Sir, can the Minister tell us the number of people who can be detained in that particular prison without being suffocated?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member asks about suffocation, that the prison is so small that people suffocate. I said, No, Sir.

Mr. Rurumban: Would the Minister be so good as to tell the House the number of detainees that can be kept in custody?

Mr. arap Moi: It depends on the size of the Samburu people themselves.

Mr. Masinde: Mr. Speaker, Sir, could the Minister tell the House what is the size of the Samburu Prison and how many people are allowed in that prison, and tell us at least the amount of space allowed per person?

Mr. arap Moi: The hon. Member ought to read the question, Sir. The hon. Member asked about suffocation in this police detention camp and there has been no case of suffocation there.

The Speaker (Mr. Slade): Order! I cannot agree that this last question is irrelevant, if that is what the Minister suggests. It is directly relevant to the question.

Mr. Gichoya: Mr. Speaker, Sir—

Mr. Kalli: On a point of order, Mr. Speaker, is it not in order for the Minister to ask to be allowed time to go and check and then to give a proper reply to the House?

The Speaker (Mr. Slade): Order! You cannot on a point of order suggest what a Minister should do in these matters, even though it may be a very good suggestion.

Mr. Gichoya: Mr. Speaker, arising from one of the replies from the Minister that the accommodation in that police detention camp is sufficient, could we be told by the Minister the measurements of that particular detention camp and the maximum number of people that have been allowed by the Government to be detained there, irrespective of their own sizes?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member is confused. This is not a detention camp, it is a police cell, and therefore, when people are—

Mr. Gichoya: On a point of order, Mr. Speaker, am I not right when I say "Maralal Police Detention Camp" which is here on the Order Paper?

The Speaker (Mr. Slade): Not on a point of order. Just allow the Minister to reply, please. Carry on please, Mr. arap Moi.

Mr. arap Moi: Mr. Speaker, Sir, I should like to speak further and say that when people are convicted, they are put into this police cell for

only a few hours or a day, before being transported to the prison at Thomson's Falls. Therefore, there is no question of suffocation or congestion at all. The ventilation of this prison is good so that nobody should suffocate.

Mr. Ekeltella: On a point of order, Mr. Speaker, according to the Minister's reply, I think that the Maralal and Baragot cells are not in order, and, Sir, is he in order to tell us that that cell is not congested?

The Speaker (Mr. Slade): Order. No.

## NOTICE OF MOTION FOR THE ADJOURNMENT

## UNSATISFACTORY REPLY TO QUESTION No. 400: MARALAL DETENTION CAMP

Mr. Rurumban: In view of the most unsatisfactory reply from the hon. Minister, may I be allowed to raise this matter on the adjournment?

The Speaker (Mr. Slade): You will give me written notice, Mr. Rurumban?

The Speaker (Mr. Slade): Now, is Mr. Kioko here yet? Is any hon. Member authorized to ask his question?

## ORAL ANSWERS TO QUESTIONS

## Question No. 414

## CHAIRMAN OF STATUTORY BOARDS

Mr. Kiamba, on behalf of Mr. Kioko, asked the Minister for Agriculture and Animal Husbandry whether he could tell the House when the following posts were going to be filled:

- (a) Chairman of the Central Agriculture Board.
- (b) Chairman of the Kenya Wheat Board.
- (c) Chairman of the Kenya Meat Commission.
- (d) Chairman of the Coffee Marketing Board.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The hon. Member must know that we have a working party which was appointed by His Excellency, the President, to look into the organization of all statutory boards. This last week, I replied to a question of the same nature and I said that this was not a good time to reply as to whether or not there would be Africanization.

Mr. Alexander: Mr. Speaker, Sir, if any of the chairmen of the statutory boards mentioned in the question are Kenya citizens, would it then be the intention of the Government to deliberately replace them with people who have a different colour of skin?

[Mr. Mohamed]

has not been undue pressure. We are looking into the whole aspect of the fishing industry at the Coast and, perhaps, for the next year, 1966/67, more funds may be available so that we will be able to give more loans to approved fishermen.

Mr. Somro: Mr. Speaker, Sir, this question only deals with Shimoni and Malindi. What about places like Lamu and Kipini. Can the Assistant Minister tell us how many loans have been given to the people of Lamu, Kipini and Tana River?

The Speaker (Mr. Slade): None of these places are relevant to the question.

Mr. Shikuku: On a point of order, Mr. Speaker, as far as the question is concerned, it deals with Shimoni and Malindi only. So far, however, the Assistant Minister has been wandering around and he has not told us how many fishermen in Shimoni— he says he has not got the figures. Is it in order for the Assistant Minister—

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

#### Question No. 394

#### KENYANS EMPLOYED BY THE UGANDA GOVERNMENT

Mr. Shikuku asked the Minister for Home Affairs if he would tell the House:

(a) How many Kenyans in the Uganda Police had applied for a transfer back to the Kenya Police Force and how many had been accepted.

(b) What was the Minister doing to help those Kenyans employed by the Government of Uganda who wanted to come back and serve in Kenya.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. (a) 507 Kenya Africans in the Uganda Police Force have applied for transfer to the Kenya Police Force. 130 of these have been accepted and are now serving in our force.

(b) In the past three years, a selection board of senior Kenya Police officers visited Kampala on various occasions in order to interview Uganda policemen of Kenya origin who had applied for transfer to the Kenya Police. A considerable number of the applicants were accepted and are now serving in various ranks in the Kenya Police Force.

(c) In the event of the Uganda Government advising us that more officers wish to be considered for transfer, consideration will be given to a selection board visiting Kampala.

Mr. Shikuku: Arising from the Minister's reply, where he says that, out of 507, only 130 have been accepted, can he tell the House where the rest are and whether he is interested in getting these Kenya citizens jobs? I say, this became there are so many Ugandans and Tanzanians occupying these posts?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member should be realistic. I said there are about 507 policemen in the Uganda Police Force who would like to be transferred to the Kenya Police Force. We have already taken 130 into our Kenya Police Force and, therefore, there are some still serving in the Uganda Police Force.

Mr. Shikuku: Arising from that, is the Minister aware that the Kenya citizens who are in Uganda are being discriminated against and, therefore, they do not get promotion because they come from Kenya? If so, then why are we still giving Uganda policemen promotion in this country?

Mr. arap Moi: When people create their own problems, I do not feel it is a creation of the Kenya Government. We are trying our best to help those who hold posts in Uganda. The hon. Member ought to appreciate what the Government is trying to do.

We know these things are happening in Uganda and, therefore, we are trying to accommodate, as far as is possible, our men, since we know that our people are trying to be recruited into the Kenya Police Force. This position ought to be understood by every hon. Member.

Mr. Kerich: Mr. Speaker, Sir, can the Minister tell this House, the number of policemen who applied for transfer here and were refused?

Mr. arap Moi: I think the hon. Member—having gone through school certificate—should have understood me. I said there were 507 policemen who applied for transfer into our Kenya Police Force, and 130 were accepted.

Mr. Gatiguta: Mr. Speaker, Sir, in view of the fact that the three East African Governments are working towards a federation, does the Minister agree with me that this question of Kenya policemen trying to come back to Kenya should not be encouraged?

Mr. arap Moi: I wish that the question of federation did prevail in East Africa. We have a number of Uganda citizens in Kenya, working in various institutions. I hope the Uganda Government will accept this fact.

We are always told that the people of Kenya are very generous indeed and I am sure the time will come when that generosity will be revealed.

#### Question No. 394 (c)

#### PROMOTIONS IN THE KENYA POLICE

Mr. Shikuku asked the Minister for Home Affairs whether promotion in the Kenya Police was confined to Kenya citizens.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. The answer is, yes.

Mr. Shikuku: Arising from the Minister's reply, yes, Mr. Speaker, which, in my opinion, means that people other than those who are not citizens of Kenya are getting promotion in the police force of Kenya, is he aware that the condition in Uganda and Tanzania is that unless you are a citizen of that territory, you do not get promotion? Therefore, is it not unfair for him to promote people who are not citizens of this country when our people are being discriminated against in other territories? Is that part of the generosity of Kenya?

Mr. arap Moi: As far as the Kenya Government is concerned, we are moving pretty fast in trying to Africanize posts where vacancies exist. Posts which are of a specialized nature, for which there are no qualified citizens available, such as pilots, signal engineers, wireless experts, where we need people to be trained, we do have training in hand for such posts. The hon. Member ought to know that during the last few weeks we have sent five students overseas to specialize in this field.

Mr. Shikuku: Arising from that reply, does the Minister not understand that, when I talk of citizens of Uganda, I mean a person who is not a citizen of Kenya? Can he be specific and let me know whether policemen from Uganda and Tanzania are getting promotions in Kenya? If they are, is that part of the generosity he was talking about?

Mr. arap Moi: The answer here is that Kenya still feels that we should be, as one unit in East Africa; if that is translated to mean generosity, well, then, that is the wish of the people of East Africa.

Mr. Ngala: On a point of order, Mr. Speaker, arising from the original reply of the Minister, where he said, yes, is he saying that only citizens of Kenya were being promoted and not citizens of Uganda and Tanzania? The Minister seems to imply that citizens of Tanzania and Uganda can also be promoted. Is this not contradiction by the Minister?

The Speaker (Mr. Slade): It is an apparent contradiction, but it is not a point of order on that account. This happens quite often in the course of supplementary questions, when the Government does appear to change its ground, either

by having answered a question too broadly in the first place or for some other reason. It cannot be challenged as a point of order, though it can be pursued by way of supplementary questions.

Mr. Ngala: Mr. Speaker, Sir, now that I can pursue this, would the Minister for Home Affairs tell us what policy he is pursuing in his Ministry, whether he is pursuing the policy as indicated in the answer, yes, or whether he is pursuing the policy in the final statement where he includes the possibility of promoting people who are not citizens of Kenya but citizens of Uganda and Tanzania?

Mr. arap Moi: In summary to the hon. Member's long question, Mr. Speaker, the answer is, yes.

The hon. Member asked whether the Minister pursues the policy in accordance with the previous answer which was, yes, or the other part, so my answer to his long question is, yes.

Mr. Kari: Mr. Speaker, Sir, I think that still there is some confusion because the hon. Member's question had two parts to it. One was whether the hon. Minister pursues a policy of promoting Tanzanians and Ugandans or, two, whether he pursues a policy where he says, yes, as in the original answer?

Mr. arap Moi: Mr. Speaker, Sir, I did say, yes, originally and, therefore, that is the answer.

Mr. Rumban: Arising from the Minister's reply, does he not agree with me that by discriminating against the Ugandans and Tanzanians who are working in this country, weakens the relationship between the three territories?

Mr. arap Moi: The hon. Member for Butere brought this question of people from Uganda and Tanzania receiving promotion. If there are people who have received such promotion, the hon. Member should have given their names.

What the hon. Member was questioning was the people from overseas, expatriates.

Mr. Shikuku: On a point of order, Mr. Speaker, you have not quite ruled whether we should go to the next question, but I was trying to rise on a point of order. In view of the fact that the Minister has just said that the question I was referring to was in regard to non-Kenya citizens, I was referring to Kenya citizens. Is he right in misrepresenting my question?

The Speaker (Mr. Slade): No. Your question is not limited to people from overseas, though he may have so interpreted it. In fact, it was a general question as regards citizens. However, I think you have received as much information as you will on this question.

Next question.

[The Assistant Minister for Education] council organized fee collection without headmasters and so, unwittingly, enabled headmasters to take part in an illegal strike. This was not a responsible act on the part of the K.N.U.T. Branch and investigations are continuing to determine whether disciplinary action will be taken against the offending teachers.

It is more expensive in money and time and also more risky to collect school fees without using headmasters, as collection of school fees, at this stage of Kenya's development, must form part of headmasters' responsibilities.

Mr. Rurumbi: Arising from the Assistant Minister's reply, could he tell the House whether the headmasters of this province have now changed their minds and agreed to collect the school fees?

Mr. Ole Kancheloh: Mr. Speaker, Sir, I said in my original reply that the county councils arranged a way in which they would collect the school fees, and the headmasters did not collect the school fees. In some other parts of Kenya, the headmasters have been collecting the school fees.

#### Question No. 366

##### SHORTAGE OF AGRICULTURAL STAFF: SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Lands and Settlement if he was aware that land and agricultural development in many parts of South Nyanza was being retarded because of the shortage of staff there. Would he also tell the House how many South Nyanza people had been trained as land consolidation officers and general staff since land consolidation had begun in this district.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. I am aware that land and agricultural development may be retarded in some parts of South Nyanza because of what I have already told the House, in reply to a similar question, that my Ministry, much as we would like to do it, cannot register the whole district at the same time, due to lack of sufficient funds to employ more staff.

The Ministry has an establishment of thirty land consolidation officers' posts and none of them comes from South Nyanza. However, the only prospective candidate from the district with the necessary qualifications and experience was turned down during recent appointments because he was a pensioner. This was in compliance with the Public Service Regulations.

There is a total establishment of thirty-eight members of staff, seventeen of whom come from South Nyanza. All the group advisers, who are sixty-four in number plus labour totalling seven, are employed from the district.

Mr. Ngala-Abok: Mr. Speaker, Sir, what other training opportunities exist for the local people or school certificate chaps for that matter, coming from any place to get a training to become land consolidation officers?

Mr. Gachago: Mr. Speaker, Sir, the opportunities available to other districts are also available to the South Nyanza District.

Mr. Ngala-Abok: Mr. Speaker, Sir, what are these opportunities and where are these particular training centres? How many years does it take a student to qualify to become a land consolidation officer?

Mr. Gachago: Mr. Speaker, Sir, this is a job for which a special training cannot be established, because people are expected to train in their employment and this is continuing all the time. We cannot make any special favours for South Nyanza.

Mr. Kamurem: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he says that the people have to train themselves in the field, could he tell this House how many students in Nyanza have already been put in the field?

Mr. Gachago: Mr. Speaker, Sir, I have already read out the figures.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

##### UNSATISFACTORY REPLY TO QUESTION NO. 366: SOUTH NYANZA AGRICULTURAL DEVELOPMENT

Mr. Ngala-Abok: Mr. Speaker, Sir, in view of the unsatisfactory replies given by the Assistant Minister, I would like to raise this matter as an adjournment.

The Speaker (Mr. Slade): You will give me written notice in the usual way, Mr. Ngala-Abok. Next question.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 413: FOREST RESERVES: KILIFI AND KWALE DISTRICTS

Mr. Ngala asked the Minister for Natural Resources and Tourism if he would tell the House how much Natural Reserve Forest had been taken over by the Government in Kwale and Kilifi Districts; and would he explain how much capital expenditure, as well as current expenditure, Government was contemplating for these schemes during the 1965/66 financial year.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. I do not understand what the hon. Member means by the term "Natural Reserve Forest". All forest areas which are managed by the Government are defined and known as central forests. Parts of central forests have been declared nature reserves, but this has not been done in the Kwale and Kilifi Districts. No expenditure has, therefore, been incurred.

Mr. Ngala: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister not aware that his Ministry has made a proposal of taking part of the Arabuko Forest between Malindi and Kilifi for tourists to visit it as a nature reserve in the forest? That part of the forest that is reserved is specifically for the tourists' observance of nature is what I mean in this question.

Mr. Mohamed: Mr. Speaker, Sir, there is a proposal to establish a nature reserve in the Arabuko Forest. Careful investigation is now under way to determine the exact remaining timber resources in the area before deciding on the precise location of the boundary of the area to be set aside. I expect the nature reserve will be set up before the end of this year.

Mr. Ngala: Mr. Speaker, Sir, in view of the fact that the Assistant Minister has admitted that he knows that his Ministry is actually engaged in the Arabuko Forest, to take away a part of the forest, could the Assistant Minister give us an assurance that the local people, who also need the forest for other purposes, will have a part of it, mainly for their own use, instead of giving the whole forest over to tourist purposes?

Mr. Mohamed: Mr. Speaker, Sir, I have already said this: that a careful investigation is under way and, once the investigation is completed, we will be able to determine what area is to be taken up.

Mr. Ngala: Mr. Speaker, Sir, arising from that reply, that in view of the investigations that are taking place, can the Assistant Minister tell us where the emphasis lies with regard to the expenditure during the initial period of investigation between the period given here in the question?

Mr. Mohamed: Mr. Speaker, Sir, this is the initial stage where the expenditure figures cannot be worked out. This is an investigation and, once the investigation is completed, that will be the time when we could determine what expenditure we are likely to incur.

#### Question No. 413 (a)

##### FISHERIES LOANS: MALINDI AND SHIMONI PEOPLE

Mr. Ngala asked the Minister for Natural Resources and Tourism if he could tell the House the number of loans given to African fishermen in Shimoni and Malindi during the 1964-1965 period.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. During the 1964-1965 period, the following loans were issued to coastal fishermen: Tana River area—Sh. 1,000 to a group of fishermen on Lake Balixa of which Sh. 339/35 remains to be paid; Malindi area—Sh. 2,800 to three fishermen of which Sh. 2,233/80 is still outstanding.

During the last quarter of 1965, the following loans were approved but have not yet been issued: Malindi—Sh. 9,250 to nine fishermen; Tana River—Sh. 5,930 to seven fishermen; Lamu—Sh. 20,200 to thirteen fishermen.

A large number of applications have been received from Kwale (Shimoni, Vanga and Gazi) area. These are being processed by the loans committee.

Mr. Ngala: Arising from that reply, Mr. Speaker, Sir, would the Assistant Minister state specifically how many loans have been received by fishermen at Shimoni, and if applications have come from Shimoni, how many applications?

Mr. Mohamed: Mr. Speaker, Sir, in the past, loans have been given to thirty-nine fishermen who came from the Shimoni, Vanga and Gazi areas. I do not have the breakdown figures, particularly for Shimoni. These fishermen received a total of Sh. 33,160 by way of loans. Unfortunately, to date, Sh. 22,088/40 still remains unpaid.

Mr. Ngala: Mr. Speaker, Sir, apparently fishermen do not repay their loans and I understand this is because the Ministry has allowed co-operative societies of fishermen to compete with individuals who are very rich in the area. What is the Ministry doing to give more marketing facilities to fishermen to enable them to repay their loans easily?

Mr. Mohamed: We are very much aware that, as far as fishermen are concerned, they are working in a very difficult trade as such, because we know that the risk to the equipment the use is greater. That is why, as far as these loans are concerned, we have been very lenient, and there

[Mr. Kamau]

THAT in view of the fact that many people in this country died during the war of independence from 1952-1960 and left behind many children without parents, this House urges the Government to take responsibility and educate these unfortunate children free of charge and assist the widows financially.

### ORAL ANSWERS TO QUESTIONS

#### Question No. 502

Mr. Ekitella: On a point of order, Mr. Speaker, I asked my question three weeks ago. What is happening to my question, Mr. Speaker?

The Speaker (Mr. Slade): Mr. Ekitella, your question should have come on the Order Paper or received a written reply within ten days. If that has not happened, it is something we shall have to look into outside the Chamber. We cannot deal with it now, I am afraid, but I will ask the Clerk to go into it as soon as possible.

#### Question No. 396

##### VISITS BY PRESIDENT AND MINISTERS TO MEMBERS' HOMES

Mr. Odoro-Sar asked the Minister of State, President's Office, whether he would assure the House that in future when His Excellency the President, the Vice-President and Ministers toured the constituencies of hon. Members, visiting their homes should be included in the official tour programme.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. It is impossible for me, Mr. Speaker, to assure the House that visits to hon. Members' homes would, automatically, be included in programmes for the President, the Vice-President or Ministers when they tour the constituencies of hon. Members.

Mr. Speaker, Sir, I find it necessary to stress the fact that, whenever the President, the Vice-President or Ministers tour a constituency, they do so with the main purpose of acquainting themselves with the problems of the people, so that they are in a position to plan and associate themselves with the general development projects in the country. During these visits, the President, the Vice-President and his Ministers take the opportunity to meet and visit many people in the areas, including hon. Members of Parliament.

I am told that the President, the Vice-President and the Ministers would welcome invitations to the homes of hon. Members. Mr. Speaker, Sir, Ministers cannot invite themselves to the homes of the hon. Members.

Furthermore, Mr. Speaker, I am informed that some hon. Members have no homes.

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the fact that the Minister stated that he has been informed that some Members have no homes, could he substantiate and tell the House who are the Members with no homes?

The Speaker (Mr. Slade): No, I do not think to Mr. Odoro-Sar: Mr. Speaker, Sir, in view of the fact that Members of Parliament homes are regarded by the constituents as being the headquarters of the constituency, and in view of the fact that when the President, Vice-President and Ministers visit constituencies, they sometimes have to rest just in the mission stations, is it not necessary for them to rest in the Member's homes?

An hon. Member: At whose expense?

Mr. Odoro-Sar: At the Member of Parliament's expense.

Mr. Nyamweya: Mr. Speaker, I have agreed with that suggestion that the Member of the constituency being visited by the President, the Vice-President and the Ministers should invite these gentlemen to their homes and, if necessary, make arrangements for an overnight stay. There is no problem there, apart from that of expense.

Mr. Mbogoh: Mr. Speaker, Sir, in view of that reply, would the Minister tell this House whether he has any information that, since the President said that the people should go back to the land, those Members who refuse to go back to the land and still live in Nairobi would not like to be visited by the President or any Minister who might expose them to the public?

Mr. Nyamweya: Mr. Speaker, Sir, although that question is, I think, irrelevant, all that I could say is that we, as the representatives of the people, are supposed to be examples in our constituencies by having decent homes and *shambas* and working in our *shambas*.

#### Question No. 367

##### TRACTORS AND JAGGERY FACTORIES IN SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Agriculture and Animal Husbandry if he could explain to the House when the Kenya Sugar Board intended to loan tractors for ploughing and harrowing to sugar farmers in South Nyanza as the Cotton Board had done to the cotton growers, since South Nyanza had now been earmarked for jaggery production alone. Secondly, could he tell the House when the jaggery factories would be closed and moved to South Nyanza as per the Minister's statement last year in the House.

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 that there is no such body as the Sugar Board. Therefore, Sir, the question does not arise. The answer to the second part of the question is that the closing of the jaggery factory was challenged in court recently at Kisumu by jaggery manufacturers. An amendment to the law will be brought to Parliament on the first day of the next session, and this will then allow the Government to enforce, legally, the control of the jaggery manufacture.

Mr. Ngala-Abok: Mr. Speaker, Sir, in view of the fact that there is no such body as the Kenya Sugar Board, would the Assistant Minister tell us which organization, or which board, is going to make this loan available to the farmers?

Mr. Osogo: Mr. Speaker, Sir, the question does not arise, because there is no such board. The loans are always channelled to the farmers through the Agricultural Finance Corporation or through the district agricultural committee in the form of agrarian loans.

The Speaker (Mr. Slade): I think you might be missing the point, Mr. Osogo, here. It is the question with regard to the loan of tractors, and the question as to whether there is any organization which deals with that.

Mr. Osogo: Mr. Speaker, Sir, I have said that there is the Agricultural Finance Corporation which lends farmers, of any kind, including sugar farmers, loans to develop sugar. Also, Sir, agrarian loans which are controlled by the district agricultural committee, are also made to farmers, in order that they can develop their *shambas*, be they sugar farmers or not.

The Speaker (Mr. Slade): But the point is loan of machinery, tractors, and not the loan of money.

Mr. Osogo: Yes, Sir, if this loan is given to them, then these farmers can hire tractors for themselves, and work on their *shambas*.

The Speaker (Mr. Slade): I see.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister now be a bit more specific and say whether this loan is going to be made available in terms of tractors or whether arrangements are being made to give money and then in time buy the tractors for the whole thing as the cotton organization is doing, which is done by your Ministry?

Mr. Osogo: Mr. Speaker, Sir, the Cotton Board organizes loans to the cotton growers. Since there is no board for the sugar growers, I have indicated most specifically that the sugar farmers

in South Nyanza should apply for loans through the district agricultural committees and the Agricultural Finance Corporation and then with this money they can hire tractors.

Mr. Thumt: Mr. Speaker, Sir, can the Assistant Minister tell this House whether he would consider now establishing a sugar board in order that this board could make money available for a sugar grower?

Mr. Osogo: That, Mr. Speaker, Sir, is a very interesting question. The hon. Member, the other day, received a circular from the Vice-President's Office asking him to take his views to the Kibaki Commission which is looking into the setting up of statutory boards. If he suggests that to the commission, then I am sure my colleague, the hon. Member, Mr. Kibaki, will consider it.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that he gives loans with which the people in the area concerned could buy tractors, would he not agree with me that in the past we have had so many defaulters, because they were given cash and consumed this cash or used it on other things? Would it not be his responsibility, therefore, to give them tractors that they cannot consume or marry a second wife?

Mr. Osogo: Mr. Speaker, Sir, I think that is the duty of the hon. Member who has asked this question to attend his district agricultural committee and suggest that instead of giving these farmers loans in the form of cash, they should hire tractors for them with the money we give them from here.

#### Question No. 395

##### COLLECTION OF SCHOOL FEES: CENTRAL NYANZA

Mr. Odoro-Sar asked the Minister for Education if he could tell the House what was the cause of the refusal by headmasters in Central Nyanza to collect school fees. Would he also tell the House which method was more expensive: collection of fees by headquarters or by the county councils.

The Assistant Minister for Education (Mr. Ole Konehellah): Mr. Speaker, Sir, I beg to reply. In November last year, the Governing Council of the Kenya National Union of Teachers, Central Nyanza Branch, decided that headmasters would not collect school fees for 1966 unless they were paid £54 allowance each for collecting fees. This could not be done, since headmasters are paid responsibility allowances for extra duties they perform, including the collection of school fees. Without referring to my Ministry, the county

**[The Minister for Commerce, Industry and Co-operative Development]**

(c) At the present time, sugar purchased from abroad is very much cheaper than locally produced sugar. The price of imported sugar fluctuates according to world supply and demand and every purchase from abroad differs in price. The average price of three recent imports, ex-warehouse Mombasa (excluding duty), was approximately £27 per long ton compared with the local producer price of £45 19s. ex-factory (excluding excise).

The savings effected by purchasing sugar from abroad, at prices lower than the equalized price, accrue to the Sugar Equalization Fund which, at the moment, is in deficit owing to the fact that, during 1963 and 1964, purchases of sugar from abroad should be made at fantastically high prices. During this period, it was decided not to increase the retail price of sugar to cover these losses, and the current purchases at low prices are rectifying the account. When the Sugar Equalization Fund reaches its former healthy state, and if the price of imported sugar continues at its present low level, it may be possible to reduce the retail price of sugar accordingly.

**Wednesday, 9th March 1966**

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

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

**PRAYERS**

**COMMUNICATIONS FROM THE CHAIR**

**SENATE AGREEMENT TO BILLS**

The Speaker (Mr. Slade): Hon. Members, I have a series of communications to make.

In the first place, we have received a message from the Senate that they have agreed to the National Assembly (Powers and Privileges) (Amendment) Bill without amendment on Tuesday, 1st March 1966. We have also received a message from the Senate that they have agreed to the Central Bank of Kenya Bill without amendment on Tuesday, 8th March 1966.

**BOWING AT THE BAR**

The Speaker (Mr. Slade): There is a matter, hon. Members, of bowing at the Bar. Sometimes, when the House has been full for an important matter and the matter comes to an end, a large number of hon. Members leave at the same time; and yesterday, when this was happening, one Member pointed out that they were leaving in such a hurry as to be bowing to the Chair one behind the other in a rather disorderly way. I said I would bring this up today, and I would suggest to hon. Members that on these occasions, when many wish to leave at the same time, you should still have patience to allow each to bow actually at the Bar. There is room for three or four to do it at a time, but all should try not to bow one behind the other, as this rather takes away from the dignity of the House.

**MINISTERS SPEAKING ON ADJOURNMENT**

**MOTIONS**

The Speaker (Mr. Slade): There is one further matter.

Yesterday, on a Motion for Adjournment under Standing Order 14, an Assistant Minister spoke independently in his capacity as a Constituency Member; and later, on an ordinary Motion for Adjournment, I refused to call upon another Assistant Minister who wished to do the same.

I should like now to clarify the position of Ministers and Assistant Ministers with regard to matters raised by way of Motion for Adjournment.

Hon. Members are aware that the only matters which can be raised by that procedure are

matters of administration for which the Government is responsible. We recognize in this House the principle of collective responsibility in Government, and it is inconsistent with that principle that any member of the Government should speak on such matters, otherwise than in support of Government in his Ministerial capacity. Moreover, on all such occasions, time is strictly limited; and it is best used either by Members who are really free to criticize Government, or by Ministers who speak for Government. Otherwise, it is liable there will be confusion.

For these reasons, I do not think that I can properly allow Members of the Government to intervene in such discussions in any independent capacity.

Hon. Members will understand that this applies only to discussion of a matter of administration on Motions for Adjournment of the House. In debate of a substantive Motion, whether for the reading of a Bill or otherwise, I see no objection to a Minister or Assistant Minister speaking independently as a Constituency or Specially Elected Member, if Government allows him to do so.

Mr. Ngala: On a point of order, Mr. Speaker, in relation to what you have just read out to us, because on various occasions we have been confused by the attitude of various Assistant Ministers and Ministers saying that they are speaking for the Government and when we inquire outside the Chamber we discover that they had not, in fact, been speaking with the permission of Government. Would it be in order, Sir, for any Minister of the Government to give the general ruling of the Government on this matter, so that we will be clear for the future?

The Speaker (Mr. Slade): Well, Mr. Ngala, I do not think it is really possible for Government to give any general ruling on these questions particularly as a matter of order. It is a question of the discipline within the ranks of Government; that Government must look to outside this Chamber. In those cases where a Minister purports to speak for Government, so far as we are concerned, we have to accept that he is speaking for Government. If the President or his colleagues feel that he is being disloyal to the Government in any way, it is something that that should regulate outside this Chamber. I think we have to leave it at that.

**NOTICE OF MOTION**

**ASSISTANCE TO EMERGENCY WIDOWS AND ORPHANS**

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



**[The Minister for Commerce, Industry and Co-operative Development]**

paid these within the last five years. The Co-operative Societies Act prescribes that no society shall pay a dividend or bonus or distribute any part of its accumulated funds before the balance sheet has been certified by the Commissioner and the amount of the dividend, bonus or distribution has been approved by the Commissioner. The distribution of a dividend or bonus is governed by by-laws of the co-operative societies concerned, which generally stipulate that the annual general meeting will decide on a dividend or bonus payable to members, subject to the approval of the Commissioner. In cases where members have not been paid dividends or bonus within the last five years, it is on the grounds that members decided to invest their net profit in capital development, otherwise they would have asked for loans for development instead. However, where the society's business operations within one financial year end with a net deficit, the question of paying a dividend or bonus to members does not arise. (b) Regarding stimulation of members' interests and consciousness of joining societies, each society's final accounts and balance sheet are presented to members at their annual general meetings, and read and explained to them. Delay in payments being made to members would certainly be pointed out at the meetings and followed up by the co-operative departmental staff in the field. Occasions do arise, however, where a society's cash position has been weakened by over-investing in fixed assets, and delay in paying members occurs, but not for a period of five years.

Interest in co-operative societies is continually being stimulated by the staff of the Department of Co-operative Development.

**Question No. 371**

**LAKE VICTORIA FISHING INDUSTRY**

Mr. Ngala-Abok asked the Minister for Natural Resources and Tourism if he would explain to the House how he intended to improve and assist the fishing industry on Lake Victoria as far as the following were concerned:—

- Fishing apparatus and technique.
- Training of fishermen in the fishing industry.
- Quantity and quality of fish.
- Fishing regulations.
- Canned fish production and the marketing of fish and fish products.

(f) Formation of fisheries co-operatives to handle the business at the fishing centres.

The Minister for Natural Resources and Tourism (Mr. Ayodo): Plans have been prepared for the development and modernization of the fishing industry to commence during the 1966/67 financial year.

(a) The fishing methods and apparatus such as line nets, night-time lampare net fishing, trawling and simple purse-seining are being experimented on by my officers and will be introduced to the fishermen if found useful.

(b) In regard to the training of fishermen in the fishing industry, we have been contemplating establishing a training institute where fishermen from all over the country can receive formal training in practical fishing methods, fish processing, and simple accounting. We are, however, hampered by the fact that our finances and technical staff are extremely limited. It may, therefore, take some time before this plan is realized.

(c) The introduction of new fishing methods and apparatus and the training of fishermen will result in an increase in the quantity of fish caught and in an improvement of the quality of fish in the market due to better processing.

(d) Fishing regulations are in force in nearly all the centres of fishing activities. These cover matters such as licensing, statistics, processing, marketing, use of fishing equipment and other similar matters. I am constantly reviewing these regulations whenever necessary, so as to ensure that the legal control of fishing industry is kept up to date and is effective.

(e) Canning foodstuff such as fish, is generally for preservative reasons only. It can, therefore, be necessary and economic only when there is a surplus of fish. As the Lake Victoria fishery develops and production increases, the possibility of a cannery will be contemplated. Regarding general marketing of fish and fish products, my Ministry intends to improve the fish landings in order to facilitate bulk marketing, and to improve general fish transportation between the landing points and the markets.

(f) I consider the formation of fisheries co-operatives of very great importance. At present, however, our fishing activity is widely dispersed along the shore lines and one of our first efforts is to consolidate the fishing industry and fishermen into major fishing ports. It will then be easy to form and run fishing co-operatives. Let me emphasize that the consolidation of fishing effort and the eventual establishment of viable co-operatives is given high priority in the fisheries development plan.

**Question No. 445**

**HOUSING SHORTAGE, ELDORET**

Mr. Tuwei asked the Minister for Housing and Social Services whether, in view of the fact that there was a shortage of housing in Eldoret, the Ministry was prepared to do anything to remedy this situation in 1966.

The Acting Minister for Housing and Social Services (Mr. Otieno): Responsibility to provide housing rests with the local authority and it is to be hoped that the hon. questioner will press his local authority to take early action.

The Government assists by providing funds to the Central Housing Board for it, in turn, to loan to those local authorities which have the initiative to plan housing and to apply to the board for loans. There are three types of schemes normally adopted by local authorities and these are: the tenant purchase scheme, the rental scheme and the site and service scheme.

In fact, the Eldoret Municipal Council has had a very fair share of available funds. During 1964, it was loaned £3,400 for building four tenant purchase houses of three rooms each and a further £9,000 to build forty-eight single-room houses for rental. During 1965 it applied for £30,000, but owing to lack of funds the board had to defer the request till early 1966. During the current year, the council has received two substantial loans. One of £15,000 for a site and service scheme which will provide 125 service sites at the Shauri Yako Estate, and a further loan of £30,000 (that deferred from last year) to erect housing for rental. Details of the rental scheme have still to be worked out between the council and the board, but it is hoped that there will be sufficient funds to build approximately forty houses.

It is expected, and hoped, that the council will commence both these schemes during the current calendar year.

**Question No. 456**

**SUGAR INDUSTRY IN KENYA**

Mr. Onwiri asked the Minister for Commerce, Industry and Co-operative Development:—

- To tell the House how many African sugar agents had been appointed to work in each district.
- What were the other commodities imported by the Kenya National Trading Corporation.

(c) What were the costing differences between locally manufactured and imported sugars and how were they reconciled.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):

(a) The following list shows the number of African sugar agents in each district throughout Kenya:—

<b>WESTERN</b>		
Unguja	Nil	No sugar agents at all. Sugar supplies come from sub-agents in neighbouring districts.
Dunda	8	
Kakamega	8	
<b>NYANZA</b>		
Central	9	
South	4	
Kisii	3	
<b>RIFT VALLEY</b>		
Turkana	No sugar agents.	
Samburu	No sugar agents.	
West Pokot	Nil.	
Trans Nzoia	1	
Eiogyo Marakwet	No sugar agents.	
Baringo	5	
Lalipaa	2	
Uasin Gishu	3	
Nandi	No sugar agents.	
Kericho	2	
Nakuru	7	
Naivasha	2	
Olkejuado	1	
<b>CENTRAL</b>		
Nyandarua	2	
Nyeri	10	
Kilinyaga	5	
Muranga	16	
Kimbu	18	
Thika	5	
<b>EASTERN</b>		
Maralal	2	
Isiolo	Nil.	
Merti	3	
Embu	3	
Kisumu	3	
Misaki	4	
<b>N.E. PROVINCE</b>		
Mandera	1	
Wajir	1	
Gardula	1	
<b>COAST</b>		
Tana River	Nil.	
Lamu	1	
Kilifi	4	
Tala	2	
Kwale	1	
<b>MOMBASA</b>		
Mombasa	9	
<b>Nairobi</b>		
Nairobi	22	

There are 274 sugar agents in the country. Of these, 172 are African concerns which now distribute 71 per cent of Kenya's total consumption of sugar.

(b) The Kenya National Trading Corporation is importing rice, second-hand clothes, khangas and khaki drill. These commodities are being distributed through African wholesale companies.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I am in a difficulty here in that neither the district agricultural committees nor the Agricultural Finance Corporation considers loan applications in terms of applicants' constituencies. Loan applications in any particular district are considered purely and strictly on agricultural merit without observation of any electoral boundaries.

But if the hon. Member so desires I could give him a locational breakdown of all the loans given in the South Nyanza District.

#### Question No. 252

#### ALLOCATION OF SETTLERS' PLOTS: WESTERN PROVINCE

Mr. Godin asked the Minister for Lands and Settlement if he would give the breakdown of the 15, 27, 37 and 100-acre plots allocated to settlers for each constituency in the Western Province to date.

The Minister for Lands and Settlement (Mr. Angane): The breakdown of 15, 27, 37 and 100-acre plots allocated to settlers for each constituency in the Western Province up to date is as follows:—

Elgon East		
15 acres	1,233	
27 acres	280	
37 acres	215	
100 acres	12	
Lurambi		
15 acres	1,831	
27 acres	2	
37 acres	6	
100 acres	3	

It is not clear from the question whether the hon. Member for Hamud wants me to give a breakdown of the numbers. I have mentioned showing how many people from each constituency in the Western Province have been allocated with plots. My Ministry, Mr. Speaker, does not keep a record by districts or constituencies of people who are settled. I would, therefore, not be in a position to know how many from each constituency in the province have been allocated with plots.

#### Question No. 269

#### LOANS TO KURIA PEOPLE

Mr. Makori Lumbo asked the Minister for Commerce, Industry and Co-operative Development if he would tell the House how many people from Kuria had been given loans; and how many applications had been turned down since 1964 to date.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Since the establishment of the Traders' Loan Scheme, four Kuria have received loans from the South Nyanza Joint Board. The total amount involved was Sh. 9,000 and, although two of these traders repaid their loans in full, the other two traders are loan defaulters.

Since 1964, no applications from Kuria have been rejected. Eight applications have been received and these will be considered at the next meeting of the new South Nyanza Trade Development Joint Board.

#### Question No. 357

#### K.P.E. IN NYANZA

Mr. Bala asked the Minister for Education if he would tell the House:—

(a) How many pupils of Standards VII and VIII respectively had sat for the Kenya Preliminary Examination in Nyanza and would he give the district breakdown also.

(b) How many of each class had passed and how many had been admitted to secondary schools.

The Minister for Education (Mr. Koinange): In order to complete conversion from eight-year primary education to seven, Nyanza and Western Provinces presented for the 1965 K.P.E. children from both Standard VII and Standard VIII classes. For this reason, candidates in these provinces were unusually high though quite typical of what normally happens in any area where changes of this kind have been made.

The figures were as follows:—

	Standard VII	Standard VIII
Kisumu	867	7,871
Kisumu Town	1,466	8,641
Kisumu County	2,723	4,210
Great County	2,630	4,978
South Nyanza	14,904	21,494
TOTAL	24,950	47,194

Passes were as follows:—

	Standard VII	% Pass	Standard VIII	% Pass
Kisumu Town	328	38	507	50.7
Kisumu County	1,229	36	3,990	45.8
Great County	2,723	34	4,210	48.8
South Nyanza	7,577	28.8	2,587	37
TOTAL	11,997	34.7	17,794	50.5

[The Minister for Education]

It will be observed that, on the whole, Standard VIII children achieved a high percentage pass. This is what one expects since these children will have had eight years of education and not seven as is the case with the former. However, there is a provision for Standard VII children to repeat another year in order to improve their performance, in particular, if they fail to gain admission into secondary schools and are "reasonable" material for secondary school education.

Selection for secondary schools is virtually complete, but it would be misleading to give selection figures at this stage, since it often happens that some children are unable to take up places offered to them with the result that others have to be invited, which takes time.

#### Question No. 369

#### CO-OPERATIVE SOCIETIES IN SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Commerce, Industry and Co-operative Development:

(a) Would he tell the House the number of leaders and members of co-operative societies in South Nyanza and the breakdown of such societies who had been trained through the aid of his Ministry in co-operative management; and how many were now back in their jobs and how many were still in training.

(b) Would the Minister also tell the House how many societies there were in Central Division (Homa Bay) and how many were working efficiently. How often did the co-operative officers inspect accounts and check on the societies' activities during the year.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Out of sixty-seven registered co-operative societies in South Nyanza District, fifty secretaries of these co-operative societies have attended local courses varying from three days to three weeks, organized by the district co-operative officer. Furthermore, fifteen leaders and members of co-operative societies have trained or are still training at the Kenya Institute of Administration, Maseno, or overseas in co-operative management through the aid of my Ministry. In addition, to the above, ten departmental officers from South Nyanza have also trained in co-operative management locally or overseas.

Except Kanyada Farmers Co-operative Society Limited, which has not been operating for some

time due to insufficient turnover, the nine co-operative societies in the Central Division of South Nyanza are all working efficiently. However, around the middle of last year, two co-operatives, namely Ranen and Misadihi, were confronted with organizational problems which were caused by personal differences between their leaders. These problems have been sorted out and the societies are now working well. Furthermore, cash shortage was reported from Ranen Farmers Co-operative Society Limited, but the matter is now with the police for investigation.

The district co-operative officer and his staff inspect accounts of co-operative societies and advise members on the running of their societies as often as is necessary. However, at least once in a year the co-operative officer must produce final accounts and balance sheet of each society for approval and certification by the Commissioner. Except Kochia Farmers Co-operative Society, whose accounts for 1965 have been approved, the rest of the final accounts are now being audited and will be completed by the end of March.

#### Question No. 370

#### NON-PAYMENT OF DUES: CO-OPERATIVE SOCIETIES

Mr. Ngala-Abok asked the Minister for Commerce, Industry and Co-operative Development:

(a) Was the Minister aware that there were some co-operative societies which did not report any dues to their members and who had not even paid these dues to their members for the last five years.

(b) What did the Ministry do in a matter like this for the stimulation of members' interests and consciousness of joining such societies.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): (a) I do not quite understand what the hon. Member means by "dues to the members". If it means money due from produce sold by members through their co-operative societies, then I am not aware of any co-operative society which has not paid amounts due to its members for the last five years. It seems very unlikely that society members would have remained so patient, but if the hon. Member advises me of the society or societies concerned, the matter will most certainly be looked into.

If by dues the questioner means dividend or bonus payable to members from the net balance, then I know of a number of societies that have not

[Mr. Osefu-Nyalacki.]

Mr. Speaker, with this point, I oppose the Motion.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, this is becoming quite monotonous and I am beginning to feel that perhaps there is not even any point in continuing to try to reply to this point, to this type of question or Motion.

When we went to the Soviet Union, we quite clearly stated that we were going to review the position of a number of the projects which had been included in the 1964 Soviet/Kenya Agreement. One of these projects was the Kano Irrigation Scheme. Since we came back, we have given thorough consideration to the matter. We have been in consultation with the representatives of the Soviet Union, and they, in turn, have considered those difficulties that we put to them regarding the implementation of this particular project. If I may repeat, the difficulties were that the Soviet Union could only finance this scheme, both the feasibility survey and the pilot scheme, and the main scheme to follow thereafter, through the sale, in Kenya, of sufficient quantities of Soviet goods to generate the required local currency for the project. Some people have misled the public to believe that the Soviet Union was giving us this project as a gift. I want to make it quite clear that there was no aspect of this project which was to be a gift. Other people have tried to mislead the public to believe that the Soviet Union experts had already completed a feasibility study, and that what was now being awaited was the actual start of the project of irrigation itself. Again, that is entirely false; the Soviet experts have never carried out a feasibility study; all that they were going to do was to start on the feasibility study once the terms of reference had been agreed to between their experts and our experts. I know that there was reference to a report some time last year, but I want to make it quite clear this report was not even of the type of technical report that could have been accepted and, while in the Soviet Union, the Soviet experts actually admitted that this report was not what was meant to be a feasibility study. It must, therefore, be quite clearly understood that we have not, at any stage, stopped or obstructed the Soviet experts in trying to do their work on this scheme. The work had never actually started.

In the last two years, we have been trying to study the possibilities of receiving Soviet goods, and selling these goods. As I said to the House the other day, there is a difficulty that the sums of money involved are so vast that it would be

impossible for the Kenya Government to forecast just how long it would take to sell enough Soviet goods to generate the required currency of something nearly £6 million. Additionally, we cannot guarantee that Soviet goods will sell easily on the Kenya market, in order to be able to say with any precision that the scheme would start on a particular date. We tried to have the Soviet Union give us some cash in advance, or enter into some arrangement that would enable the project to start even before we started the sale of goods. This was turned down by them. Consequently, we have considered that we have a responsibility to the people in the area to get a move on with this project. The House should remember that the people of Kano have not just been waiting for this project since 1964; in fact, they have been waiting for a much longer period. The first time that this was looked into was in 1952, during the time Sir Alexander Gibbs did a report for the Nile Basin Irrigation Scheme, which included the Kano Plains. This report of Sir Alexander Gibbs is now nearly twelve or thirteen years old. It cannot, therefore, be used as a basis for a new irrigation scheme, although it gives us very useful information, and it still gives us a very good basis for our studies. Consequently, our decision now is that we should go ahead and forget the 1964 agreement with the Soviet Union, and I want to make it quite clear today in the House, that there will be no irrigation scheme in this area done by the Soviet Union. So let us not waste any more time arguing about it or asking questions about it. This agreement is now, as far as we are concerned, off, and we have told the Soviet Union Government so to that effect. We are, therefore, free of the 1964 agreement, as far as this project is concerned, and the Soviet Union is also free of the 1964 agreement, as far as this project is concerned.

I want also to make it quite clear that we have not rejected this particular agreement, because the Soviet Union happens to be a communist country. It is because they offered terms which were impossible in our circumstances, that we rejected this project. If the British Government, the West German Government or the United States, were to offer us a similar project, on similar conditions, the answer from the Kenya Government would be the same. It would be a very definite "No", because we do not see how our economy could survive on the basis of credit commodity agreements, and especially where these are going to be loans to be repaid over a period of, say, twelve years, as the Soviet Union had proposed. There is nothing, therefore, in this propaganda that this has been rejected because the Soviet Union happens to be a communist

[The Minister for Economic Planning and Development.]

or because those of us responsible for this project in the Government do not like the face of some leaders in Central Nyanza. This has nothing to do with it. What we are interested in is the interests and welfare of the people of the area, and we are determined, as a Government and under our mandate, to serve those people and to bring this project to fruition as soon as possible.

Now questions have been asked regarding how soon is this?—I say as soon as possible. I would like to inform the House that the preliminary steps have already been taken and negotiations have already started with the groups and countries that are going to do this project. We are now waiting for a draft contract to be signed between us and the groups concerned, which we hope will be in our hands in the next few weeks and not months. When this contract is signed, we hope to be able to have experts, personnel, and equipment on the ground within the next few months. I reckon that we should be on the ground before the middle of this year. Certainly I will do everything that is possible to expedite or accelerate this process. A feasibility study will be necessary still and will be done. In addition, we have decided on a pilot scheme four times the size of the original, one which the Soviet Union would have done. They were going to do a pilot scheme of 500 acres; we have decided on a pilot scheme of 2,000 acres. In addition to this, instead of the original scheme of 34,000 to 35,000 acres in the Kano Plains, we have now decided to look into the same problems that exist all around the lake area including Busia District, and we are going to take in now, a scheme that will be in the region of over 104,000 acres. Therefore, we will be able to serve even more people than we would have done with the Soviet Union project. I would also like to say in conclusion that because we are now going in for a much larger scheme, we shall be able to do this project much cheaper than we would have been able to do if we had carried on with the Soviet Union project.

Lastly, because of the new negotiations, the period that we will require to repay the loan on the scheme will be much longer than the Soviet Union would have been able to give. They were going to give us twelve years; we are negotiating for a possible period of between thirty-five and fifty years with these new groups and countries. That, Sir, makes all the difference and that is what the Government is doing, and as far as I am concerned I am not going to say any more on this project in this House or elsewhere except on the date when we are able to start it.

## ADJOURNMENT

The Speaker (Mr. Slade): That completes our half an hour. The House is now adjourned until tomorrow, Wednesday, 9th March, at 2.30 p.m.

The House rose at fifteen minutes past seven o'clock.

## WRITTEN REPLIES TO QUESTIONS

### Question No. 212

#### CITIZENSHIP: QUALIFICATIONS AND APPLICATIONS

Mr. G. G. Kariki asked the Minister for Home Affairs:—

- How many Europeans and Asians had already qualified as Kenya citizens.
- How many applications had been unsuccessful and what had been the reasons.
- How many had deliberately refused to apply for citizenship.

The Minister for Home Affairs (Mr. rap Moli): In accordance with the provisions of the Constitution, the majority of Europeans and Asians living in Kenya qualified for Kenya citizenship. However, up to the middle of October 1965, only 595 Europeans and 6,450 Asians had been registered Kenya citizens.

(b) Most of the persons who applied for Kenya citizenship were registered, except a few who did not fulfil the residential qualifications, namely that a person must have been living in Kenya for at least five years.

(c) It is not yet known whether there are any persons who deliberately refused to apply for Kenya citizenship.

I would like to add that between October and 11th December 1965, a large number of applications for Kenya citizenship were received and are still being processed.

### Question No. 268

#### AGRICULTURAL FINANCE CORPORATION—LOANS

Mr. Mairor-Imbo asked the Minister for Agriculture and Animal Husbandry if he would give the House the breakdown of the number of people from Kuria Constituency who had been given loans, both small and large, by the Agricultural Finance Corporation. How many applications had been rejected as from 1963 to date.

[Mr. Oseho-Nyalick]

Motion on adjournment—I know that there is political manoeuvre about this Motion and I am not going to accept it. I am

The Speaker (Mr. Slade): Order! No, Mr. Nyalick, if you are suggesting improper motive you are out of order.

Mr. Oseho-Nyalick: Mr. Speaker, Sir, to prove my case—

The Speaker (Mr. Slade): I am sorry, it is completely out of order to suggest an improper motive. There is no question of substantiating, it is out of order.

Mr. Oseho-Nyalick: Mr. Speaker, Sir, then I will have to withdraw, but I say without any hesitation that the Member for Ukwala or rather the Member for Ugenya has no say in the first place about this irrigation scheme. I have been in this House—

The Speaker (Mr. Slade): Order! Order!

Mr. Otero-Sar: On a point of order, Mr. Speaker, Sir. I would like to seek your guidance on this. Am I not in the right to speak for the Central Nyanza people when there is need? The hon. Member is trying to say that I have no right to speak for the Central Nyanza people.

The Speaker (Mr. Slade): Oh, yes, so far as the proceedings of this House go, you certainly have that right; but the hon. Member is still entitled to criticize the extent to which you do speak for people in another area.

Mr. Oseho-Nyalick: I am not denying the Member the right to speak his mind, but he has never come to my constituency, or Mr. Bala's constituency, and assessed public opinion on this irrigation question. How does he know that the people there doubt the action taken recently by the Government? We agree with Government's decision.

Mr. Otero-Sar: Mr. Speaker, Sir, on a point of information, last Saturday, leaders from his constituency were in Kisumu and passed a resolution that they want an irrigation scheme now, now, now.

Mr. Oseho-Nyalick: Mr. Speaker, Sir, I said that our people want an irrigation scheme now and, as a result of this, the German Ambassador found the area on Monday. This was as a result of that decision. So why should we bring a Motion in this House for the personal gain of somebody who is trying to see that the Kano people are connected with Russian goods? We are not going to allow it. If the Russians are going to bring their things into this country, that is another matter, but I do not want to see this scheme being connected with goods from the

Russians. We want the Government to have a free hand to deal with anyone—be it the devil or anyone—who can come to our aid. Today, we are in a miserable position. We cannot pay our school fees, while the Member for Ugenya is enjoying life. He thinks that we are happy when they sit at a corner and manoeuvre these things so as to bring it about in this House. Mr. Speaker—

Mr. Obok: On a point of order, Mr. Speaker, Sir. Is the hon. Member speaking not out of order when he suggests or misleads the House that the hon. gentleman who moved the Motion is enjoying life? What is he trying to tell the House? Is he telling the House—

The Speaker (Mr. Slade): What is your point of order exactly?

Mr. Obok: My point of order is, is the hon. gentleman speaking now not misleading the House when he says that the hon. Member for Ugenya is enjoying something. What is he enjoying?

The Speaker (Mr. Slade): I cannot see what you are complaining of as a matter of order?

Mr. Otero-Sar: Since the Member for West Witani says that I am enjoying something when the Kano people are suffering, is he in order to say this? Because it is the Kenya Government that has refused to allow the Russian Government to go on with the irrigation scheme?

The Speaker (Mr. Slade): I cannot quite understand what all this is about. I think you had better go on, Mr. Nyalick.

Mr. Oseho-Nyalick: Why I said the Member was enjoying something was because we still have 360 members without homes in Kano because of the failure of this irrigation project.

The Speaker (Mr. Slade): Mr. Nyalick, what do you say the Member is "enjoying"? Apparently there is offence taken.

Mr. Oseho-Nyalick: Mr. Speaker, Sir, I said that by bringing such a Motion repeatedly is to sabotage the action that the Government is now taking and that will of course bring my people back to misery.

The Speaker (Mr. Slade): Order, Mr. Nyalick. You are getting a little bit out of hand you know. I told you about not imputing improper motives and I have asked you what you mean by "enjoying". Offence has been taken. You had better explain or withdraw.

Mr. Oseho-Nyalick: Mr. Speaker, Sir, by that I meant that I, myself, as a Member representing the area, I have to meet people every weekend. Those who are desperate and have nothing to

[Mr. Oseho-Nyalick]

do, whereas he does not go and meet these people, well, then I am telling the people that the Government today will soon be starting the irrigation survey on the ground and you will see what you have been waiting for. Why then should he come and ask that Russian goods should be sold and until such time as the requisite money is obtained then shall we start the irrigation? That is what I mean.

The Speaker (Mr. Slade): It is very difficult to understand, but you had better carry on.

Mr. Oseho-Nyalick: Mr. Speaker, Sir, I should condemn this Motion being brought to this House because I know the motive behind it, but I am not—

The Speaker (Mr. Slade): Order! This is the third time. You will sit down if you go on with imputing improper motives. You have been out of order three times now.

Mr. Oseho-Nyalick: Mr. Speaker, Sir, I thought I was to speak the truth, but if the truth is denied, then—

The Speaker (Mr. Slade): Order! Order! Now, Mr. Nyalick you must get this quite clear. One of the reasons why it is out of order to impute improper motives is that you never know the truth of a man's motives. There is a saying in the law that the mind of man is untriable. So, not knowing people's motives, we do not allege bad motives in this House. You object to what they do, but not to what they think.

POINT OF ORDER  
IMPUTING IMPROPER MOTIVES

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I have been trying to seek your ruling on the subject of improper motives, but I thought Mr. Nyalick had not quite said what he was trying to say, except to mention the word "motive". I am not trying to challenge your ruling. I am trying to get clarification. Now, is it in order for a Member when speaking to say that he either knows or feels there is a political motive associated with what another Member has put into the House, and if he can bring forward a supporting statement of what he considers is the motive, is that an improper motive by itself?

The Speaker (Mr. Slade): It depends entirely on what is being alleged. If there is an allegation of a perfectly reasonable motive it is not out of order; a motive which anybody might have without being thought the worse of. But the moment there is a suggestion of insincerity, for instance,

you are alleging improper motives, and I will not have it. We were well on to that line of suggestion with what Mr. Nyalick said.

(Resumption of debate)

Mr. Oseho-Nyalick: Mr. Speaker, Sir, I will have to abide with your ruling, but I think the terms of the Motion, as it stands, is wrong. It is not even a month since the Government announcement was heard; that the long-awaited Kano Irrigation Scheme would be put into action immediately within the month of March, or so. That was read throughout the country and our people are there waiting, but, at the weekend when this question was tabled, and the last time I went, I found our people were furious about our Member for Nyando who brought this Motion to the House. He had not, since then, met with them, and then they found out that they were not endorsing the Government announcement—

Mr. Anyieni: On a point of order, Mr. Speaker, could this gentleman substantiate the allegation that when he went home he found that the people were very furious against the Member for Nyando?

The Speaker (Mr. Slade): No, I do not think you can substantiate that sort of thing. It is a matter of opinion.

Mr. Oseho-Nyalick: If the Member is interested, I am going to call a meeting and invite that Member to see for himself. I am not here to joke; I am a man supporting something. I did not come here for personal gain; I came here to represent my people; and what we are interested in is seeing that the irrigation scheme is carried out and I would not see anybody interfering with the Kano Irrigation Scheme. People can say what they like about "isms", but they should not ever think of trying to put us into Kano realities. We interpret what are "isms" into Kano realities. We are suffering and we would like the Government to take my word, as a representative of the people, that we want irrigation immediately and that the announcement would take another six, six months or a year, then we will come back again and complain to the Government that we are not going to wait any longer. But to tell us that we should try to find out why the Government has failed to bring in Russian goods to the country so that the Kano Irrigation Scheme should be tackled, that is not our business. Our business is to see that who ever comes—be he a devil or anybody—we are prepared to accept, and a memorandum to this end was given to the President, the Minister for Economic Development, the Vice-President and everybody who has ever visited that area.

**[The Minister for Home Affairs]**

than in an emotional way. It is not only that this particular person, we may find even Africans within county councils who are higher paid than myself. But then, Mr. Speaker, as I said, we must look to these things to meet what we have in the country. Therefore, Mr. Speaker, as I said, it is wrong to attack one person when there are others around the Mayor.

Mr. Malinda: Thank you very much Mr. Speaker. I want to make one quick point that after all is said and done this House should agree with me that this man, who is earning Sh. 11,000 now, should be declared a *persona non grata* and should be sent away from this country immediately.

Mr. Speaker, the other point I want to make, is this. When a Minister is doing his duty, we take it that he is carrying out the wishes of this House, the supremacy of this House is vested in a Minister when he deals with something like this. To have a Mayor, or another person, having influence over a Minister, Mr. Speaker, is violating the supremacy of this House, and it must stop. With that, I wish to support the Members who have said that there a commission of inquiry should be set up immediately to look into the activities of the city council.

The Speaker (Mr. Slade): It is quite contrary to ordinary practice, but I understood from the Minister for Local Government that he might like to make a statement on this. The normal time would be tomorrow after question time; but it might be more satisfactory to the House if he likes to make it today. Do you wish to, Mr. Sagial? Order! Order! It rests with you, Mr. Sagial, if you would like to leave it until tomorrow after Question Time.

The Minister for Local Government (Mr. Sagial): I will leave it until tomorrow, Mr. Speaker.

**MOTION FOR THE ADJOURNMENT.****U.S.S.R. AID FOR KANO IRRIGATION SCHEME**

The Speaker (Mr. Slade): It is time now for the interruption of business; I will now call on a Minister to move that the House do now adjourn. There is a matter to be raised by Mr. Odera-Sar in place of Mr. Bala.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Information and Broadcasting (Mr. Achieng-Oueko) seconded.

**(Question proposed)**

Mr. Odera-Sar: Mr. Speaker, Sir, I rise to speak briefly on this Motion for the Adjournment. The reason why the hon. Mr. Bala, Member for Nyando, wanted to raise this on an adjournment was that when the Minister was replying to the question, he never told the House why, when they were in Moscow, when they went there.

Mr. J. M. Karuki: My point of order, is this, Mr. Speaker, when many Members are moving I have noticed in this House that some of them are bowing behind others who are moving, is that in order?

The Speaker (Mr. Slade): No; you are quite right, Mr. Karuki; strictly, they should take it in turn to bow at the Bar. I hope that I will remember to mention that in a Communication from the Chair tomorrow.

Mr. Odera-Sar: Mr. Speaker, Sir, when the Kenya delegates, led by the hon. Minister, Mr. Mboya, were in Moscow, they agreed there that Russian experts and Kenya experts would meet here in Nairobi to discuss how Russian goods could be sold in this country. Before those people came here, they saw fit to abandon what they agreed on. This was not said here when he was replying. Then he did not tell us, when he was speaking here, that when the Kenya Government consulted the other countries with a view to one of them taking up the work which was supposed to be done by the Russian people, how long it would take these other people to complete the work. It has been a long time since we started to talk of an irrigation scheme for Kano, with the Russian experts. Kenya delegates went to Moscow to talk about this, and all this has taken up a lot of time. He never told us that any country, Western Germany or any other country which was mentioned here, when they come here to work on the Kano Plain on the project they are talking about, how long this would take, because we think, Mr. Speaker, that it is not very clear to us, when the Minister was speaking, if Western Germany takes over the work, this would be done very quickly, and people are still waiting for an answer to this. At present, Mr. Speaker, in Central Nyanza, after this was announced by the Minister for Economic Planning and Development, people are now worried about this, because they do not know whether this is just an empty promise, because to say that this Russian aid is withdrawn and other countries are going to take over the work, seems very uncertain. Recently in Central Nyanza, last week-end, leaders from all locations in Central Nyanza

**[Mr. Odera-Sar]**

met in Kisumu and they demanded that if the Kenya Government had withdrawn the arrangements with the Soviet Union, they wanted the scheme to be started at once by any other country, even if the Kenya Government is not in favour of the Russian Government assisting here because they are communists.

They want this to be done and to start immediately, because people in Kano and in the areas concerned, have been suffering for a very long time and they have been waiting to see the irrigation scheme started. Mr. Speaker, Sir, if the Minister stands to reply on this, I would like to know from the Minister whether he can tell the House whether the country that he has been talking about will start this scheme soon and whether this is cheaper than what the Russian Government offered. This is something that is very important, Mr. Speaker, we need it, because the Central Nyanza people now have the feeling that this Government does not favour them, because when something occurs on the side of economic development, they feel that the Government is not willing to help the people to establish an economic plan in Central Nyanza, which means that this irrigation scheme was the only scheme that could benefit the people to get their areas developed economically. This is very serious and our people are very worried about it and, of course, they blame the Minister for Agriculture and the Minister for Economic Planning and Development, because they are the people who are now responsible for defeating the scheme that was started there and this must be blamed on them.

Mr. Speaker, Sir, I do not want to speak too much and I would like Mr. Okelo-Odongo to second this Motion.

The Speaker (Mr. Slade): Mr. who?

Mr. Odera-Sar: Mr. Okelo-Odongo.

Mr. Muti: On a point of order, Mr. Speaker, Sir, is it in order for a Member to name another Member as seconder of the Motion?

The Speaker (Mr. Slade): Yes, it is our practice to ask a Member who moves a Motion as to who seconds, if he has not already informed the Speaker. These adjournment matters are a little different, because it is not actually a Motion by the Member; there is already a Motion for adjournment before the House, and the Member speaking to it, but even so I think it is probably most satisfactory if he lets us know if there is any particular Member who wanted to share with him before we hear Government's reply, if Government wish to wait that long. It was just

that I did not quite catch who it was he wished to speak. On an adjournment matter Ministers cannot speak other than the Government Minister replying.

Mr. Seroney: On a point of order, Mr. Speaker, Sir, it is in the Motion moved by the Minister that the House do now adjourn and the actual Member who was speaking is he, the actual seconder at all? Is this not a free-for-all?

The Speaker (Mr. Slade): I do not follow your point, Mr. Seroney. Yes, I think I have dealt with your point. Strictly you are quite right. There is no seconder of what Mr. Odera-Sar has said. All the same, it is always interesting to know who he would like to speak with him. Unfortunately he has chosen an Assistant Minister, which he cannot do.

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Speaker, Sir, could I speak as the Member for Kisumu Rural?

The Speaker (Mr. Slade): No, not on these matters where there is a straight demand on Government for action.

Mr. Osei-Nyarko: Mr. Speaker, Sir, I rise to oppose the Motion as it is. Mr. Speaker, Sir, my reasons for opposing the Motion are that I am the man concerned for the area and I wonder whether the Member who moved the Motion had the mandate of his people in my constituency. It is the very Member and myself who have been in this House bringing to the notice of the Government that we are tired of waiting for the Russians. Any nation at all that would come to our aid to carry out this irrigation scheme, is welcome. A resolution to that end was given to the Minister and several Ministers who have visited Central Nyanza saying that we people in Kano are no longer going to wait for the Russians, because it is two years since we were told that the Russians were coming to do the irrigation and, as a result of that, the Government have acted according to the wishes of the people through their representatives in this House, that whoever is ready, be they devil or whoever they might be, we are prepared to accept them, provided that the conditions offered are favourable. As a result of this, Mr. Speaker, I see no point why after an announcement from the Government, that within three months or so, an irrigation feasibility survey will be carried out on ground not on paper. It is not even a month since we can come back to say that the Kano people are advising their Member, Mr. Osei-Nyarko, I or Mr. Okutu Bala, to come and complain. I challenge the Member who has brought this

[The Speaker:] I would remind you, however, that we have half an hour's adjournment debate to come after this. Also, you have to consider HANSARD.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, in view of the fact that we have some other matter on the Order Paper, I would like to move that this particular business be exempt to the extent of fifteen minutes.

The Minister for Works, Communications and Power (Mr. Mwanumbwa) seconded.

(Question proposed)

(Question put and agreed to)

The Speaker (Mr. Slade): So we continue until 6.45 p.m. before interruption of business.

#### MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

NAIROBI CITY EDUCATION OFFICER

(Resumption of debate)

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, I would like to point out one very important point, and that is that it is not only Mr. Callander in the city council service who is an expatriate and who is receiving an excessive salary in relation to the work he is doing. In fact, Sir, if I may say so—that is our opinion—the city council has a tendency to be extravagant either in creating posts or offering terms of service far in excess of the market value of the officers appointed. If we were to oppose an education officer in the city council, he is an African, it would be very awkward, because it would appear that that particular officer would be earning a very low salary as compared with expatriates already in various departments of the city council. Therefore, Sir, I think it is the opinion of this House that an inquiry should be conducted into the affairs of the city council. Well, this is left for the House to decide.

Regarding this particular appointment, as I said earlier, we did state our objection, but regardless of the opinion we gave, Mr. Speaker, there was a lot of pressure. Delegations were sent to the Ministry of Education from the city council and a lot of correspondence went on. Therefore, there could be no alternative other than to accept that this particular officer be appointed temporarily pending the post being advertised for a suitable local candidate to occupy this particular post. I am informed that, at this particular moment, the city council is very

actively considering the question of Africanizing this particular officer's post.

Mr. Agar: Mr. Speaker, Sir, this House is completely puzzled tonight. First of all, we must apologize to the Minister for Local Government, because this afternoon, when the Assistant Minister gave his reply, he did indicate, by implication, that pressure was put on the Minister for Local Government.

Hon. Members: No! No! No!

Mr. Agar: Personally, I thought so. I have seen also that when some speakers—

The Speaker (Mr. Slade): I think, Mr. Agar, you must admit that you were quite wrong in view of what has been quoted by Mr. Mutiso.

Mr. Agar: I held that view personally and that is why I feel I must apologize to the Minister.

Now, Sir, this House is puzzled when the Assistant Minister comes here and admits to this House that the Minister for Education, due to pressure, gave in to the Mayor of Nairobi. This is the second time we have been told such a story, that pressure has been exerted by the Mayor and a Minister has given in. Constitutionally, the Minister is above the Mayor and the President is above all. So, this House wants to know this: is it right for the House to allow a Minister to continue being a Minister, holding a portfolio, when he gives in to pressure from local authorities? Not only that, but how much do we know of the times when he gives in to pressure from other quarters as well? He may be giving in to pressure from commercial firms, other local bodies, personal interests. That kind of person is not fit to lead a Ministry, if he gives in to pressure to a thing he knows is against a principle. A person is recruited from overseas to head an educational establishment which requires educational qualifications from a recognized university. Here we get a person, who is not even a graduate, coming here to take up a post where he earns a salary bigger than that of a Minister.

Mr. Speaker, Sir, even today, we see minor posts in this country, when advertised by private firms, Government, Public Service Commission, saying, "Minimum requirement a graduate from a recognized university." Many Africans who have so much experience, probably those who hold diplomas from Makerere College—in the old days when there were no degrees given at this place—are denied these posts, because they hold no degrees from recognized universities. However, here is a man who comes from London to this country,

[Mr. Agar:]

Mr. Speaker, Sir, why we want an inquiry into this matter is that there must be some other reasons why this man was brought here without a degree from a university.

I must admit that I also left teaching because I was frustrated; yet I am a graduate. I hold a degree and I also hold some qualifications in teaching. Yet, I was told Indian universities are not recognized in Kenya. For this reason, I was told I could not hold a post and be recognized as a graduate.

Now, Sir, an independent Government of Africans admits that a European from London, without a degree, can come here to head an educational establishment at the Nairobi City Council! This is monstrous! So, this House takes exception; this House condemns; this House informs the President to look into the Ministry of Education. The President must see to it that if this commission of inquiry is to be instituted, we must have people to say that the Minister should stand aside; he would have to be suspended from his duties, so that this inquiry could proceed to inquire into the circumstances which have led a man, without a degree from a recognized university, to come here and head an educational establishment when there are so many Africans who have educational qualifications, recognized university degrees.

Mr. Speaker, Sir, we are aware of the influences of people from foreign countries, controlling our Ministers here.

The Speaker (Mr. Slade): Order! Order! There is too much noise and too much irrelevance.

The Minister for Information and Broadcasting (Mr. Achieng-Oneko): On a point of order, Mr. Speaker, that is a very serious allegation and I think we should have it substantiated.

The Speaker (Mr. Slade): No, I think, Mr. Achieng-Oneko, this is the sort of thing we stop quickly and carry on with something else.

Mr. Agar: Mr. Speaker, Sir, the point is this: We have indicated in this House today that in order to correct this matter, and also to give a lesson and precedence to other Ministers not to give in too easily to local bodies or any other inferior interests, the Minister should stand aside from the Ministry and then an inquiry should be made as to the circumstances that led to the extravagant and excessive—as admitted by the Assistant Minister—expenditure on a man who has no proper qualifications; in fact, he is a man who has qualifications inferior to certain Africans who might have been denied this post. When this matter is complete, then the Minister can be

reinstated. Otherwise, we know now that this country is going to lose confidence in the Government, because such activities are being condoned over and over again.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I tie to make only two points in this debate.

The first one, Mr. Speaker, is that there is an urgent need to overhaul the local government machinery of this country in the way it has been working, not only in the city council, or the municipal councils; but also the county councils. They are still very much British, and we must bring them on to a level with the people they are supposed to serve.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, could we know if the hon. Member is speaking as a Minister of the Government or as a Member?

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I am giving my opinion as the Member for Embu South. It is difficult, Mr. Speaker, to speak otherwise. First and foremost as the Member for Embu South, but still nobody can deny that I am an Assistant Minister.

Secondly, Mr. Speaker, my point is this. Since the Assistant Minister for Education has said that there is a need to look into the salary structure of the city council, I would like to propose, Mr. Speaker, that, right now, there is a need to look into the salary structure of all the Ministries and departments in this country, including this House.

The Speaker (Mr. Slade): No, I am sorry, Mr. Nyagah, you are going too far off the point. You will have to do that another time.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, that being the case, I have made my first point and the second one I will bring another time when you want.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I will deal with my point within one or two minutes. First of all, Mr. Speaker, Sir, I think it is wrong, in principle, to attack one particular person. The city council, Mr. Speaker, Sir, of Nairobi, is not run by one man. It is run by men. So, Mr. Speaker, if we are really to criticize the City Council of Nairobi, we should criticize the City Council of Nairobi as such and not just one man. I am not going to speak, Sir, because time is too short. So, Mr. Speaker, Sir, all of us would like to see that salaries are paid according to the job. We should look into this matter, in a sober manner rather

[Mr. Ngala-Abok]

Yet there are so many people who are Bachelors of Art, or Masters of Art, educationists and so on who could replace that education officer in the city council. I think, Sir, that the Mayor is going to hate this Motion and is not going to allow himself again to become a subject for debate from time to time in this House. Mr. Deputy Speaker, Sir, he has almost been debated twice in one month. This should be our last warning to the gentleman who has failed to respect a Ministerial ruling.

That, Mr. Deputy Speaker, Sir, is all I wanted to say. I beg to support.

Mr. Jahazi: Mr. Deputy Speaker, Sir, again this House is faced with an alarming situation which is going on in the city council here. I think, Sir, that the whole administration there is stinking, because we are tired of seeing that what is happening there, in a very small area, is bigger than what is happening in the whole country. For instance, Mr. Deputy Speaker, Sir, when you take a look at the education responsibilities of the city council, you will see that they do not have anything much. They only have a few secondary schools and primary schools. The whole country, which runs the universities and colleges, does not pay its professors or lecturers Sh. 11,000, not even at the University College here. So, Sir, why should a man who has no qualification, but who was just picked out from the London streets and brought here, earn all this money? I do not know. Mr. Deputy Speaker, Sir, the Mayor left Nairobi by night, recruited people and the next thing we knew was that he was bringing a plane-load of expatriates back to Nairobi.

Mr. Deputy Speaker, Sir, I remember once in the *Taila Leo*, it was written across the top, in fact, Sir, it hit the headlines, it said, "Mayor nakwenda lile Wazungu, or something like that. You see, Sir, these people were just collected and brought here without people first checking to see if we had enough qualified young or old men who have been waiting for an opportunity to take over these big positions. Now, Sir, the hon. Mr. Ngala-Abok has just given us an example of an old man who has just resigned. Sir, when are these people going to take up these positions? Mr. Deputy Speaker, Sir, if the mayors are allowed to go and bring back a plane-load of expatriates, pay them all the money we have what is going to happen? The Minister himself does not even earn what these expatriates are earning. I think therefore, Sir, that the Minister must contain the Mayor. If he is too big for him, he must give way. He must tell us here that the Mayor is too big for him: pocket-wise, because, Sir, as all the

county council chairmen, the Mayor and everybody else is supposed to fit the pocket of a Minister, in fact, the final order should come from the Minister who is answerable to this House, and all the mayors are answerable to him. But, Sir, there is one particular person who has refused to fit himself pocket-wise with the Minister. He has gone too far. He has squandered the money of the country.

Mr. Deputy Speaker, Sir, we have blocked the Bill here, the Graduated Personal Tax Bill. Why? Because we see this, and how the Minister fails to see this extravagance, we do not know. The Minister is either fit for the job or he is not. We want the Minister in his reply to tell us all these things, because we are tired of having to complain about the Mayor of Nairobi. He is just an alderman and, therefore, just because he is an alderman he expects to be called Lord Mayor, but, Sir, this does not make him a Cabinet Minister or anything like that. He is on the same par as the Mayor of Nakuru, Kisumu or Mombasa. He comes under the Minister, and he has no right—and therefore this right must be withdrawn—as a mayor to just take off in a plane and bring home people who have no qualification and then leave the Minister no power with which to reply. These are the things which go towards the creating of such a situation where the whole country will be looked at through the Mayor. Now, Sir, his hands are dirty with all this dealing with expatriates. Mr. Deputy Speaker, Sir, if the Government wants to be the Government and the Minister wants to still be the Minister, then to keep the respect of this House, he must be a tough Minister. This question of allowing other people to override him, we cannot allow it because if he is too shy to handle the Mayor, he will lose his own position. We are now requesting the President to take action, because there are enough reasons on which to take action, and to remove the rat which is causing the smell in the city council.

Mr. Deputy Speaker, Sir, when that plane brought over those forty-eight expatriates, we supposed that they were all earning over Sh. 11,000 and perhaps this is the lowest salary of the lot. Therefore, Sir, we demand to know what is happening in the city council.

This Motion should not only stop here, but it should go on and inquire fully into this, because we demand a full inquiry and the Minister must therefore curtail the Mayor from today.

The Deputy Speaker (Dr. De Souza): I would like to point out that this Motion expires at half past six. If the Government wants to reply

An hon. Member: It does, Sir.

The Deputy Speaker (Dr. De Souza): Oh, sorry, I beg your pardon, Mr. Mutiso: I thought it was the Ministry of Local Government.

Mr. Agar: On a point of order, Mr. Deputy Speaker, Sir, this morning the answer that was given by the Minister for Education and which brought about the dissatisfaction of this House was that the Mayor had exerted pressure on the Minister for Local Government and therefore the Minister for Local Government gave way. Would this House not be puzzled if the Minister for Education were going to answer the question, yet they put the responsibility on the Minister for Local Government alleging that he gave way in the Mayor's presence?

The Deputy Speaker (Dr. De Souza): I am afraid that it is not for me to answer that. Perhaps the Government would like to explain, but it is up to the Government to decide which particular spokesman they would like to choose to speak on behalf of the Government. I see that the Minister for Local Government is going to speak on a point of information.

The Minister for Local Government (Mr. Sigin): On a point of information, Mr. Deputy Speaker, Sir, the question of the education officer in question was handled by the Minister for Education, Mr. Koinange. It was purely and simply an educational matter. My Ministry does not have professional teachers to determine who is to become the education officer for the City of Nairobi. So, Sir, naturally, in matters of this nature, the right Minister, although the Minister for Local Government handles—for example, doctors, I do not have doctors in my Ministry. So, Sir, if one wants a doctor for Nairobi, Mr. Otiende has to decide who is the good doctor, but I do not connect it with the Minister for Education.

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

[The Speaker (Mr. Slade) resumed the Chair]. So, Sir, this was purely an educational matter.

The Assistant Minister for Education (Mr. Mutiso): On a point of clarification, Mr. Speaker, I think there has been a lot of confusion over this question, because when I replied to this question earlier this afternoon, I did not say that pressure was exerted on the Ministry of Local Government. I did say—and this can be found in HANSARD—that pressure was exerted on the Ministry of Education. I do not understand why this has been confused.

Mr. Speaker, having said that, I would like to move straight away and deal with the Motion. The point here at issue is, whether this particular

officer should earn the money that he is earning at the moment, and whether or not he is qualified to earn that money at the expense of the poor people of this country. Mr. Speaker, when hon. Members were speaking, very important points were raised, and some Members suggested that an inquiry should be conducted. It was also said that the Mayor should be arrested and dismissed, and such other things. What I would like to say here is this, in Legal Notice No. 74, the Education Act, does provide, under section 5, that the appointment of county education officers, assistant county education officers, municipal education officers, assistant municipal education officers, and officers responsible for the supervision of primary schools shall require the prior approval of the Minister. This, Mr. Speaker, does indicate that the Minister has to approve any officer who is appointed to this post.

Now, when I was replying to this question, Sir, I did say—and I quote—"That even before the Minister's decision was conveyed to the city council, the Mayor himself offered Mr. Callender a contract in Britain when the Mayor was recruiting other staff there." Even if the Minister for Education did actually approve this, when this approval was given the officer was already here in the country. I think—

Mr. Malinda: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): There is not much time, you know, Mr. Malinda.

Mr. Malinda: Yes, that is actually why I have stood on a point of order. In view of the importance of this matter, and also in view of the fact that a few more Members would like to give their views on this question, is there any way by which this Motion could be exempted from the provision of Standing Orders to continue for another fifteen minutes?

The Speaker (Mr. Slade): If a Minister moves, then we can consider exempting any business from the provisions of Standing Order 11. It is only then, otherwise, in my own discretion, I can allow an extra five minutes or so.

#### MOTION

EXEMPTION FROM STANDING ORDERS: HOURS OF BUSINESS

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move that this particular matter be exempted from the provisions of Standing Order 11.

The Speaker (Mr. Slade): Mr. Nyamweya, if you just move exemption from Standing Orders we do not know when we should stop. You will have to tell us until when we should continue.

[Mr. Shikuku]

Mr. Deputy Speaker, Sir, I feel that, since he was employed through the pressure of the Mayor, I call upon the Government to arrest the Mayor, dismiss him. Dismiss him first and then arrest him and then an inquiry should be held to find out why it was that he wanted that particular European from England to come and earn this money.

Mr. Deputy Speaker, I am of the opinion we should take into account the question of what we call the recent Rolls-Royce, in which, again, the Mayor was involved.

Mr. Deputy Speaker, Sir, I feel that there are more cases and that the Government must institute a commission of inquiry to find out these things. I am sure that there are more Europeans and expatriates in this country in the city council who are earning these enormous salaries when our people are suffering. Mr. Deputy Speaker, Sir, even the unemployed people are asked to pay tax just to go and feed these expatriates with no qualifications. Mr. Deputy Speaker, I resent very strongly the exploitation of the poor to meet the large salaries of already rich people. As a matter of fact, Mr. Deputy Speaker, Sir, this man earns more than a Minister. Mr. Deputy Speaker, Sir, this is a big disgrace; someone earning more than a Minister without any proper qualifications! Mr. Deputy Speaker, Sir, we have one Minister, the Minister of State, who is a learned friend, a lawyer, but he does not earn the amount which this particular expatriate earns. Mr. Deputy Speaker, Sir, may I suggest, because I have to give way to let some other Members speak, but, Sir, may I suggest that first of all that we sack the Mayor, and then arrest him; secondly, an inquiry must be instituted to find out whether there are more such anomalies—and I am sure that there are more—more of these expatriates who are earning large salaries at the expense of the poor people.

The other issue, Sir, which I would like to raise is the fact that the President must be congratulated, and I am sure that he is going to listen to the views of the poor people, because he is a very good President. The other day, when we raised this question of the Rolls-Royce, he came down on it. Therefore, Sir, I hope that, in fact, I know that the President will not hesitate to deal with the people who are exploiting the poor. Therefore, Mr. Deputy Speaker, Sir, I appeal to the President of the Republic of Kenya that the amount of Sh. 11,000 being given to a person with less qualification than many of the people who are running the country who have degrees, is a violation of the policy of Africanization and therefore, Sir, this particular *nzungu* must go.

With these few words, Mr. Deputy Speaker, Sir, I beg to move Mr. Kase in my second motion. Mr. Deputy Speaker, Sir, I do not intend to add much more to what the hon. Mr. Shikuku has already said. I think that there is only one principle here involved, that the Government is committed to Africanization and, if it is so committed, then it should follow that policy. Now, Mr. Deputy Speaker, Sir, we know this, and I think the Minister for Education should be ashamed and he should resign. He is among those who should resign. Mr. Deputy Speaker, Sir, he cannot give way to the Mayor of Nairobi. Now, Sir, if he is going to give way to the Mayor of Nairobi, it means that he is less important than the Mayor himself. The Minister either sits down to formulate a policy for this country or he leaves the Mayor to make that policy.

Now, Mr. Deputy Speaker, Sir, we have been further informed that the Mayor offered this particular man a job when he was in London. He brought him back to Kenya; the Minister refused, but they gave way. Mr. Deputy Speaker, Sir, we know that when you go and seduce a woman, you persuade her for a long time and in the end she agrees.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Olointip): On a point of order, Mr. Deputy Speaker, Sir, I rise to seek your guidance; is that really Parliamentary language which the hon. Member should use in this House?

The Deputy Speaker (Dr. De Souza): Order! I do not think he was being unparliamentary. I think he was merely giving an idiom that persistence eventually succeeds, in another way.

Mr. Kase: Mr. Deputy Speaker, Sir, this is the second time in this country that a Minister has given way to a lower person, a very small person. Now, Mr. Deputy Speaker, Sir, I think that unless the Ministers of this country can take proper decisions, they are going to face the music one day. If they cannot run this country properly, then I think they should resign. Some of them are too old and they would rather leave some small hot-headed young men to deal with these matters.

Several hon. Members: Like Kase.

Mr. Kase: Therefore, Mr. Deputy Speaker, Sir, I would like to second this Motion by saying that whether the Mayor is dismissed or not, a commission of inquiry should be set up to find out what was cooked up in London. We understand that there are forty-eight expatriates in the Nairobi City Council, and so we would like this

[Mr. Kase]

commission of inquiry to find out what happened in London. Was he given money, bribed or what happened? The second thing we would like the commission to find out is why these expatriates in the Nairobi City Council are there in any case. Thirdly, Sir, we would like it to find out whether the Mayor is more important than the Minister for Education, because it seems that he thinks he is.

Mr. Deputy Speaker, Sir, I do not have anything more to add and therefore I would just like to second the adjournment.

(Question proposed)

Mr. Ngala-Abok: Mr. Deputy Speaker, Sir—Mr. Anyieni, you must not be stupid.

The Deputy Speaker (Dr. De Souza): Order! Mr. Anyieni, I do not know what you said, but Mr. Ngala-Abok you should address the Chair. I think it is very vital: It is one of those essential rules to keep your temper.

Mr. Ngala-Abok: Thank you Mr. Deputy Speaker, Sir, I apologize. Mr. Speaker, Sir, I wish to speak on this Motion, but I also wish to state categorically that I am not going to give way to any stupid Member who calls me a puppet.

The Deputy Speaker (Dr. De Souza): Order! Mr. Ngala-Abok, I did say that we do not want to be personal. I did not hear Mr. Anyieni say this. If he had, then I would have asked him to withdraw. But you are not allowed to call any hon. Member stupid. Please withdraw it.

Mr. Anyieni: On a point of order, Mr. Deputy Speaker, Sir—

Mr. Ngala-Abok: All right, Mr. Deputy Speaker, Sir, I withdraw.

The Deputy Speaker (Dr. De Souza): He has withdrawn. Mr. Anyieni, it is all right, it is over. Sit down.

The Minister for Home Affairs (Mr. arap Mōl): On a point of order, Mr. Deputy Speaker, Sir, could the House be told that the Members who quietly call other Members puppets should also withdraw their remarks?

The Deputy Speaker (Dr. De Souza): I think the Speaker has already said earlier that if hon. Members say something which the Speaker has not heard, one could let it pass. But on the other hand, if any hon. Member says it quite regularly, then I think the Speaker will take action on that remark. But Mr. Ngala-Abok did not raise on a point of order that something had been said against him, instead he went on to call an hon. Member stupid. Until I have heard something, I am afraid that I am not in a position to call

any Member to order. This matter is now over. We have a very important debate before us and we do not want to be side-tracked with points of order.

Mr. Ngala-Abok: Now, Mr. Deputy Speaker, Sir, the last time we discussed the question of the Rolls-Royce, I did not have a chance to speak, but I think, Sir, we are concerned about the activities of the Mayor. A lot of rumours have gone around about a private army and many other things of which I am not capable of substantiation—

The Deputy Speaker (Dr. De Souza): Order! Mr. Ngala-Abok, I am afraid we must not let this debate side-track into a personal attack on the Mayor. What we are, in fact, discussing is just the one point, namely, the particular gentleman who has been engaged at what Mr. Shikuku considers a very high salary. So we do not want to go on to a general allegation against the Mayor.

Mr. Ngala-Abok: Mr. Deputy Speaker, Sir, I understand the position, but Sir, when a person continues to do such things that are not likely to be approved of by the country, it is important that we realise this once and for all that this House is not going to be interested in discussing this position from time to time, either because he has failed to respect a Minister who is supposed to give the final approval, or because he has failed to see the economic position of the country. In fact, Sir, it speaks for itself just to hear that a person is earning Sh. 11,000 whereas a Minister of the same country from where he comes, is not earning the same amount. Also, Mr. Deputy Speaker, Sir, what has happened is that many people have withdrawn from the services of this country, for example, educationists to mention one: Mr. Dalgallo, who was the education advisor in the United States has resigned, not because he wants to leave the service, because he has served this Government for twenty-five years, but because he is frustrated. The first thing, the reason why he was replaced in the United States, is not clearly understood. But, Sir, he has been the principal of many schools. He has vast experience. He is a very old man, although not old in terms of age but he is very experienced and can carry out the educational work of this city very well indeed. There are many other Africans who have also resigned from the Ministry of Education. In fact, if we ask for a list of those who have resigned, not necessarily because of old age, but because of frustration, we will find that many have resigned. The same case applies to other Ministries. But Sir, we are not going to accept a situation where a person is recruited straight away as an education officer.



[Mr. Muti]

Mr. Speaker, even a little patience sometimes is not a bad idea, as the hon. the Attorney-General suggests.

Mr. Speaker, Sir, if the women of this country have proved their worth in other fields, in the fields that I have mentioned, if we accept them for instance now in employment and we maintain that there should be no discrimination, then if we accept them socially and if we accept the view that the place of women today is not necessarily always in the kitchen, then I think we must accept that there is no reason why women should not be admitted to this House and the only way that I can see that we can get them in here is to have special seats created for them.

Mr. Speaker, where women have been given opportunities in the political world they have proved their worth. We know of women Prime Ministers, known of women in the United Nations, we have known of women elsewhere, and as a matter of fact in history, Mr. Speaker, Sir, women have done quite great things. I do not think anybody would accuse me of being imperialistic but I would like to refer to some imperial power, which perhaps indicates what I am talking about. Mr. Speaker, Sir, it was a woman, a British Queen, who created the British Empire, it is also a woman, a British Queen, who is disbanding this Empire. It took women to do these great things.

Mr. Speaker, Sir, this shows you that if we have women in this place they will definitely be an asset. I have no doubt about that and if we maintain the view that women must struggle for themselves, and must come here through the normal elections, I think that we will be delaying the inevitable. Mr. Speaker, Sir, one of these days, may I warn hon. Members, the women of this country are going to rise and say, "We are not going to be dominated for ever." Mr. Speaker, Sir, I should not be surprised if the attitude of this House today is not to encourage women in here, if that is the attitude of this House I should not be surprised if there is not a woman's strike in this country.

Mr. Speaker, Sir, it is one thing to ask "Question" or to ask "How", but quite a lot of us here, I think, should not be asking that question; they should know better. I have already said that half the population of this country are women. Mr. Speaker, Sir, those who do not know should take it from me, that the women are capable of doing so. So without wasting much time, may I say again that I am not suggesting something that is impossible, it is quite simple, all we have to do is a little amendment to the Constitution, following the principle which is

already accepted, again by so doing we shall still be promoting another principle which is accepted in this country, the principle of fighting imbalances. Mr. Speaker, Sir, when people talk about imbalances in trade, imbalances in employment, in the service and so on, the whole principle of Africanization is based on the principle of fighting imbalances. Why, Mr. Speaker, Sir, does it become impossible for hon. Members in this House now, to appreciate that there is gross imbalance where women are concerned. Mr. Speaker, Sir, I believe that all seriously minded Members of this House and I believe most of them are will agree with me that this is an issue which we must handle and settle before too long. Mr. Speaker, Sir, it is one thing to treat it as a minor issue for the simple reason that today there will not be a single woman who will stand here to speak on behalf of womankind.

Mr. Speaker, Sir, I am not surprised to hear some hon. gentlemen shout. The hon. Attorney-General is going to reply on behalf of Government so he can include that.

Mr. Speaker, Sir, I am going to give a chance to the Attorney-General to say what he has to say, and therefore, I really hope that male prejudice will not take the upper hand and I hope that we will look at this issue squarely and settle it to the satisfaction of all the people of this country.

Mr. Speaker, Sir, with those few remarks I beg to move.

Mr. Gichoya: I second the Motion. Mr. Speaker, Sir, in my family there is my mother and my sisters, so Members who are saying that "Gichoya" cannot speak with authority have failed to understand the social set-up of our society.

Mr. Speaker, Sir, the position is that we are actually trying to do one thing and that is to do justice to our own society. We say that we are all equal, indeed we are equal, but in actual fact, Mr. Speaker, women are the weaker sex, that is how it is known in English. Women are physically weak and cannot square face men. Mr. Speaker, Sir, I say—I have enough experience to prove that women are physically weak—that so long as they are weak cannot we find a solution to bring them nearer to the high authority of this country. This is the problem that is facing Parliament today, Mr. Speaker. We have today Specially Elected Members, why were they specially elected? The intention was to make the Government function by having them, because since we had two parties of one party had a marginal success it would have had twelve

[Mr. Gichoya] Members added to it so that it could run the country properly. Now, Mr. Speaker, Sir, we are a one-party system, Kadu is over, Kambu is on, consequently these twelve Specially Elected Members, who in most cases seem to be the people who are against this Motion, ought to realise that it was a privilege that we gave to them and we can deprive them of that privilege and give it to the deserving people. Women, Mr. Speaker, Sir, have contributed a lot, I do not want to repeat what the hon. Member said, that during the Emergency women did contribute a lot towards the liberation of this country. I might even say clearly that today in every party meeting you can count more women than men and this shows that they have an interest, but the snag is that they are shy to come forward and if they are too shy to come forward, why cannot the country allow them specially to come to this House and in future, in the course of time, they will be able to stand firmly and oppose a man and get through the country's Parliament.

Mr. Speaker, Sir, these young people who say Gichoya is not experienced—

Mr. Malsori-Itumbo: On a point of order, Mr. Speaker, Sir, is it in order for an hon. Member to call others young people.

The Speaker (Mr. Slade): I would remind hon. Members that it is correct to refer to other Members as hon. Members, I do not know that it is offensive to refer to them as young; some people are glad still to be regarded as young. In any case it is time now for us to interrupt this; you will be able to continue Mr. Gichoya when we resume the debate, but I promised Mr. Shikuku that he should now move the adjournment.

#### MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

##### NAIROBI CITY EDUCATION OFFICER

Mr. Shikuku: Mr. Speaker, Sir, I beg to move that the House do now adjourn. I wish to talk, Mr. Speaker, Sir, on a very vital and important issue, namely that which arose out of the question asked today in this House with regard to the person in charge of education in the City Council of Nairobi. I do so, Mr. Speaker, for several reasons. First, this has revealed to the House that the Government's policy of Africanizing any post formerly or presently held by an expatriate would be done at any time when a suitable African was available to hold that post. Here, Mr. Speaker, we understand, from reliable sources, that the man in charge of the educational system of the City Council of Nairobi is an expatriate and is earning a sum of £4,100 a year which I have calculated and found

to be Sh. 6,833/35 cts. a month. This particular person does not have a degree, he is not a graduate, yet he earns so much money in this country when we have so many people who have graduated and are Africans and residents of this country, who have not been offered this chance to be in charge of education in this city. Mr. Speaker, Sir, I would like to challenge the Government and particularly the Ministers of Local Government, to tell me that there is no African in Kenya today who has the qualifications to take up this post. It would be a complete fallacy for anyone to dare to stand up and tell us that this post could not have been Africanized.

Mr. Speaker, Sir, the other thing that the Members probably do not know and about which I have information is that he earns £6,600 a year, that includes his house allowance, and that, according to my calculations—I am not a very good mathematician—is Sh. 11,000 a month. On top of that, Mr. Speaker, under the present terms and conditions of service, he is going to get 20 per cent of that amount after his services are done away with or when he retires, a gratuity of 20 per cent, so we can work it out and find out how much we are spending on this particular expatriate who the Mayor considers that nothing can be done in the city council unless he is there.

Mr. Speaker, Sir, the other issue that I would like to raise is this: It was revealed by the Assistant Minister for Education that this particular person had left the country and was brought back through pressure by the Mayor of Nairobi. Now, Mr. Speaker, we have another case for the Mayor. Is this Government the supreme authority over the city council or is the city council the supreme authority over the Government? Mr. Speaker, I am of the opinion that this is a very serious case and I know that the hon. Members in this House will resolve that this House decides who is the boss and if we are the boss, this particular expatriate should be done away with. Mr. Speaker, the policy of Africanization has

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

been violated. The Government cannot now give us any reasonable reason why this man, who has only got a Cambridge School Certificate, should not go home. I understand that his certificate is a 3rd grade one, Mr. Deputy Speaker, and he should go home. He is earning public money when we have so many people in this country going hungry and in this city going naked, when this man is employed, earning a lot of money and he has no proper academic qualifications.

[Mr. Mboog] hear what the Government has done on this. Mr. Speaker, I feel that there should be a lot of consultations, and the civil servants must be made to understand that this is the Supreme House, and if they have to give their rules they should give rules according to the previous business of the House.

So, Mr. Speaker, I beg to oppose.

The Speaker (Mr. Slade): It is time now for the Mover to reply.

Mr. Kerich: Mr. Speaker, Sir, before continuing with other factors which I would like to mention, I would like to criticize the remarks made by two Members who were absent at the beginning of this Motion. I already regard the reply given by the Minister of State as satisfactory, unlike some replies from other Ministers, who, Mr. Speaker, when they reply to questions or to a Motion in this House, only humiliate Members and bring their Ministries into dispute.

Mr. Speaker, Sir, I would like also to have—I appreciate the way the Ministry is taking with regard to the administration of Kara-Pokoi.

Mr. Speaker, Sir, I would also like to mention that the Member who has just spoken has already misled the House whereas the Government has already sympathized with my Motion.

Mr. Speaker, Sir, also I would like to tell Mr. Osogo, when he replied on behalf of the Government, that I will submit the names of the people who have been displaced as squatters. Mr. Speaker, this is a very genuine request and I am prepared to give him the names of some of those who have been displaced especially in the Kenya Tea Co. at Kericho next week, if I come to Nairobi.

Mr. Speaker, Sir, I did not agree with the remarks made by the Minister of State, when he said that if the Government was ruling by decree, hon. Mr. Shikuku would not be here. Mr. Speaker, Sir, if the Government is not ruling by decree then was the Minister implying the Government is using Parliament as a rubber-stamp? Because if Government is using Parliament as a rubber-stamp, then Mr. Shikuku is here as a voting machine.

Another point, Mr. Speaker, is the question of the Minister of State also saying that the Government has acted on the question of maize. Mr. Speaker, Sir, I would like to tell the Government that people in Kericho are selling their maize at a low price, yet, Mr. Speaker, in this House we passed a resolution that one bag of maize

should cost Sh. 27. Later on we learn the Government suggests that one bag of maize should be Sh. 37. Even so people in Kericho are selling their maize at Sh. 29 a bag. Where is the truth in these remarks, Mr. Speaker?

Another point which I would like to mention is the question of squatters. While we appreciate the Commission of Squatters, Mr. Speaker, Sir, I would like to name the Commission of Squatters known as Mr. Shimjeju. This we appreciate, but it happened that this commissioner bought some farms in Kericho and, instead of settling the Laibon evicted from South Nyanza, he imported squatters from Thomson's Falls. We would have liked, Mr. Speaker, to have seen these lands being given to the Laibon, those are the people who were exiled by the imperialists when they came to this country. Recently when we achieved Uhuru our Government saw that these Laibon should turn back to Kipsigis. When these people came back there was no land for them, so they were just roaming about. So I would like the Ministry to instruct Mr. Shimjeju to give preference to these Laibons. I hope the hon. Mr. Sagini will support me, because these people were in South Nyanza or in Kisi District. Mr. Speaker, Sir, also when the Minister of State replied he said that the Ministry had already implemented the resolution passed in this House that there should be a proper committee, I mean a selecting committee for bursaries. Mr. Speaker, the Minister said that already the Government has implemented this, but the officers in the Ministry of Education have not been following the proper channels. But, Mr. Speaker, I thought this is a question of administration and I am sure we have the right of questioning the Government regarding this wrong implementation, wrong administration in the Ministry of Education, because I know so many boys were rejected later on in the Ministry of Education, though they were accepted by the selection committee.

So, Mr. Speaker, I do not want to labour much as I have already stated my points, I am sure this Motion will go through. With these few remarks, Mr. Speaker, I beg to move.

(Question put and negatived.)

#### MOTION

##### WOMEN IN PARLIAMENT

Mr. Mati, Mr. Speaker, Sir, I beg to move—

THAT this House urges the Government to introduce legislation to amend the Kenya Constitution so as to provide for the special representation of the womenfolk of Kenya by women in the Parliament of Kenya.

[Mr. Mati] ...

Mr. Speaker, the principle of special representation is accepted in our Constitution. If it were not so we would not be having twelve Specially Elected Members in this House; so that the idea of having special seats for women is nothing new. I am only suggesting that we extend what is already in the Constitution to cover that major part of the Kenya population which is known as the "womenfolk of this country". Mr. Speaker, I think every hon. Member here appreciates that more than half the population of this country is women. I think the hon. Members also know that more than three-quarters of the voters of this country are also women, and yet, here we meet, we discuss matters of national importance, and we do not have the benefit of the opinion of this major part of our population. It is for this reason that I contend that we must find a way of having direct representation by women here.

Mr. Speaker, Sir, the argument that women in Kenya are free to contest seats exposes a certain amount of, first, may I call it ignorance, and secondly, perhaps is an expression of absolute prejudice, and it is this we want to kill. Mr. Speaker, Mr. Speaker, it is well known that women, for certain reasons, have always been at a disadvantage as far as the matters of this country are concerned. For many years there were no schools for women, and even today, it is men who have the advantage in all fields, in social and economic activities. For this reason, it has not been possible for women to compete with me on an equal footing. For this reason we must be prepared to give them a part.

Mr. Speaker, to argue that because the Constitution of Kenya provides that anybody, male or female, can be elected to this House, and women should take their chance and be elected as men are elected, is to be unfair. We know for certain that in such circumstances, women stand no chance whatsoever. First of all because of male prejudice, and secondly because they have this disadvantage of having been late starters. Mr. Speaker, I maintain that even the greatest runner in the world, Mr. Kipchoge Keeno, if he were to compete with any of us here, perhaps, and we were given three-quarters of a mile to do, and he was to start at the beginning of the mile, we would reach the end before him. For this reason it is no use arguing that we can now take it, because the Constitution does not discriminate in so many words, against women, that women can compete with us. I maintain that we must make a move, we must do something to see that at least women get in here and then, if you like, afterwards, they can take care of themselves.

Mr. Speaker, Sir, when the people of this country were struggling for independence, there was no argument that women were not also contributing their part. Mr. Speaker, quite often when people talk about the sacrifices that the people of this country made, we tend to over-emphasize the part played by men. We forget that there were also women who sacrificed quite a lot. It is quite often forgotten that while His Excellency the Father of this Nation was in prison, Mama Ngema was also in prison. This is often forgotten. We often forget that while people were being killed, men were being killed, women were also being killed. We also forget that perhaps women sacrificed more, just try and think. Just consider what it must have meant to the womenfolk of this country, struggling in the forests; being herded like cattle; some of them in very advanced conditions, some having babies in camps, in the forest, on lorries, and yet, today what happens? When it comes to considering matters of importance we think that they are probably not quite fit to be here. That is exactly why some hon. Members are shouting.

Mr. Speaker, may I also state that I know quite a number of Members have certain reservations about women Members coming here. They feel rather frightened. I have been approached by a few Members and asked to withdraw this Motion. They could not possibly produce any sound reason why I should do so.

Mr. Speaker, I would now like to assure the Members that there is nothing to fear, because, actually, what I am suggesting is nothing terribly frightful. I am not suggesting, for instance, Mr. Speaker, that women should be enrolled on different rolls, or vote on different rolls; I am not even suggesting that women should not vote for men. So hon. Members here should feel quite secure, they should not think that what I am suggesting is that women will now vote only for women, and therefore, they will not get their votes, and therefore they will not come here. I am not suggesting that. I am suggesting that special seats be created so that they can be filled by women here. All the voting will be done as usual, but there must be special seats created to introduce women to this House. May I also say, Mr. Speaker, on a purely social ground, that the presence of women in this House, Mr. Speaker, might have a civilizing effect. I am not suggesting that this House is not civilized. Mr. Speaker, but I do maintain that the presence of ladies has a kind of socializing influence, and you might find that some of the problems we sometimes meet here, might be reduced, if not eliminated if we have some women around us.

[Mr. Godia]

Mr. Speaker, Sir, we had a Motion which has been referred to regarding the civil servants—say, chiefs—and Members of Parliament. I think—though it is true that some chiefs do not give regard, not only to Members of Parliament but also to party leaders in various districts in the country, when they know that they are working for the Kanny Government—there should be a very deep respect towards the party leaders and, also, towards Members of Parliament. This must be made clear to the civil servants, including chiefs, because if civil servants do not give due regard to Members of Parliament and, also, to the Kanny party officials, this is bound to cause confusion in the country. Therefore, I think I should appeal to the Government to see to it that the chiefs and other party officials in the country know their duty.

There was a Motion which we passed here regarding the price of maize. The House recommended that the price per bag of maize should be Sh. 47/50. I do not know what Government has decided about that, but we have had no explanation as to why this has not been implemented.

Mr. Speaker, Sir, these are amongst the few things which people would like to know, and once they are informed they could inform their constituencies and people would know exactly what was happening. Government should not give room for Members to think that they can bring in a Motion such as this to get information when, in fact, that could come from the Government without having to wait for a Motion to come forward so that Government can answer. I think, Mr. Speaker, that our Government is doing very well. I know they have a lot of commitments but the important thing is to see that the needs of the people of the country are met, and I know they are doing this, but I would remind them that when necessary a paper should be circulated to Members to tell them exactly what is happening so that they would be aware and then, Sir, a Motion such as this would not come forward.

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

Mr. J. M. Karimk: Mr. Speaker, Sir, I remember some time in the past I mentioned to this House that there were some Motions which were not implemented by the Government. But later on I tried to check up with various Ministries, and I must say that I was very interested to learn that the Government is trying to do all it can to implement most of the Motions. What I would like to point out here is that it is a well-known fact that although the Government is implement-

ing the Motions which we pass in this House, some of the translations which are being given to the members of the public are very misleading.

I would like to state the reason why I say this, it is because the way in which it is being interpreted to the civil servants in the field is either misleading to them or the Government is misleading them as to the schemes which the Members of Parliament are putting forward. I would like to point out here as an example that there are some Motions which deal with land, and when we pass a Motion in this House dealing with the land question then the civil servants in the field are led to believe that the Members of Parliament are not very interested in the work which is being done in the field, and that is very misleading. These officers are somehow led to believe that the Members of Parliament do not appreciate the work which is being done in the field, but that is not the point. I would appeal to the Ministers concerned to give the proper interpretation of what the Members of Parliament are intending to do to a particular Motion.

I remember that a Member of this House one day moved a reduction of £1 from the Ministry of Home Affairs of the police department, and I was very shocked to learn from the police themselves in the field that they considered that we Members of Parliament opposed them because one Member of Parliament, the Member for Butere, moved that every policeman in this country had to lose £1 from his salary. Now, the hon. Members are laughing at that, but it is true because the translation, which appeared in the *Daily Nation* and the *East African Standard* said that the Member for Butere moved a reduction of £1 from the police vote. They did not understand this, but they thought that £1 was to be taken from each policeman employed in the country. That is very misleading, Mr. Speaker, because they were led to believe that we were reducing their salaries. This interpretation is very bad indeed because they were led to believe that the Members of Parliament were moving a reduction in their money, so I feel that the Mover of this Motion did not have very bad intentions. It may be that because this Motion has been pending for some time that is why the Mover had the right to move it, because many Members are led to believe that the Motions are not implemented. I would like further information to be given to the members of the public and to the people who are, in fact, implementing the Motions we move. I know that Government may find difficulty in implementing some of the Motions we decide in this House, but we also feel that it would be better for Government to have a consultation; Government may find that it would be very

[Mr. J. M. Karimk]

difficult to implement the Motion. There would be no use in just saying that they cannot do a certain thing, it would be better for the Government to come back to either the Parliamentary Group or to a committee which would be set up and to ask their point of view. I think that would be a very good thing. They could discuss and agree that they also find it difficult to implement a particular Motion; there is no use in saying that they would mind that that Motion is passed and they are not going to take any action. I would suggest that the Government should in future, if they found any difficulty in implementing any Motion, consult the Members of Parliament or that particular Ministry and discuss the possibilities or impossibilities of implementing that Motion. I feel—

Mr. Shikuku: On a point of order, Mr. Speaker, with due respect to the hon. speaker, he did mention that policemen are of the impression that that I moved a reduction of £1 in their salaries, and I suppose that is why I am being attacked. Would it be in order for the Ministry to explain to the police what really happened, so that they can stop chasing me all over the place?

The Speaker (Mr. Slade): No. Order! Order!

Mr. J. M. Karimk: Mr. Speaker, Sir, I feel that the papers should pay particular attention when they report these things, and I hope that this will be rectified, that it is not every policeman who will have £1 deducted, but that we only deducted £1 when we wanted to discuss that particular Vote.

Therefore, Mr. Speaker, in ending my speech I think that it is very important for the Government to consult with us in future on those Motions which they feel they cannot implement properly. They should consult the Members of Parliament who will give guidance, and if that guidance is found not to be fit or it does not agree with what was decided in the House and the decision by the Government then the Government could take the final decision of the Members of Parliament because they are the people who are actually acting as a link between the public and the Government. If we are to make this two-way traffic work successfully I hope, and I believe, that Government will take this into consideration and ensure a proper and better way of running the administration in this country.

With these few remarks, Mr. Speaker, I beg to support the Government and not the Motion as such, because I do not feel that the Government is tending to rule this country by decree at all, but I feel that it is very important for the Government to consult the Members of Parliament.

Mr. Mbogoh: Mr. Speaker, Sir, this Motion should not have come to Parliament had it not been that there is a very great misunderstanding between the Ministers and the Members of Parliament. In opposing this Motion, Mr. Speaker, I have made this decision simply because if the Mover of the Motion had consulted more with the Ministers he would have known what had been done and what had not been done.

The Speaker (Mr. Slade): Mr. Mbogoh, you have only another three minutes. You will have to make the most of that.

Mr. Mbogoh: Mr. Speaker, I would like at any rate to say that the accusations made against the Government in this Motion are most unfounded and could be rectified at short notice. It has been rumoured outside that the Government is ruling with the help of the Parliamentary Group, but this is not true, because when Parliament passes anything it is the duty of the Government to implement it and also to inform the Members of this House what has been done. So, had there been any consultation between the Members and the Cabinet it would have been very easy to understand what the Government is doing, what it has not done and what remained to be done. What I suggest here, Sir, is that if there is anything that has been passed in this House and has been implemented the Government should go and implement it and then report back to the House and say that such-and-such a Motion has been implemented and such-and-such a Motion has not been implemented.

I would also call upon the Members to go as many times as possible to the Ministers concerned with the Motions which they put to this House and try to find out whether or not they have been implemented.

Mr. Speaker, the Government has many times taken notes of what we discuss in Parliament, but if the notes are taken, and then it is reported to us that such-and-such action has been taken, though the Motion has not been implemented, that would be very good and Members would not go astray and move a Motion such as this, and taking up time which could be used to do other sensible things.

So, Mr. Speaker, I quite agree with the Government responder that there are some cases where Members put forward some difficult Motions which cannot be implemented, but I would even like to tell the Minister that if such a proposal, one which cannot be implemented, is put to this House, the Ministers should tell the House straight away that it cannot be implemented, instead of having the Members wait to

Mr. Shikuku: On a point of order, Mr. Speaker.

The Speaker (Mr. Slade): It is no good just disagreeing on facts, after having had that substantiation.

Mr. Shikuku: It is not a point of argument, Mr. Speaker. The hon. Minister is actually telling the House a lie.

The Speaker (Mr. Slade): No, order, Mr. Shikuku. I have explained to hon. Members that when we have two Members disagreeing on a matter of fact, we can go no further. We have to note that they disagree. That is all.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, this word "lie" has been ruled out of order so many times in this House. I wonder if the hon. Member is right in using the word "lie"?

The Speaker (Mr. Slade): No, offensive language is always out of order. You could achieve the same results, Mr. Shikuku, by saying that the hon. Member is incorrect. I hope you will change the word from "lie".

Mr. Shikuku: With your permission, Sir, I withdraw.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, when I was dealing with this particular Motion, when it was tabled by the hon. Member, I pointed out the complex situation which would have arisen on this Motion. My speech is in HANSARD. I do not see how the hon. Member could then say that it is incorrect for having suggested that I explained that particular point to the hon. Member.

With these few words, Mr. Speaker, I would like to say that the Government is not in sympathy with this Motion.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I would like to add a few things to what my colleague, the Minister for State, has said.

With your permission I would like to ask the hon. Member for Belgut to give us the names of these people who are roaming the streets, these people who have been chased from the forest by the Minister for Natural Resources, because we should take up this matter to show to the hon. Member and the country that the Government does not throw people into the streets. My first appeal, therefore, is that the hon. Member for Belgut should submit a list of the names of these people who came to see him, these people he alleges were thrown out of the forest by the Minister for Natural Resources.

Another point I would like to say is that the only Motion the Government might not have implemented—if at all it was passed here—is the Motion of "No confidence" in the Government. The hon. Member for Butere hit the very hard. That is the Motion that might not have been implemented because the very Government that started in 1963, when we attained our internal self-Government, is the same Government today. If there was a Motion that was never implemented at all, it would be this Motion, but I do not remember, Mr. Speaker, any Motion of that kind having come up and gone through in this House.

Hon. Members: What about federation?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Hon. Members are asking about federation. This had nothing to do with the contents of this Motion, Mr. Speaker. With due respect to hon. Members' capacity of the grey matter, I would say that the question of federation is not a matter for Kenya alone to decide. This, hon. Members know, and indeed, it could have been passed in Kenya, but the Government refused it. We are told that the Government was defeated on this, the Government knew very well that it would not implement it, Sir. So, the Government is not a party to what was passed by hon. Members in this connection. The Government defended itself by saying that it was not prepared to accept that Motion because it was not going to commit the other two East African territories. This was stated very, very clearly.

Another point is this: we should not tell the country that every Motion that is passed here should be implemented. Government always explains why it tries to amend a Motion and why it cannot accept a Motion, because of the various implications. Hon. Members do not know the implications. For example, Mr. Speaker, the question of free primary education: This was passed here, but the Government still has to go to the country to look for money to implement this. So, the hon. Members must keep in mind that immediately they pass a Motion it involves a lot of things. When it involves a lot of things like this the Government is not prepared to give way to such Motions. The Government wants always—here the HANSARD, the record of this House could be referred to—to say why it rejects a Motion, why it cannot accept a Motion. Why it wants to amend a Motion. Government always does this. So, it is no use hon. Members trying to tell the country that Government does not implement the Motions that have been passed in this House. That is not true.

[The Assistant Minister for Agriculture and Animal Husbandry].

I was waiting, Mr. Speaker, for the hon. Mover of this Motion to count the fifty-six Motions that have been passed and that have not been implemented. Fortunately he only counted six. The Minister for State has already answered how these Motions are being implemented. The remaining fifty could, if they were raised, Mr. Speaker, I would suggest that an hon. Member asks in the form of a question for each Motion, what the Government is doing. He could ask in this House and the Government would answer. He should ask what the Government is doing in conjunction with Motion number so-and-so that was passed on such-and-such a day. An answer will definitely be given to satisfy the country and the hon. Member. It is no use coming here and alleging that Motions are not being implemented by the Government when no specific Motions are stated, this is bad. The six that were stated, we have already answered and given assurance that the Government has implemented them.

There is a point that the hon. Minister for State answered rather briefly and I would like to deal with a little bit more. That is the matter of loans. The money that is loaned to farmers is not Government money. This is money for individuals, it is money for other rich people. If they feel that they do not want to grant the five-year moratorium, if they tell the Government that they are not prepared to do that, the Government has nothing else to do except to go to the Members and ask for more money to give to the farmers and if Members are prepared to give this money, why should the Government refuse to give the five-year moratorium?

Another question, Mr. Speaker, which I would like to stress is the question of civil servants meddling about in politics and being under Members of Parliament. Honestly a Government worth its salt is not going to permit civil servants to be under politicians. After all, politicians change day after day and if they change day after day next year other politicians will come and the civil servants will be directed by them the Government will not ever run like that; unless, Mr. Speaker, I do not know how the eskimos' government runs, and a bad one is the only one which I would suspect would run in this way, but no other government in geographical conditions such as ours.

The hon. Member for Belgut, again, talked about "walk-in, walk-out" farms, Mr. Speaker, I would tell the hon. Member this. If he wants to buy a farm from me, we would talk about the prices. The Government has nothing to do

with this system of transaction. But if he wants to buy a farm and appeals to the Government, the Government is prepared to give him a valuer and the owner of the farm would have his own valuer; so these two valuers could then discuss and come to an agreement. But to accuse the Government of doing nothing, and a Member goes to buy a farm privately, he does not have a valuer and he does not know how to value land himself, Sir, and comes here to accuse the Government and says that he has been swindled—we do not accept this, Mr. Speaker. But I would challenge the hon. Member; if he stands up to reply, to tell us that he has asked the Government for a Government valuer to go and assist him in purchasing a private farm—what he calls "walk-in, walk-out"—and that the Government has refused. If he does that, Mr. Speaker, I will make sure that I take it up with the Ministry of Lands if he has appealed to this Ministry.

So, Mr. Speaker, it is a pity that an hon. Member thought to bring this Motion here. What I should have thought should have happened would have been either for the hon. Member to chase up the Ministries that were concerned with these Motions that were passed or to table questions—fifty-six of them—in this House, and I am sure they would have come, one by one, and he should then have had clarification as to what the Government was doing about all these fifty-six Motions that are alleged to have been passed and which we have not implemented.

With these few remarks, Mr. Speaker, I hope that I have made more clear to the Members how the Government works regarding these Motions which have been passed.

Mr. Godie: Thank you very much, Mr. Speaker, for giving me permission to speak on this Motion.

Mr. Speaker, Sir, although I do not support the Motion as it stands, the Mover of the Motion had some facts which he has put to Government and, as has been indicated, Government gives very serious consideration to Motions which are passed in this House. It should be possible for the Government to indicate in the form of a paper the implications of any particular Motion so that Members would know the difficulties facing the Government in so far as that Motion is concerned.

I think, Mr. Speaker, Sir, that Members of Parliament here realize the difficulties, they would not refuse to accept the facts, but I should call upon the Government, when necessary, to state in writing the implications involved in any particular Motions.

**[The Minister of State, President's Office]**

Now, bearing all these things in mind, Sir, that is why sometimes some of these Motions perplex us, because sometimes they do not really come to the point. All the same, those Motions which have come to this House are treated with seriousness by the Government; those which have been accepted by the Government, as a matter of fact they are being acted upon. Take for instance the question which was mentioned by the hon. Member for Belgut, the case of Kara Pokot. The Motion which came in this House some time last year, the Motion which the Government accepted, Mr. Deputy Speaker, Sir, today we are in active consultation between our Government and the Government of Uganda, and had it not been that the Uganda Government is in a slightly difficult position now, we could have had a conference going on to see the ways and means of getting the Kara Pokot District under the Kenya jurisdiction.

The whole thing, Sir, is that Members do not care to ask for information. They do not want to see the Ministers and find out how far a particular Motion has gone. In fact, they tend to come to this House and then say, "Oh, the Government is not doing anything." Take for instance, the question of the maize issue. It came into this House, into the other House, and has the Government not acted upon that?

**Mr. Shikuku:** On a point of order, Mr. Deputy Speaker, is the hon. Minister in order to try and mislead the House when in actual fact the Motion which was passed in this House in connexion with maize, was the price of the maize? Is he in order to quote the wrong thing?

**The Deputy Speaker (Dr. De Souza):** I do not think the Minister is misleading the House. He is stating that the Government has taken action on the views expressed in this House. If your views are different, Mr. Shikuku, and you are entitled to them, you can express them, but you must not think that a person who does not agree with your views is misleading the House.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Deputy Speaker, Sir, there was a Motion which was passed in this House concerning the price of the maize. The House is aware, and it has been told more than once, that there is a committee working on this. There was a Motion which came to the House on the question of the maize muddle in the country. In response to that the President appointed the commission of inquiry to go into the matter.

These are the Motions which illustrate that the Government is really acting upon the public opinion of this country through their representatives. Sir, I owe my office today because of the

pressure from this House. It is the Member for Butere who, I think, several times asked whether it was not proper for the President's Office to be represented in this House by a Cabinet Minister. This has been done. The Motion has been acted upon.

There was a Motion, Sir, by the hon. Member for Kandara on the question of squatters. I challenge any Member today who can bring forward accurate information that the eviction of squatters is going on, because by the directive of His Excellency the President himself, throughout the country he gave instructions that no further eviction of squatters should go on. This has been stopped. On top of that, Mr. Deputy Speaker, the Squatter Committee is working even today—the hon. Members do not know this on this problem, they are seriously discussing ways and means of how we can alleviate the miseries of 70,000 families who have no homes. Yet someone has the audacity to come here and say that the Government is sitting idle.

The hon. Member for Belgut, the Mover, has come to this House and told us that the Government has not acted on the Motion on teachers, their terms of service and so on. How memory can fail Members in this House is surprising!

**Mr. Shikuku:** On a point of order, Mr. Deputy Speaker, is the hon. Member in order to misrepresent what the hon. Member said? The hon. Member said—I remember because I was in here—that he does not know what Government is doing. He did not say definitely that the Government has done nothing.

**The Deputy Speaker (Dr. De Souza):** If he said he does not know what Government is doing, well he is entitled to be told by the Minister what the Government is doing.

**Mr. Kerich:** On a point of order, Mr. Deputy Speaker, I wonder whether it would be in order for the Minister to withdraw the remark as regards the question of teachers, because I said that I stand corrected if the Government has done something.

**The Deputy Speaker (Dr. De Souza):** Mr. Kerich, I think it was very fair on your part to say that you stand corrected. So, I think you should give the Minister a chance now to correct you.

**The Minister of State, President's Office (Mr. Nyamweya):** Now, let me correct the hon. Member for Belgut whose memory has lapsed within a week. Last week, Sir, I think it was on Thursday, the Minister for Education revealed to the House that the Government had accepted certain recommendations and the Government

**[The Minister of State, President's Office]**

has set up a Teachers' Commission to deal with all these things. How, then, has the Government failed to act on this Motion?

Sir, the hon. Mover mentioned something about bursaries for overseas studies. The hon. Mover corrected himself by saying that this Motion was acted upon as soon as it was passed in this House by the President himself, appointing a select committee which deals with all bursaries for students who are to study overseas. He is represented by no lesser politician in the capacity of the hon. Masinde Muliro, Member for Trans Nzoia.

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

**[The Speaker (Mr. Slade) resumed the Chair.]**

**Mr. Kerich:** On a point of order, Mr. Speaker, is the Minister in order in misquoting me when I said that the question of the committee was correct, but that the officers in the office were missing their positions?

**The Speaker (Mr. Slade):** If you have been misquoted, you are entitled to correct the Minister. I do not know whether he did misquote you.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, with due respect to the hon. Member for Belgut, if he agrees that this Motion had been acted upon—perhaps certain officers in; this are not doing the job—it is not fair for him, then, to come to this House and say that the Motion has not been acted upon. What he should have done was to have drawn the attention of the Minister for Education that certain officers in this committee, which was set up in pursuance to this Motion, were not carrying out the wishes of the people. Then the mistake could be corrected.

**Mr. Speaker, Sir,** a Motion has been passed in this House dealing with the land problem in the Coastal Strip. Even at the time when this Motion was being debated here, the House was informed that the Government had set up a committee to deal with this particular problem. Even today the committee dealing with the problem on the Coastal Strip, and the problem of displaced citizens of this country at the Coast, is still on. How else have we failed to act on the Resolution of this House?

A resolution has been passed in this House concerning Africanization and the hon. Member does not know that the Government cannot run the business of Mr. Patel and, therefore, authorize Africanization in the private enterprises.

The question of five-year grace payment of loans has been mentioned. With due respect to

the hon. Members, when people transact certain businesses there are certain legal formalities which must be complied with and completed. The mere fact that a resolution has been passed in this House, does not necessarily override private and personal contractual obligations which people have already entered into. It would be all right for the hon. Members to ask the Government to look into the problem, to see how this could be done, but there is this tendency, however, Mr. Speaker, of always disregarding the legality of every subject matter. There are legal obligations arising under certain matters, but because this place is thought to be supreme, we just go ahead without taking into consideration the legal consequences.

The Government has no intention whatsoever to underestimate the value of Parliamentary democracy and the supremacy of Parliament. As a matter of fact, the moment the Government will think that the supremacy of this Parliament should be subjected to any other wishes of a few people in Government, then, of course, that will be the worst day for Kenya. Happily enough, Mr. Speaker, we have a leader who values the supremacy of Parliament; we have a Government which respects the supremacy of Parliament. What we want, Sir, is hon. Members who equally come to this House with serious responsibilities, Members who appreciate the serious responsibility they carry on their shoulders within the system of Parliamentary supremacy. There is no time when the Government will intend to rule by decree. It is in this place where hon. Members can come and talk freely, express the wishes of their people and formulate the policies which must guide our Government to serve our people all over the country.

**Mr. Speaker, Sir,** there is only one Motion, and that is the Motion concerning the civil servants, which was brought in this House by the hon. Member for Butere, where he asked that the Government should devise a system whereby there will be 117 civil services in the country. We have already pointed to the hon. Member for Butere the complication of this Motion. We have already informed him how complex the problem is. If we believe—

**Mr. Shikuku:** On a point of order, Mr. Speaker, is the hon. Minister in order and could he substantiate that the Member for Butere was informed, as he said, of the complications when I was not?

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, I can substantiate this because I, personally, have gone over this with the hon. Member for Butere.

(Mr. Shikuku)

House which the Government opposed. I remember that Motion, because I moved that Motion to the effect that civil servants were meddling in politics, and that something should be done about it. That day, Mr. Speaker, Sir, the Government opposed the Motion. The Members being conscious and knowing what the civil servants were doing, passed that Motion against the feeling of the Government and today, Mr. Speaker, Sir, nothing has been done.

In fact some of the civil servants say, "We only listen to the President, whatever is said in Parliament is just a question of noise, so we take instructions from the President". Yet the President says that this is the authority of the country. Now, Mr. Deputy Speaker, this is confusing, because the civil servants feel that they can only listen to the President, when the President is listening to the authority. Why do they not listen to the authority? The authority has passed that civil servants should be brought under the control of the elected representatives of the people who are in this House and now, because this has not been implemented, the same servants continue to propagate, "Do not worry what Parliament says, we shall take instructions from the President" and they do not know that the President is a Member of this House. Mr. Deputy Speaker, this is where we are getting things wrong, that is where we feel that sometimes the Government is shaking and we have certain Members here who do not take these matters seriously, because that also makes the Government more lazy and tired.

Mr. Deputy Speaker, I feel that this is a complete failure by the Government and the Government should be completely ashamed. I am sure that when any other country reads of fifty-six Motions having been passed in this House and nothing done about them, surely your reputation will have been lowered to a very miserable degree.

The other thing Mr. Deputy Speaker, which has been touched on, is the question of five years' grace to the African farmers here. This is one of the most important Motions, because we are being told time and again, "Go back to the land." Now, when we go back to the land—the people who have gone back to the land—ask their Members to put their views to this House to the effect that they should have five years' grace. We come to the House, pass that Motion, the Government sits on the Motion, does nothing and comes back here telling us that we are doing very well, shout *Harambee*. How can we shout *Harambee*, when our people are being shifted—most of the people in the settlement scheme, Mr. Deputy Speaker, for

your information are running away, because they are being asked to pay back the loans after six months. Which crop matures after six months, Mr. Deputy Speaker? This is something on which the Government should have acted immediately so that we get Africans into farming in order that they can produce and depend on their soil. But here the Government sits back and turns a deaf ear to the views of the Members expressed in this House and says everything in the garden is green. Mr. Deputy Speaker, may I warn the Government that they must stop this ostrich tactic, where the ostrich puts its head into the sand and feels that no one can see it, forgetting that the bulk of its body is on the surface. This is what is happening with the Kenya Government and the Ministers, whereby we pass Motions here and they ignore them. Mr. Deputy Speaker, if we leave the Government to go the way it is, we are going to find, in the long run, that this country is being governed by the Cabinet, whereas it is supposed to be governed by this authority, and therefore, Mr. Deputy Speaker, that is why I support this Motion and if this Government is a democratic Government, then it must listen to the views of the people, not only to try and make fools of us here by passing Motions that are never implemented. The local authorities also pass their Motions and they make sure that those Motions are implemented. If this Government is not going to implement these Motions, Mr. Deputy Speaker, we must be told and the House should be dissolved and all of us will have to go home, rather than waste time here.

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

*(Question proposed)*

Mr. ang Soti: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Government representative to answer before more Members have contributed.

The Deputy Speaker (Dr. De Souza): Yes, it is perfectly in order. There is nothing out of order about it. It may be perhaps slightly unusual but it is certainly not out of order.

Mr. Maisori-Imbo: On a point of order, Mr. Deputy Speaker, Sir, if it is in order for him to answer right now then if at all later the Members speak and give new points and views, will it be in order for him to speak twice on the same Motion? How will he reply, Mr. Deputy Speaker?

The Deputy Speaker (Dr. De Souza): No, the very same Member cannot speak twice, but perhaps another Government Minister might speak. I see your point of view, but it is not a point of order.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Speaker, Sir, I treat this Motion very seriously and that is why I thought it better for the hon. Members to hear the Government's case well in advance. There is nothing wrong in doing so, if any other points are made by the hon. Members, it is always possible for us to arrange for another Member from the Government benches to deal with those points that have risen in the course of debate.

Mr. Deputy Speaker, Sir, this is a very important Motion and its significance lies in the fact that it challenges the supremacy of Parliament. When the hon. Member for Butere was speaking, I listened very carefully to his speech, because I wanted to give a fair hearing and a fair reply to his speech.

Mr. E. D. Gočana: On a point of order, Mr. Deputy Speaker, Sir. There are so many rude comments here, that we cannot hear the speaker, Sir.

The Deputy Speaker (Dr. De Souza): Well, may I request those hon. gentlemen to remain a little more silent in order to give hon. Members a chance to listen to this important speech.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Speaker, Sir, the hon. Member for Butere has rightly quoted His Excellency the President of having said that this is the supreme authority of the land and that is true and nobody should take it that the Government does not mean what the President said, that this is the supreme authority on the land.

Now, Mr. Deputy Speaker, Sir, those who have asked about the constitutional position, know that theoretically the Parliament can legislate on and for anything. The Parliament can legislate, for that matter, that from today—I am just giving an example—every woman on the land is a man, but it will not follow—

Mr. Maisori-Imbo: On a point of order, Mr. Deputy Speaker, Sir. I am very touchy on this and is the hon. Minister in order to challenge the decisions of Members in Parliament that we can even decide on anything as if we do not know what we are working on.

The Deputy Speaker (Dr. De Souza): No, no, no. I do not think that he is making any such implication. He is merely quoting a hypothetical case where Parliament is so supreme that it can in fact legislate on certain matters which may or may not be reasonable or correct. But he is merely giving an illustration. I do not think it is unfair, I think one must give him a chance to speak.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. If he is giving an illustration which undercuts the intelligence of the Parliament, is he not out of order? There are responsible people here and we cannot legislate that all women become men.

The Deputy Speaker (Dr. De Souza): No, no. I am not suggesting that the hon. Member is suggesting that this is what Parliament is going to do or what this Parliament may do. What he is saying is what it could possibly do.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Deputy Speaker, Sir, it is this ignorance that diminishes the value of this House. It is this ignorance that undercuts the importance and superiority of this House. The illustration or example that I have given is for the benefit of the hon. Member for Butere, he can go to the library now and read about that from *The Constitutional Law* by Darcy in the chapter on the Supremacy of Parliament. It is, Mr. Deputy Speaker, the failure to understand the argument which always ridicules the Motions or debates in this House, while we, on the other side, always intend to treat any matter that comes before this House with all sincerity and with a certain degree of responsibility but certain Members come to this House and always try to play on emotions.

Now, Mr. Deputy Speaker, Sir, I would like to deal one by one with the Motions which have been illustrated by the hon. Member for Kericho. He has mentioned a Motion—

Mr. Kericho: On a point of order, Mr. Deputy Speaker, Sir. Is it in order to refer to me as the Member for Kericho?

The Deputy Speaker (Dr. De Souza): I think you can correct him. You can tell him your actual constituency and I think he will accept that.

Mr. Kericho: Would he prefer to refer me to a specific constituency?

The Deputy Speaker (Dr. De Souza): Yes.

The Minister of State, President's Office (Mr. Nyamweya): The hon. Member from Belgut.

Mr. Deputy Speaker, Sir, first of all I want to assure the House that Government does not intend to rule by decree. When the hon. Member for Butere said that the Government was ruling by decree, he exposed the degree of his ignorance because if the Government was doing that, he would not have been here. If the Government was ruling by decree, then, of course, the hon. Member for Butere would not have been, the hon. Member.

[Mr. Kerich]

Mr. Speaker, Sir, even though the Government is in the process of doing something about teachers it has taken so many months, and these are delaying tactics which we do not like.

Mr. Speaker, Sir, another example is the question of the control of bursaries overseas. Mr. Speaker, Sir, even though we have set up a parliamentary committee to select boys to proceed for further education overseas, this, Mr. Speaker, has been used as a rubber-stamp.

I know of one boy who was elected by people in my constituency to go to the Arab Republic to continue his studies. Later on when the Government approved his application, it was rejected by so-called educational experts in the Ministry of Education. This is a very serious situation, Mr. Speaker. I hope the Minister will do something about it, and I feel that these people in the Ministry of Education should be disciplined so that the decision of the selection committee should be final. There should be no dodging about and using some fanatic tactics.

Mr. Speaker, Sir, my last example is with regard to the question of eviction of squatters. Mr. Speaker, Sir, these squatters are evicted and taken and placed on the roads. Mr. Speaker, Sir, this Motion was raised on the 26th February 1965 by Mr. Kaggia and still it has not been implemented. If the Minister has implemented this Motion, then it means that the officers in the field have not implemented it, and therefore they should be instructed to follow the proper channels. Mr. Speaker, Sir, about fifty squatters came to my place because they had been evicted and left on the roads. Mr. Speaker, Sir, I told them that I would speak to the Minister concerned, and see where you will be put. These people have been using the forest as their own homes, and recently the Ministry of Natural Resources said that so many trees should be planted in the forest and therefore, Mr. Speaker, Sir, the people should be replaced. These people are now roaming all over the country, because they have been told to quit the forest. We would like to know, Mr. Speaker, Sir, where these people are going to be settled. This, Sir, is another serious problem facing this country.

Mr. Speaker, Sir, my final point which I would like to make is this. I could go on quoting indefinitely on all the Motions passed in this House, in fact, in all there are fifty-six Motions which have been passed, and I am sure that no more than eight have been implemented. If I felt like it, Mr. Speaker, Sir, I could go on quoting these Motions until the adjournment of the House. But, Mr. Speaker, Sir, I would only like to give

one example, and that is the question of free primary education. Mr. Speaker, Sir, when the ruling party was campaigning in 1963, it promised people that it was going to give free primary education.

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, Sir, there has not been such a Motion in this House, is the hon. Member therefore in order to mislead the House and say that there has been a Motion in the House asking for free primary education but which has not been carried out?

The Speaker (Mr. Slade): I think you are asking him to substantiate, are you not?

The Minister of State, President's Office (Mr. Nyamweya): Yes, Mr. Speaker, Sir, because to the best of my knowledge there has not been a Motion of that kind in this House.

The Speaker (Mr. Slade): Yes. You cannot just correct him, you know; but you can ask him to refer to the particular Motion by way of substantiation. That is what you are doing, I think.

Mr. Kerich: Mr. Speaker, Sir, to tell the Minister he is ignorant of all the Motions passed in this House with regard to free primary education moved by Mr. Mbogoh, on the 13th February 1965, because he has been absent so much from the House, that he doesn't know about this Motion.

The Speaker (Mr. Slade): All right, but that is the end of your time.

Mr. Kerich: So, Sir, I would now like to—

The Speaker (Mr. Slade): Order! That is the end of your time. Who seconds this Motion?

Mr. Kerich: Mr. Speaker, Sir, I would like to ask the president of the poor people to second my Motion.

Mr. Shikuku: Thank you very much, Mr. Speaker, Sir. The hon. Mover has given me this chance so that I can join him in this serious affair.

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

Mr. Deputy Speaker, Sir, in fact, this is one of the most serious Motions when I think each and every hon. Member in this House should have been present in order to make it known in this sleepy and almost tired Government that some of us are completely fed up. But, Sir, we are hoping that there will come a day among the days to come when we shall express our feelings to this Government and, if possible, pass a vote of no confidence. Mr. Deputy

[Mr. Shikuku]

Mr. Deputy Speaker, Sir, the question of having passed fifty-six Motions in this Parliament which is the authority of the country, and they have not been implemented, then, Mr. Deputy Speaker, Sir, in my opinion, and I believe it is also the opinion of some hon. Members who are here and who know the meaning of democracy and the authority of this House, then surely it is time for the Government to resign. Mr. Deputy Speaker, Sir, I say this because these people do not know what democracy is, and because they do not know that once a Government has been defeated in Parliament they should resign, but they just sit back and continue to call themselves Ministers. Mr. Deputy Speaker, Sir, I recall several times when this very Government had been defeated by the supporters of the Government, and yet they never resigned. This shows you how little they know as far as Parliamentary procedure is concerned. Therefore, Sir, I am not really very surprised to find that Motions to the tune of fifty-six have not been implemented, but yet they have no shame to come and sit on the Front Bench as the Government.

Mr. Deputy Speaker, Sir, if I may say so, the question of the Minister being absent from the House contributes very much to this situation. Today, Sir—in fact, Sir, the other day I moved a Motion that because of the absence of the Ministers to answer questions asked by hon. Members in this House, I moved that the House should adjourn. I thought that would teach them a lesson, but today what do we find? What do we see today?

#### QUORUM

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Deputy Speaker, Sir, do we have a quorum?

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, continue, Mr. Shikuku.

Mr. Shikuku: Thank you, Mr. Deputy Speaker, Sir. I was touching on the question of where, on several occasions, the Members have expressed their feelings on certain Motions which the Government opposed, and were defeated but they did not have the courage to resign. This itself, Mr. Speaker, Sir, proves that this Government is trying to rule this country by decree, because if they were to follow the democratic principle, then surely they should have resigned every time they were defeated; but, Sir, they should have only done that when they were

defeated, on the first Motion which, as it was quoted here in connection with the East African Federation, the Government was defeated but yet they never resigned. It is almost the Government and yet they shamelessly still sit on the Front Bench.

Leaving that apart, Mr. Deputy Speaker, Sir, may I now turn to the speech of the President when he opened this Parliament? The President of the Republic of Kenya made it known to this House, and the world at large, that this was the supreme authority, and it is from this House that any major decision could be taken. Now, Sir, if we Members of Parliament, elected by the people to represent the feelings of the people move Motions in this House, and they are passed although sometimes opposed by the Government, and if they are not implemented, then, Mr. Speaker, Sir, there is something definitely wrong with the Government, Mr. Deputy Speaker, Sir. I feel that this Motion should have gone further to say that in view of so many Motions having been moved and the Government having failed to implement them, we pass a vote of no confidence in this Government. Nevertheless, Sir, there will come a day for such a Motion.

Mr. Deputy Speaker, Sir, the other issue which I would like to raise is this. It is evident, from this repeated failure by the Government to implement Motions passed by Members in this House, that this Government is actually undermining the authority of the country, because if they do not implement what the House has passed, then they have diluted the importance of this House to almost nothing. It is almost, if I may say, like a debating club. For example, Mr. Deputy Speaker, Sir, when I was at school we had a debating club, and we debated things but nothing was taken seriously. No one takes a decision at this debate. So, Sir, this House has almost become debating club, where people come and express their views, which just go up in smoke. Mr. Deputy Speaker, Sir, if this House is the authority, then the Government has the responsibility to implement all the Motions passed by this House because this is a democratic country and these Motions were passed democratically, and therefore they should be implemented, and, Sir, if that is not going to be so, then the Government will be fooling the people when we talk of having a democratic Government. This is not a democratic Government, but a Government ruling by decree, without the feelings of the people.

Mr. Speaker, Sir, if I may come to one of the items here, I would like to speak on the question of civil servants. There was a Motion in this

[Mr. Kerich]

requires the Government to state categorically whether it intends to rule by decree, using Parliament as a rubber-stamp and a junior partner or set up parliamentary committees to investigate ways and means and advise the Government how to implement such Motions.

Mr. Speaker, Sir, before continuing my Motion I would like to also register my dissatisfaction because so many Ministers are absent. Mr. Speaker, Sir, I expected Ministers of this Government, from A to Z, to be present during this Motion because all the Motions passed in this House are categorically created or placed under each Ministry. Therefore, Mr. Speaker, it means that only the Minister from the President's Office is here, but what about the other Ministers?

Mr. Speaker, Sir, I would also like to tell the Members that tomorrow there will be a Government Bill and you will be surprised to find that the front benches will be filled then, and the back benches will also be filled and this shows that this Government is using Members as rubber-stamps. Why is it that today, during Private Members' Motions, all the Ministers are absent? This includes some Members who are also absent. I understand that tomorrow we will find that all the Ministers will be present. This is completely out of order.

Mr. Speaker, Sir, I would like to continue with my Motion. This Motion, I feel, Sir, is a national Motion and I hope that I will be supported by my colleagues. We feel that it is our duty to tell our Government that it has tended to ignore our Motions and it continues to do so.

Secondly, Mr. Speaker, we feel that our Government takes this very lightly and that it is our duty to tell the Government that we cannot be taken lightly. The public speak through the Members of the National Assembly, Sir. Ignoring our Motions is not that you ignore Mr. Kerich's Motion, but the whole of Belgut is ignored, over 100,000 people. We would like to be told today whether the Government is taking into account what is passed in this House as I have stated that the public speak through the Members of the National Assembly.

Mr. Speaker, Sir, I would like to mention one factor. One Motion was brought by the Government on the 22nd of February 1964 about the extension of the emergency in the North-Eastern Region. No sooner was it passed in this House than it was implemented immediately by the Government, showing that the Government is after their own Bills and no matter what Motions are brought by ordinary Members, they are ignored.

Mr. Speaker, Sir, it should be known today that every Member is paid for every minute that he sits in this House. Every mile which he travels from his constituency to Parliament is paid for by the Government. Every night he stays here he is paid by the Government. We deserve this money, Mr. Speaker, if this Government takes into account what we suggest here in this House.

Mr. Speaker, Sir, I have not memorized all the Motions passed, but I am going to single them out one by one as they come to mind. One example, Mr. Speaker, is a Motion passed in this House on the 23rd April 1965. This concerned the transfer of the administration of the Kara Pokot. These people, Mr. Speaker, are the people of Kenya. They settled on Kenya land, or Kenya soil, and yet they are being administered now by the Uganda Government. It has taken the Government about ten months to implement this Motion. We know that something cannot be done overnight, but this has taken ten months. What have you to say about this?

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

Mr. Kerich: Mr. Speaker, Sir, I hope that when the Minister comes to reply he will tell me about it.

The Speaker (Mr. Slade): He will do it through me.

Mr. Kerich: Mr. Speaker, Sir, these people have remained backward. No proper education has been provided by this Government. All the taxes paid by these people are taken to Uganda. I mean all branches are manned by the Uganda people. The police force is manned by Uganda people; tribal police and, I think, even the office boys are also known by the Uganda people.

Mr. Speaker, Sir, I have heard rumours that the Government has failed to implement this Motion because the Uganda Government requires a lot of compensation. Mr. Speaker, Sir, I would like to inform the House that even these people have agreed to contribute a cow each to meet the compensation to be paid to the Uganda Government. What have you done about it? The Assistant Minister is asking me how many, I am not a Minister. Mr. Speaker, Sir, he should know the number of these people.

Mr. Speaker, Sir, I am sure when the Minister replies to my question, I must be satisfied as regards this Motion passed ten months ago.

Mr. Speaker, Sir, my second point is that we have raised, in this House, several times that we want Africanization in the Government and private firms. Mr. Speaker, Sir, I would also like to inform the House that there has never been

[Mr. Kerich]

proper Africanization in the private firms. I would like to quote one example—in the case of Kericho, we have over thirty-four tea estates, and not one single African manager has been appointed since we attained independence. Is this the Government of Africanization, or are they to use the word in Parliament, implementing Africanization?

Mr. Speaker, Sir, in those thirty-four estates we have only three field assistant managers, few have attained the status of assistant managers and this company—there are two companies—these companies have not even started training Africans to take over managerial posts, so this factor must be replied to, and we must be told why the Africanization in private firms has not been effected.

Mr. Speaker, Sir, my third point—this Motion was brought by the president of the poor people, and everyone will know his name—I will mention it though, the hon. Mr. Shikuku.

Mr. Speaker, Sir, he brought the question of federation and this Motion was passed on the 18th June 1964. It has taken twenty months for this Government to implement. Where is this federation? Is it in the pocket of the Minister in the President's Office? One would like to know today, because you find part of the Motion here and part has been put in the pockets of the Ministers, and they tell you to keep quiet.

Mr. Speaker, Sir, another example was the Motion brought by the hon. Mr. Kerich, Member for Belgut. This Motion was passed in this House on the 22nd October 1965. Mr. Speaker, Sir, this Motion was concerned with the Government setting up a commission of inquiry about the prices paid by our poor fellow Africans to the settlers. In that I mean that when they want to purchase these farms they mostly—the settlers—usually say if you want to purchase my farm you have got to agree to a "walk-in, walk-out" basis, which means that if you want to buy my farm you must agree to my price, if you do not agree to my price, you do not get my farm. That is what I mean by the "walk-in—walk-out".

Mr. Speaker, Sir, this Motion perhaps has taken about six months. Mr. Speaker, Sir, it should be known today that these farms are not going to be sold for the next ten years.

Mr. Speaker, Sir, the Minister who is supposed to reply to my question, I see, is leaving the Chamber. I wonder if I would be in order to call him back?

The Speaker (Mr. Slade): I am afraid not, but perhaps it will not be very long before he returns.

Mr. Kerich: I am very glad to see he is coming back.

Mr. Speaker, Sir, these are very serious Motions because there is a lot of corruption in the matter of prices and our people are being victimized by paying high purchase prices.

Mr. Speaker, Sir, as I have said these farms are not going to be sold for so many years, they will be finished within the next five years and unless we do something about it now we will find that our people will be shouldering a big burden on their backs. By this time the people who sold the farms will have left the country with the money. I mean, Mr. Speaker, Sir, at the moment there are no African valuers—I mean Africans to value the farms purchased by the Africans, and lastly, Mr. Speaker, Sir, a Motion was passed in this House which referred to the purchase of the farms for settlement schemes. It was agreed that any farm to be purchased by a settlement scheme should not be bought at above Sh. 200 per acre. The Government accepted this and said it was going to set up a Government commission. Mr. Speaker, Sir, as far as my Motion was concerned it covered settlement schemes and private purchase of these farms. Mr. Speaker, Sir, these things have made a very serious situation and unless the Government does something to help our poor fellow Africans we are going to face a very serious situation.

The next thing, Mr. Speaker, is another Motion brought by hon. Mr. Ngala on 15th October 1965, regarding allowing people five years' grace for the repayment of loans.

Mr. Speaker, Sir, today when I was coming here I met several farmers from Rongai area complaining that they are now being asked to pay the loans, yet Rongai area was badly hit by drought. Why does the Government intend to ignore this serious situation because this drought was not the mistake of the people who bought these farms? It just came naturally.

So, Mr. Speaker, Sir, we would like the Minister, who is going to reply to this Motion, to tell us the reason why the people are still being asked to pay the loans or else the farms will be confiscated by either the Land Bank or the Land Agricultural Finance Corporation of Kenya. This is a very serious situation, Mr. Speaker. I see my time is almost finished.

Another example is the uniform terms of teachers—I do not know whether something has been done about it and I stand to be corrected by the Minister if something has been done about this Motion which was brought on 16th July 1965 by hon. Mr. Barasa.



**[The Minister of State, President's Office]**

person who has been properly elected. That can help us because I know the House does not want us to appoint a person who has a bad criminal record as a chief or a sub-chief.

Now, the assurance I was going to give to the House, Mr. Speaker, is this: that from now on, when the applications have been invited and nomination has been carried out in the usual way as prescribed by the procedure issued under the Presidential directive, any person who tops the poll—that is the person who the people want to be appointed as the chief or the sub-chief—should be gazetted as chief or sub-chief within the period of eight weeks from the date of the election. We have taken eight weeks as the maximum in which we can conclude the necessary papers for the appointment and gazetting of a chief or sub-chief, and at the same time to conclude our investigations as to the integrity of the person to be appointed as chief.

Having said that, Mr. Speaker, Sir, this being the policy we are now going to adopt, I hope the hon. Members will see that there will be little sense in pursuing the line they have already pursued. I have considered that there has been some delay; we regret that this delay has been there, but it has been occasioned because of the changes in Government and Ministerial functions of the Government and, also, in some cases, Members have requested that elections should be repeated. All these things have brought accumulative effects of some delay.

If an hon. Member here could put up a case against any particular civil servant who has deliberately caused some delay, the President's Office is prepared to examine that particular case and, if necessary, take action. But to generalize that because there has been some delay therefore every civil servant must be penalized or disciplined is, I think, being unfair.

Having said that, Mr. Speaker, Sir, I beg to disagree to the extent I have stated.

**The Speaker (Mr. Slade):** There are just about two minutes left, Mr. Shikuku, and then I shall have to dispose of the amendment.

**Mr. Shikuku:** Mr. Speaker, I think I will have to make full use of these three minutes.

Firstly, the Minister has alleged that Members tried to use the sub-chiefs and these old chiefs, and this is completely false. When a chief is appointed and is found to be useless, surely the people have the right to say that the chief is—

**The Minister of State, President's Office (Mr. Nyamweya):** On a point of information—

**Mr. Shikuku:** I am sorry, my time is running short and one thing, Sir, he has failed hopelessly, Mr. Speaker, to try to convince this House because there was a statement from the Assistant Minister who spoke in his capacity as the Member for Kajjado, when he said that the chief or sub-chiefs in his constituency who had been appointed and who had not been confirmed had not received a salary for ten months. As the president of the poor people, Mr. Speaker, I feel that this is very wrong. The Government is robbing the people. We are paid for whatever we do, We people who come to this House are paid for what we say here. Why can the Minister not tell the House why these chiefs in Masai have not been paid for ten months?

**The Minister of State, President's Office (Mr. Nyamweya):** Would the hon. Member give way, Sir?

**Mr. Shikuku:** Mr. Speaker, I do not wish to give way at all because he has failed hopelessly. This is very unfair and the Masai chiefs should be paid.

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

*(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 thereof be inserted as proposed put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Speaker (Mr. Slade):** It is now time for the Mover to reply.

**Mr. Kase:** Mr. Speaker, Sir, I do not intend to labour much on this because, for one thing, the Minister has agreed that there was a delay. But I would like to refuse one thing completely, Sir.

The Minister has deliberately covered some civil servants. He said that if any Member had any reason to believe that in particular civil servant delayed in this matter, he should take it up with the President's Office. But, Sir, when moving I mentioned very clearly that people voted in April last year. The Minister should be able to know from April to now—who delayed this file. I do not go into the provincial commissioner's office to look after his files because I am not supposed to do this. I think it is his duty, Mr. Speaker, to trace who delayed this because he would not otherwise be doing his duty. We are here to tell him and it is his duty to find out

**[Mr. Kase]** and so I would like to know what

The other thing, Mr. Speaker, which has not helped is that—we know that in the Coast we were very firm Kadu supporters and we elected the same people. The mentality and the ability of a man does not matter, whether he is in this party or the other party, Government has not benefited at all by delaying the appointment for two years in the hope that they would get another man. They have failed, Mr. Speaker, and they should be ashamed. If the Government was ill-advised, they have found their own folly because we have the same people whom we wanted.

The other thing I would like the Minister to do, Mr. Speaker, since this Government is committed to finding that the old-fashioned chiefs who have no sense of development today, is to see that they are dismissed and that we should have some new ones. Now, in fact, in certain areas of this country we know that we still have very old chiefs and I hope that the Minister is not going to stop them.

We would like to know what method is used—we are told by His Excellency the President that if we have no confidence in our chiefs all we have to do is to pass a resolution to that effect. We would like to know why this has not been effected. Even last week Mr. Speaker, the Provincial Commissioner, Coast, visited one of my locations and I was not there. People just told him, 100 per cent of those who were there, about 3,000 people, that they had no confidence in "this" chief, because he was out of date. This is the latest example, but so much has taken place and the Minister has done nothing to remove these chiefs. We want to know whether the statement made by His Excellency the President holds water or not, and this is something we want to know from the Minister. Now, if it does, Mr. Speaker, those people who have voted "no confidence" should go. I remember the Member for Kikuyu here quoting a number of chiefs in his own area. A vote of "no confidence" had been passed about five or six months ago but they still continue as chiefs. Now, if chiefs will continue at the wish of the people, Mr. Speaker, I think the Minister should—

**The Minister of State, President's Office (Mr. Nyamweya):** On a point of information, Mr. Speaker, I intend at a later stage—not here, but perhaps at a convenient place, preferably the Parliamentary Group meeting—to circulate the procedure which is applicable to removing a chief when he becomes ineffective.

**Mr. Kase:** Now, Mr. Speaker, the Minister having clarified a number of points and having

admitted that there was some delay, I leave him to find out which civil servants delayed because he knows when we voted and he knows where the files are.

I would not like to have much quarrel with the Minister, but support the amendment as it was moved. I beg to move the Motion as amended.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly.*

THAT this House, noting with deep regret the delay in the appointment of chiefs and sub-chiefs in this country, recommends that all civil servants responsible for such delays be disciplined forthwith.

**QUORUM**

**Mr. Tumb:** On a point of order, Mr. Speaker, there is a quorum in the House.

**The Speaker (Mr. Slade):** No, ring the Division Bell.

*(The Division Bell was rung)*

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, is it in order to rise on a point of order, or can we not because we have no quorum?

**The Speaker (Mr. Slade):** It is not strictly in order but if it is something on which you need explanation—it might be better to leave it until we have a quorum, Mr. Nyamweya, if it is an important point.

We have a quorum now, would you like to raise your point of order, Mr. Nyamweya?

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, I rise to make this point of order. I do not know whether it is strictly a point of order. On Friday the House had to rise earlier than usual because Ministers were not in the House although it was Private Members' day. Today, the House is not in quorum, or the business has to stop, because hon. Members are not in. Am I entitled on behalf of the Cabinet to register the disapproval of the conduct?

**The Speaker (Mr. Slade):** No, but you have done it all the same. It should not be done on a point of order.

**MOTION**

**IMPLEMENTATION OF MOTIONS PASSED IN THE HOUSE**

**Mr. Kerich:** Mr. Speaker, Sir, I beg to move:

THAT in view of the fact that so many Motions have been moved in this House and have not been implemented, this House

[Mr. Kibaaya]

Sir, that we have talked about the civil servants but I think that the blame here lies on the Minister of State in the President's Office. Because of that, if there were to be any dismissal, or any question of having somebody disciplined, I think he should have been the first person to be disciplined.

With these few remarks, Mr. Speaker, I wish to support the amendment and hope that it will be supported by all.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, I am one of those Members of this National Assembly who is prepared to be disciplined whenever things go wrong. It would be also true that other hon. Members should be prepared to be disciplined when things go wrong.

I am, Mr. Speaker, Sir, prepared to concede right from the beginning that there has been some delay in the appointment of chiefs, particularly at the Coast. Hon. Members may recollect that in 1963 when we took over the Government, the former Minister for Home Affairs, the hon. Mr. Odiga, carried out an exercise whereby some chiefs who were thought to be old enough to be pensionable, and who had been in the service long enough, and those who, perhaps, because of their conduct in the past were ineffective in the administration, were relieved from their duties.

Then, Sir, we came to the time when the functions of the Government were changed. Hon. Members will bear me out that there was considerable co-operation among the hon. Members with the former Minister for Home Affairs, to get the right people appointed as chiefs, and although this was done, there was some delay involved.

When the functions of provincial administration were transferred to the Office of the President, there had been a considerable amount of pressure from outside, more particularly from this House, that the method of appointing chiefs was not satisfactory and a new method should be devised. The President took all the time necessary to find the best and workable acceptable method of appointing chiefs. This was later contained in his directive that chiefs in the country should be elected by their own people.

Mr. Speaker, this question of trying to find out a method naturally caused some delay in the appointment of chiefs. This was inevitable because the Government was still considering the demands made by the hon. Members of Parliament and the public at large for a change in the

system of appointing chiefs. Sir, the hon. Members think that the Ministers or the President can just make a decision without being responsive to public opinion or the opinion of this House. This is a mistake. After such consultation, Sir, and in accordance with the wishes of the people of this country, through their elected representatives, His Excellency the President issued a directive which changed the method of appointment of chiefs. The chiefs in this country are, therefore, from that particular time when this directive was issued, selected by their own people.

Since His Excellency the President's directive, all appointments of chiefs have been processed by the officers of the provincial administration with all possible speed, but hon. Members must accept that there are some administrative reasons which might delay the appointment of a chief. The minimum period required between the election and the actual appointment of a chief is normally two weeks, and in certain cases a longer period is required. This is necessary in order to allow Government to study the background of the candidate who is likely to be appointed as chief of any given area. No Government officer would be appointed until the Government was satisfied that such appointment would be in the public interest.

Mr. Speaker, Sir, I have a point to make here, why sometimes the appointment takes a much longer period. In 1963, when the hon. Oginga Odinga, now the Vice-President, carried out the exercise of appointing or replacing older chiefs with new ones—as I have mentioned to the House—quite a number of hon. Members whose areas were involved assisted the former Minister for Home Affairs. What is most interesting, Mr. Speaker, Sir, is that some of these chiefs were elected according to the wishes of the hon. Members of this House in 1963 and, in 1964, after being appointed and being in office for one year, the same hon. Members have come to the Office of the President, requiring the replacement of the same chiefs.

The reason is this, Sir. It is no good for hon. Members to expect chiefs to be appointed and then to become instruments of politicians.

When the chiefs or sub-chiefs refuse to—

**Mr. Khalif:** On a point of order, Mr. Speaker, would the hon. Minister substantiate that some hon. Members who suggested the appointment of chiefs after one year have come back to require their removal?

**The Speaker (Mr. Slade):** No, I do not think that is the kind of thing you can ask a Member to substantiate. He is really expressing an opinion

[The Speaker]

as to the possible reasons for the sudden change of heart. It is not a very improper reason or a very unlikely one. I think he is in order.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, if the hon. Member is prepared to follow that up, I will support him.

Now, Mr. Speaker, this is the point I would like to make. The chiefs, although elected, are supposed to be civil servants. So are the sub-chiefs. It is not becoming for the hon. Members of this House, or the Senate, therefore, to use the chiefs or the sub-chiefs for their political activities. The moment the chiefs do that, the hon. Members rush to the President's Office and say that the particular chief is insubordinate and should be relieved of his duties.

Mr. Speaker, Sir, going back to the point I was trying to make. It must be remembered that the first election of chiefs in the Coast Province was done at a time when the province was the stronghold of the now defunct Kenya African Democratic Union. When the appointments were due to be made, the political views of the Coast people at that particular time were beginning to differ rapidly, culminating in several Members of Parliament crossing the Floor and joining the governing Kenya African National party. I think this process was begun by the hon. Mover of this Motion, from the Coast. It was natural, Mr. Speaker, that the new chiefs had to command the confidence of the people as a whole, and having been elected by the Kadu supporters in the Coast, the Government thought it would be unwise to proceed with making the appointments in view of the changing circumstances and attitude at the time. I am saying this, dealing with the original Motion as moved by the hon. Mover, the Member for Tana, Mr. Kase. Now, the Government's action in delaying the appointment justified itself as the whole of the Coast Province became a Kanu area and people wished to appoint new chiefs whom they considered enjoyed the support of the public which was Kanu in its outlook. However, when the Government was absolutely satisfied that the candidates who were elected during the Kenya African Democratic Union's preponderant sway at the Coast, would not enjoy the confidence of the public, it was decided to hold fresh elections throughout the province. These elections have been carried out and a good number of chiefs have been appointed, to the satisfaction, I am sure, of the hon. Mover of this Motion. Those who had been elected by Kadu, it follows that they still hold the support of the people at the Coast who are now Kanu supporters.

Mr. Speaker, Sir, I am now pleased to tell the House, especially the hon. Member for Tana River, that all appointments of chiefs to fill vacancies in the Coast Province, with the exception of Lamu District, have been made, and formal installation of some of the successful candidates have already been made; some are still taking place. In Lamu we had a request from the hon. Member for the area, who thought that we should look into the election which was done in that area, where it was alleged that the person who stood for chieftainship and was elected, was not a Kenya citizen. As we believe that every chief, or sub-chief, should be a Kenya citizen, we had to look into that. The Provincial Commissioner for the Coast Province is now in the process of installing the rest of the chiefs, and this exercise is expected to be completed in the very near future. We expect after this is done, Mr. Speaker, the hon. Members from the Coast Province will not come to the Office of the President to seek the dismissal of these chiefs who have been appointed.

As I have already pointed out, Sir, in the Lamu District, the selection exercise will be repeated because it was found, after checking, that the original candidates were not Kenya citizens. I am sure that the House does not want us to appoint non-Kenya citizens as chiefs. There is no question of the Government—as it was originally put, but I am glad that the Motion has been amended to the effect that disciplinary action will be taken. What I would like to do, Mr. Speaker, is to give the following assurance to the House, and this is the practice which we are going to adhere to in the future. From now on, we have decided that because of the delay we have experienced in the past, we shall have to try as much as we can to avoid such a delay, provided the hon. Members will always co-operate and help us to minimize the delay. To do so, Sir, for instance, when the question arose of appointing a chief in North Malakisi we had chains of petitions and counter-claims from the hon. Members and letters from that particular area, each claiming and counter-claiming this and that. This delayed the entire exercise. We hope in the future the hon. Members will accept the verdict of the people. Once an election has been carried out and people who have been properly nominated have been elected by their people, the hon. Members should keep off so that the verdict of the people always will prevail. We have the practice of hon. Members trying to give reasons why the verdict of the people should not be respected by the Government. The only reason which we would like to be advanced by any hon. Member, and for that matter by any member of the public, is a known criminal antecedence or activities of a

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Olotipiti): Mr. Speaker, Sir, I am now speaking as the Member for Kajiado. I very strongly support this Motion, Mr. Speaker. Mr. Speaker, Sir, this Motion is a very important Motion and I think the hon. Member who brought this Motion to the House to be debated by the Members is right. Mr. Speaker, Sir, the delay in appointing chiefs and sub-chiefs has been constantly and repeatedly done by people in the President's Office, and I feel very strongly that this has been unnecessary and therefore, I support the amendment in that those people who bring about this delay should be disciplined.

Mr. Speaker, Sir, if I may give one example. I am now talking about my own district. From May last year, a sub-chief had been appointed in the Kajiado District and up to now his confirmation has still not come through, and the poor fellow has been working in the field through semi-desert country, collecting poll tax for the Government, but still his confirmation has not been brought to the officers in Kajiado. So, Sir, it means that this poor fellow has not received a single cent from May last year up to date. Mr. Speaker, Sir, not only has this happened to one sub-chief, but there are about three sub-chiefs in the Kajiado District who have been similarly treated. Another one was appointed by the District Commissioner, Kajiado, in July last year, but up to date that poor fellow has not been confirmed in his position and he has not received any salary at all.

Mr. Speaker, Sir, the question is this. We need these sub-chiefs to work for the benefit of our people, to work for the benefit of the Government, but, Sir, how can you expect such poor fellows to work just for nothing only and being told that, "It is all right, you have our consent to go ahead and work today," but, Sir, these people do not get one single cent. Their confirmation has not been given, but yet they still work in the field. Mr. Speaker, Sir, not even those people in the Office of the President can work for a month without getting any pay, so, Sir, how can it be expected of those fellows in the field to work for ten months without getting any money? If these people cannot work without being paid for a month, then how could they expect their friends to work for ten months without being paid? Mr. Speaker, Sir, I think it is very important that we should treat this matter as a matter of great importance.

Mr. Speaker, Sir, during the colonial time when a chief was appointed, he was also confirmed straight away to become active, and his pay started as soon as possible. But, Sir, today

you find that they delay paying these fellows and also delay confirming them in their position. We are the people who are to be blamed. Mr. Speaker, Sir, as I go around myself, these people approach me, they ask me, "What about me? What is this Government doing to me?" and this, Sir, is a very serious question. It shows that there is some inefficiency somewhere in the Office of the President. Mr. Speaker, Sir, for example, with regard to those two chiefs, I kept on going through to Nakuru and asking the provincial commissioner what the delay was with regard to these two sub-chiefs, and the provincial commissioner said that it was the people in the President's Office who had delayed this and so, I do not see why such a responsible office of the country should delay matters like these which affect their fellow people.

Mr. Speaker, Sir, I feel very strongly about this Motion, and also think that it is very important. I am not going to add a lot of things to this Motion, but, Sir, as I have said before, I have given an example of two people from my own district, who have worked for ten months without getting any salary, and I don't whether to date they have been confirmed in their positions. Therefore, Sir, this Motion is very important, and I think the Government, or the Minister responsible, should check and see where the delay is, because you cannot expect people to work in the field without being confirmed and without getting a salary. Mr. Speaker, Sir, it is our duty as the Government to see that once we appoint somebody to work that he is confirmed, paid and can carry on with the work. But, Sir, if we appoint them and keep them working in the field without getting any money, then they will come forward and blame the Government, and say that the Government is not doing anything at all. In fact, Sir, I have heard most of the sub-chiefs saying that the Colonial Government was better than this Government. Therefore, Sir, I feel very strongly about this that the Minister concerned should check up on this matter and find out and see that no more delay is made by the office in appointing and confirming these chiefs as well as paying them straight away.

With this few remarks, Mr. Speaker, Sir, I beg to support the Motion very strongly.

Mr. Khayra: Mr. Speaker, Sir, I wish to support the amendment. Mr. Speaker, Sir, I know that this is a very important question in the country. I am lucky, Mr. Speaker, Sir, in that I have been a chief myself for some years, and so now speaking to you as a Member, I think I am in a very good position to make a few comments to the House.

[Mr. Khayra]

Mr. Speaker, Sir, I know that this is a very important question, but, Sir, the reason which makes me support this amendment, is because the word "dismissed" is too hard for us to accept. I know that when the hon. Member for Tana River raised this question he had good and reasonable grounds behind him. I know, Sir, that for two years, as he said, he has remained without chiefs or sub-chiefs in his area. Despite this, Sir, I would like to point out a few factors which I think this House should weigh up before making any decision.

Mr. Speaker, Sir, the first factor is that of Africanization. This, Sir, in practice is a very difficult matter indeed. Mr. Speaker, Sir, I know that with Africanization it means having a clerk who does not know a thing in an office, but who must depend on a district officer for everything. A district officer has perhaps only recently graduated and has only just taken up this kind of job, but does not know what to do and therefore has to turn to his district commissioner for help. Mr. Speaker, Sir, this chain, let us say, of inaction, I think, we should accept, because this is the price we have to pay for Africanization. For that matter, Sir, if we get some reasonable delay, then I think the hon. Members should accept this calmly, and say, "All right, we wanted Africanization and now have it." It is very costly, but, Sir, we just have to accept it.

Mr. Speaker, Sir, I know that if he had been a chief like myself, then perhaps he may have spoken with a little bit more sense on that matter. But, Sir, I would now like to point out the other factor, which this House should not overlook. You see, Sir, recently we had the amalgamation of the two parties, and as a result people had to adopt ideas and change. Somebody who might have been supported as a chief because he belonged to a certain party, might now necessarily be supported. I think that we should therefore give the Government more time in which to examine and find out the person who is the most competent in a given area before giving out the post of chief. For these two reasons, Mr. Speaker, Sir, I would like to ask the hon. Members to be a little patient and change the word "dismissed" to "disciplined". Nevertheless I do not support any delay of any kind which might be due to laziness. I agree with the hon. Member who moved this amendment.

Mr. Speaker, Sir, I have heard, during the course of debate on this certain subject, certain hon. Members giving a very awkward picture of the chiefs in the country. For instance, some have been speaking about chiefs having shot

people. I think that was probably during the Emergency. But, Sir, they talk of chiefs, the sort of chiefs that nobody is likely to accept. I should think, Sir, that these remarks are being directed to a small area, and we do not like to entertain this thought that it was in respect of every chief in the country. If that had been true, it would not have been possible for a number of ex-chiefs to be elected to this House. I know that like any other Civil Service there are a few bad servants. I know that there are a few of these people in the Civil Service who have the colonial mentality, and I would be prepared to forgive all I can to stop them getting any job in the country. But, Sir, because there are a few chiefs who are colonially minded, I think that what we should suggest here is that we run some courses, put these chiefs on instruction so that they get away from the idea that they are small kings in their locations. This was the idea which the chiefs were made to believe in, that as chiefs they were kings of the location. But, Sir, now that we are independent, I think it is time our Kenya Government arranged instruction for these chiefs in order that they may learn that the Kenya of today is a changed country. These people should be taught that instead of being kings of locations, they are just one of many servants working in the district commissioner's offices. If this is achieved, then I do not see any reason for the hon. Members to have any bitter views on the chiefs in this country.

Mr. Speaker, Sir, I would also like to comment upon an item which one of the hon. Members raised here. This was the question with regard to the eleven-hour action by the Government. I should agree with that hon. Member, and for that matter, ask the House to force our Government Ministers to take action, not only when we ask them to do so. Sir, I have noticed that when a Minister is asked a question he runs here in the afternoon, gets something signed to show that he already has something done. But, Sir, this sort of eleven-hour action is something which we should be ashamed of, how can we go out and tell people that we are responsible people in our country if we are going to be pushed in this way?

I would like to support the hon. Member who raised this question on the Government Ministers who are so lazy as to wait until we force them and only then they—

The Speaker (Mr. Stado): Order! Order! I think we are getting away from the Motion now, Mr. Khayra.

Mr. Khayra: Mr. Speaker, Sir, I am sorry for diverging a bit. However, the whole thing is that we should put the blame where it lies. I know,

**[The Minister for Health]**

and all these organizations come under the National Council of Social Services. Therefore, I do not think it is possible to assist one place like Rangala. If there were sufficient funds, however, the Ministry would be delighted to help. It is hoped that, as Rangala Orphans' Home is the only one of its kind in Nyanza Province, the local people would rally round and give it support in the true spirit of *Harambee*.

Recently, there was a need for assistance for this place, and I personally went there and, as a result of the need in Rangala, I arranged for certain charitable organizations to collect money and, for the time being, that money is still helping. But, our Ministry has asked for funds from the Treasury for the next financial year, and if we get enough funds, we shall be able to assist.

**Mr. Odero-Sar:** Mr. Speaker, Sir, is the Minister not aware that he himself visited at that time with some other Ministers—including the President and the Vice-President—and promised the Rangala sisters that the Government would help them financially to run the home?

**Mr. Otende:** Mr. Speaker, Sir, the Government is anxious to help, but as the hon. Member knows, orphanages have not yet come under the Ministry of Social Services. But, as I suggested, if Rangala could be registered under the National Council of Social Services, they would get some funds from the Ministry.

**The Speaker (Mr. Slade):** Next question: Mr. Nyaberi.

**Question No. 380****SELECTION OF ELECTORAL COMMISSION PERSONNEL**

**Mr. Nyaberi:** Mr. Speaker, Sir, having discussed this matter somewhere outside the House, I wish to withdraw this question.

**The Speaker (Mr. Slade):** Very well. Now we will go back to Mr. Bala's questions. Are you authorized to ask his questions, Mr. Odero-Sar?

**Mr. Odero-Sar:** Yes, Sir.

**Question No. 388****LAND BANK AND AGRICULTURAL FINANCE CORPORATION LOANS**

**Mr. Odero-Sar,** on behalf of Mr. Bala, asked the Minister for Agriculture and Animal Husbandry—

(a) how many loans had been given to the people of Central Nyanza by the Land Bank up to now; and

(b) how many loans have been given to the people of Central Nyanza by the Agricultural Finance Corporation up to now.

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor):** Mr. Speaker, Sir, I beg to reply. Part 1 of the question, for Part 2 of the question, three large-scale and nine small-scale.

**Mr. Oseku-Nyalick:** Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House of any inducement by his Ministry to bring people in Central Nyanza into line with other people so that they may apply efficiently for these loans?

**Mr. Murgor:** Mr. Speaker, Sir, my Ministry is doing all it can to help the people of Central Nyanza, and other people in Kenya, but I think I should try to shed light on what governs all these loans.

Land Bank loans are meant to aid the transfer of land from European to African ownership. Consequently, loans in Central Nyanza and also to any other district have always been issued in respect of land in the former scheduled area. Land Bank requirements, before the issue of such loans, are that the applicant must have in cash 60 per cent of the purchase price of the land and permanent improvements. Even so, he may be eligible for a loan worth 80 per cent of the cost of the property. This enables the Africans to have a working capital in hand after completing the purchase. No loans can be made to an applicant owning less than ten acres of land. The applicant must have reasonable agricultural experience, and must be a Kenya citizen.

The three large-scale loans were issued between January 1965 and 21st January 1966 and were worth about £4,200 in total. No issue was made before January 1965 as there had been no applicants.

The nine small-scale loans were given between October 1963 and December 1965 and are worth £2,065 in total.

The qualification for large-scale loans from the Agricultural Finance Corporation include no less than fifteen acres of productive land, to produce a gross income of £500 or more within a reasonable period.

**Mr. Kerich:** Mr. Speaker, Sir, will the Assistant Minister tell the House whether there is a notice published at Kisumu showing the difference between Land Bank loans and Agricultural Finance Corporation loans?

**Mr. Murgor:** Mr. Speaker, Sir, the question here was how many loans had been issued in Central Nyanza. It was not a question of where the office is, because there must always be an office near-by.

**Question No. 387****TECHNICAL SCHOOLS IN CENTRAL NYANZA**

**Mr. Odero-Sar,** on behalf of Mr. Bala, asked the Minister for Education whether he would consider providing at least ten technical schools in Central Nyanza to help in training a few thousand children who could not get into secondary schools.

**The Assistant Minister for Education (Mr. Mutiso):** Mr. Speaker, Sir, I beg to reply: My Ministry has a development plan for technical education involving the expansion and upgrading of existing technical schools and the building of two new schools. This plan is closely correlated with Kenya's skilled manpower requirements up to 1970, as indicated by the recent manpower survey and has been prepared in conjunction with the Ministry of Labour scheme for appropriate training.

To build technical schools, in addition to those envisaged in the development plan, would be an extremely costly venture, which could eventually lead to a situation where we were producing skilled manpower in excess of the nation's requirements to the detriment of needs in other fields.

**Mr. Shikuku:** Arising from the Assistant Minister's reply, would he tell the House what he intends to do on a provincial basis, namely Nyanza Province, Western Province, Coast Province, and what Government has in mind regarding the establishment of these technical schools in order to cope with the great number of schools which are already scattered about the country?

**The Speaker (Mr. Slade):** This question concerns Central Nyanza only.

**Mr. Mutiso:** Mr. Speaker, Sir, I thought I made it quite clear that the introductions of more technical schools in places where they do not at the present moment exist would only amount to producing more people than the requirements of the nation. Therefore we stated that the schools which exist at the moment are sufficient to cater for the nation's requirements.

**The Speaker (Mr. Slade):** We will go on now, Mr. Makokha has a question by private notice. He is not here? Is there any hon. Member authorized by Mr. Makokha to ask his question by private notice?

**NOTICE OF MOTION FOR THE ADJOURNMENT****U.S.S.R. AID FOR KANO IRRIGATION SCHEMES**

**The Speaker (Mr. Slade):** Then I would remind hon. Members that Mr. Bala was to have raised the matter on the adjournment today as noted

on the Order Paper. I am afraid that there has been some misunderstanding, for which I may be responsible. Mr. Bala did ask for this matter to be brought very early, but in fixing it for today, I did not realise that he was leaving here yesterday on a delegation to England. I understand that Mr. Odero-Sar would like to take his place in raising this matter. Normally, I would not allow that without previous written notice, because I do regard it, according to our Standing Orders, as the sole prerogative of the Member who has given me the notice. But, I think, it would be in the interest on this occasion, and fair to Mr. Bala and Mr. Odero-Sar, to allow Mr. Odero-Sar to raise this matter on behalf of Mr. Bala. So we will do that.

**MOTION****APPOINTMENT OF CHIEFS**

THAT this House, noting with deep regret the delay in the appointment of chiefs in this country, especially in Coast Province, recommends that all civil servants responsible for such delays be dismissed forthwith.

(Mr. Kare on 2nd March 1966)

*Amendment considered:—*

THAT this Question be amended by—

(a) adding the words "and sub-chiefs" after the word "chiefs" in the second line;

(b) deleting the words "especially in the Coast Province" in the second and third lines; and

(c) deleting the word "dismissed" in the last line and by inserting in place thereof the word "disciplined".

(Mr. Gichoya on 3rd March 1966)

*(Resumption of consideration of amendment*

*—interrupted on 3rd March 1966)*

**The Speaker (Mr. Slade):** Now, in this matter we had an amendment proposed by Mr. Gichoya, and Mr. Komora was in the process of seconding it but had not yet finished his speech. He still had eight minutes to go.

The whole time remaining for the debate was forty-three minutes. Is Mr. Komora not here? Then I must propose the question of the amendment. There are, in fact, a serious of amendments, but in view of the very little time available, I think we had better treat it as an amendment.

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

**The Speaker (Mr. Slade):** We will combine the debate of the amendment with the debate of the main question.

Mr. Kamau: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance. When this point was being discussed, it was being emphasized that the man in question was employed due to the pressure.

The Speaker (Mr. Slade): Order! Order! What is your point of order?

Mr. Kamau: My point of order, Sir, is this: as I understand it, that it is the Mayor who stopped the Minister from executing his duties, is it the Minister who is greater as Minister, or the Mayor of the city?

The Speaker (Mr. Slade): Order! Order! On these occasions, on moving the adjournment to debate a matter of public interest, or on an ordinary adjournment debate, it is the conduct of Government with which we are concerned, not the conduct of anyone else outside the House, except so far as it may affect what Government should do or should not do. Conduct of other people can be raised directly only by a substantive Motion.

## ORAL ANSWERS TO QUESTIONS

### Question No. 389

#### HINDUSTANI PROGRAMME CHIEF IN VOICE OF KENYA

Mr. Nyaberi asked the Minister for Information and Broadcasting why it was that the Hindustani language programmes on the Voice of Kenya had a particular person as the head in charge of its programmes, whereas all the other vernacular programmes, including the Swahili ones, were left under one person who was the head in charge of the vernacular programmes.

The Assistant Minister for Information and Broadcasting (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. The appointments of heads of services in the Voice of Kenya depends entirely on the amount of work involved. Hindustani programmes are on the air 71 hours a week, English 84 hours a week, and Swahili 120 hours a week. Each of these services has its own head. Vernacular broadcasts are limited to an average of five hours per week each and, in most cases, this work can be handled by a single officer for each vernacular. For overall administrative purposes, all vernacular programmes are put under the Head of the National Service who also has responsibility for Swahili programmes.

Mr. Nyaberi: Mr. Speaker, Sir, the question here is that the House would like to know why Swahili and other vernaculars are under one man whereas the Hindustani programmes are also left

under one man. Would the Assistant Minister tell this House, in terms of hours, how this man in charge of Hindustani language is any more laid down than the man in charge of the vernacular?

Mr. Onamu: Mr. Speaker, Sir, I think the hon. Member did not follow me. I said each section has a head and that includes Hindustani and also the vernaculars.

Mr. Nyaberi: Mr. Speaker, Sir, will the Assistant Minister tell this House, out of the two men in question, whether the question of seniority is taken into account? Who is senior to the other?

Mr. Onamu: That is another question, Sir.

The Speaker (Mr. Slade): I think so. That question.

### Question No. 365

#### LAND CONSOLIDATION IN HOMA BAY

Mr. Ngala-Abok asked the Minister for Lands and Settlement if he would explain when the following Homa Bay Constituency Locations would be declared adjudication areas for the purposes of land consolidation, e.g. North Nyokai, Gem, Kanyada, Kamagambo and Sakwa, since the people had been waiting for the last three years.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. A number of sub-locations within the locations mentioned by the hon. Member have been declared adjudication sections already. For example, Kajulu, Sub-location of Gem; Location was declared on 1st November 1964. Kaburo and Kobioch, Sub-location of Kamagambo Location, and Alego, Sub-location of Sakwa Location were declared on 20th January 1966. The rest of the sub-locations will follow suit as and when teams are available after completing the areas they are working at present. It should be borne in mind that we are working with limited resources of funds and staff and although the Ministry would like to complete the work as soon as possible, it is impossible to work in all parts of the country at the same time. It may be appropriate to mention here that there is a team of experts, known as the Lawrence Mission, presently examining the set-up of land consolidation department, with a view of recommending to the Government the best way that the registration process could be carried out economically and in the shortest period of time.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that the Minister has mentioned the Lawrence Commission, who are the members of that commission?

Mr. Angaine: Mr. Speaker, we have our own Members on that commission, but I have forgotten their names, but they are there.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister assure the House that in his estimates for land consolidation he will put pressure to bear on the Ministry of Finance to see to it that land consolidation is speeded up in these locations and completed before the next General Election?

Mr. Angaine: Mr. Speaker, Sir, even the Minister for Finance is aware of this.

### Question No. 373

#### TOURIST HOTEL FOR HOMA BAY

Mr. Ngala-Abok asked the Minister for Natural Resources and Tourism to tell the House when his Ministry planned to organize and help in the building of a modern and well-furnished hotel at Homa Bay to accommodate tourists and others visiting the district and people coming to see the Lambwe Valley Game Reserve or the historical sites at Rusinga and Mfangano, now that the Mbita ferry was nearing completion.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply: There are two main points one must always bear in mind when considering the building of tourist hotels. Firstly, the provision of a tourist hotel in any area, should be a natural consequence of the development of tourist attractions in that area. Secondly, an hotel, on its own, cannot act as a tourist attraction. It can only act as an inducement. Indeed, most of our tourists come from areas with better hotels than some of those available in Kenya.

In the case of South Nyanza, my Ministry, in consultation with the South Nyanza Local Authority, is at present actively engaged in the development of tourist attractions. We are keen to see that the Lambwe Valley is fully developed and that the wildlife therein is preserved. Along with the Lambwe Valley Game Reserve, my Ministry intends to develop other attractions, such as the Mount Homa Hot Springs, the Oyugis Bird Sanctuary, the Kano Bird Sanctuary, just outside Kisumu, and the rest of the Kenya shores of Lake Victoria. Hand in hand with our efforts, should follow the development of social and cultural activities. In particular, the organization of tribal dances and festivals should be actively revived.

I have no doubt that when tourist attractions in South Nyanza are substantially improved, a flow of foreign as well as local tourists will follow. This will, naturally, necessitate the building of proper accommodation.

It is not the Government's policy to build hotels, but the Government can provide assistance or inducements to the investors, who, in turn, consider building hotels or motels with or without Government participation. In this connexion, Sir, I would like to inform the hon. Member that the Tourist Development Corporation, which has already been formed, will investigate the possibilities of tourist facilities and amenities in South Nyanza and, if these are promising, it will participate in hotel building. Provided the local people co-operate with us, I have no doubt that future events will justify the building of a modern hotel, or other similar accommodation facilities, at or in the neighbourhood of Homa Bay.

Mr. Omwisi: Mr. Speaker, Sir, arising from that reply and in view of the fact that the newly formed tourist corporation would take into consideration the helping of these areas, would the Assistant Minister assure this House that he will approach this corporation, and in view of the fact that the places he has referred to as being tourist attractions have not in the past been visited by tourists, would he see that the tourist corporation gives South Nyanza first priority as far as hotel accommodation is concerned?

Mr. Jan Mohamed: Mr. Speaker, Sir, the tourist corporation will look into all the aspects of tourist attraction in Kenya. I cannot assure the hon. Member that first priority will be given to Homa Bay or South Nyanza as this would depend on the survey which will state which area really needs priority. But, Mr. Speaker, Sir, I said in my reply that we have created sufficient attractions with efforts from our Ministry in this area. To increase these and to build them further, is now in the hands of the local people. The Tourist Development Corporation will certainly look into this aspect and, if it is found to be attractive enough, they will certainly go ahead.

### Question No. 398

#### GOVERNMENT ASSISTANCE FOR RANGALA ORPHANSAGE

Mr. Odera-Sar asked the Minister for Housing and Social Services what financial assistance the Government was giving to keep up the running of the Rangala Orphans' Home which was the only home of its kind in Nyanza Province.

The Minister for Health (Mr. Otieno): Mr. Speaker, Sir, I beg to reply. I regret that the Government is unable to give financial assistance to the Rangala Orphans' Home.

The Ministry of Social Services has a limited amount of funds each year which is annually shared between national charitable organizations,

Mr. Ngũgĩ-Abok: Mr. Speaker, Sir, will the Assistant Minister tell the House whether the World Bank Mission has not visited Asumbi and agreed to carry out this development, not only in Asumbi but in other schools as well, in 1966, rather than going into negotiations and other things like the availability of funds?

Mr. ole Koincheilab: Mr. Speaker, Sir, Asumbi Girls' School is one of thirty-five schools for which the International Development Association funds have been sought, in order to establish new Form I to Form IV streams. Work at all these schools and other schools and colleges which are included in the International Development Association project for various forms of development, cannot begin until the necessary funds become available and Asumbi is neither better nor worse off than all the other institutions of this State. The Mission which visited Asumbi in or about March, 1965, was a Kenya Government team comprising officers of the Ministry of Education and a chief architect officer from the Ministry of Works, Communications and Power. The purposes of the visit were to ascertain whether Asumbi and other schools, which were supposed to be included in the International Development Association project, were in every way suitable for the expansion and development envisaged for them and to obtain data which would subsequently be of use to the chief architect in preparing a development plan.

The World Bank team visited a number of schools during their July/August visit. But, Sir, according to the Ministry's records, these did not include Asumbi. It is possible, though not on record, that during the second visit in 1965, a member of the bank team may have called at Asumbi while en route between Kenya and Uganda.

Mr. Ngũgĩ-Abok: Mr. Speaker, Sir, is the Assistant Minister aware that his officers in Nyanza are aware of this Mission having given an undertaking that this school that it was going to be taken over by them? Also will the Assistant Minister tell me when these negotiations are going to end?

Mr. ole Koincheilab: Mr. Speaker, Sir, it is quite true that provincial education officers were informed and, through them, the schools concerned were notified of the programmes which it was intended to place before the World Bank team in July. In the course of the team's visit in July and August, the programme was greatly modified and the revised programme was communicated to provincial education officers.

So, I quite agree that the education officers in Nyanza are aware of this programme. This will be implemented as soon as possible.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he give a complete list of the thirty-five schools in the International Development Association plan and could he tell the House what plans his Ministry has for those boys who were supposed to be admitted into some of these schools to be financed by the International Development Association this year in Form I, and have not yet been admitted in these schools?

The Speaker (Mr. Slade): No, I think that is outside this question, Mr. Khasakhala.

We will go on to the next question.

#### Question No. 382

##### NAIROBI EXPATRIATE EDUCATION OFFICER

Mr. Ndile asked the Minister for Education if he would tell the House the reasons why the City Council of Nairobi had re-engaged an expatriate as City Education Officer at a salary of £4,100 per annum, when the country could provide a better qualified person. Was the person appointed and earning this salary of £4,100 per annum even a graduate.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. At the time of the appointment to which the hon. Member refers, the council considered that no suitable person existed locally to fill the post.

The officer concerned is not a graduate.

Mr. Ndile: Mr. Speaker, Sir, in view of the fact that we now have better qualified local people, would the Minister consider dismissing these expatriates and employing local people in their places?

Mr. Mutiso: Mr. Speaker, Sir, there is a normal procedure under which a person can be discharged. We do not simply discharge a person because there are local people. Normally, we advise the post in question and when we get suitable applicants, then the post is filled.

Mr. Kase: Since it is Government's policy to Africanize posts, Mr. Speaker, when we have suitable Africans, and since the Assistant Minister has indicated that the normal procedure is to advertise, would the Minister advertise this post as soon as possible?

Mr. Mutiso: Mr. Speaker, I agree.

Mr. Masinde: Mr. Speaker, Sir, since the Assistant Minister says he is looking ahead to the time when this post can be Africanized, could he, therefore, make sure that this post is advertised within this month?

Mr. Mutiso: No, Sir, I am not sure.

Mr. Bahala: Mr. Speaker, Sir, could the Assistant Minister tell this House when the contract of this expatriate is due to expire?

Mr. Mutiso: Mr. Speaker, Sir, I think I had better enlighten the minds of the hon. Members on this particular issue. Now, Sir, the officer in question, who has been in charge of primary education under the City Council of Nairobi for many years, resigned from the Government service in July last year and immediately accepted the offer of the post of City Education Officer from the city council. In offering this post, the city council was, in our opinion, allocating to itself powers which the Ministry for Education had not granted to any local authority.

This Ministry, Sir, refused to accept the following points: (1) That the city council had any right to appoint a city education officer. (2) The appointment of an officer who had resigned from Government service to take over on contract terms the same job from which he had already resigned.

Mr. Oduya: Mr. Speaker, Sir, since the officer in question is not a graduate, would the Assistant Minister tell us what were the qualifications based on for the appointment of this officer when he was taken on?

Mr. Mutiso: As I said earlier, Sir, the officer in question is not a graduate and as I indicated in my earlier reply, the Ministry of Education did, in fact, refuse the appointment of this particular officer as an education officer.

Hon. Members: Where is he now?

Mr. Mutiso: Mr. Speaker, I am informed that the city council did put extremely heavy pressure on the Ministry of Education, and that the Mayor, personally, intervened.

Mr. Speaker, if the hon. Members do not want to hear the reply, then I need not continue.

The information I am communicating to the House, Sir, is that I am informed that a lot of pressure was exerted on the Ministry of Education by the Mayor of Nairobi in an attempt to make the Minister change his decision. However, even before the Minister's decision was conveyed to the city council, the Mayor himself offered the officer in question a contract while in Britain when he, the Mayor, was there recruiting other staff. On the strength of the Mayor's offer, Mr. Speaker, the officer in question returned to this country and started doing the work of City Education Officer before the Minister had approved the appointment as required by law.

Mr. Agar: Mr. Speaker, would the Assistant Minister tell this House why it was necessary to

import a non-graduate from overseas while ignoring Africans who are graduates in Kenya and spending so much money?

Mr. Mutiso: Mr. Speaker, Sir, I did say to this House earlier—

Mr. Malsuri-Itambo: On a point of order, Mr. Speaker, in view of the fact that the Assistant Minister insists on telling the House that this decision was taken by the Mayor, am I in order, Sir, to ask the Ministry to bring the Mayor here to question him?

The Speaker (Mr. Slade): I think we will go on to the next question now.

#### NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

##### EMPLOYMENT OF AN EXPATRIATE CITY EDUCATION OFFICER

Mr. Shikuku: On a point of order, Mr. Speaker, I wish to raise this question as a matter of national importance under Standing Order 14 since there is a lot of money being spent on this person.

Hon. Members: It is being spent illegally!

The Speaker (Mr. Slade): As I understand that this is a matter of administration for which Government accepts responsibility, I think it is basically the kind of matter to which Standing Order 14 can be applied. It is a definite matter and, if any action is to be taken, it seems to be required rather urgently. So, if ten or more Members support this request, it will be granted.

(A number of hon. Members stood in their places.)

The Speaker (Mr. Slade): There are more than ten Members who have risen in support. I do not think you will need very long to discuss the Motion, so I will allow Mr. Shikuku to move the adjournment of the House at 6 p.m. today.

Mr. Kall: On a point of order, Mr. Speaker, Sir, I do not know whether it is allowed, under our Standing Orders, to applaud a Speaker's decision or judgment. Do we make a mistake when we applaud after you have made a decision?

The Speaker (Mr. Slade) Order! Order! Mr. Kall is quite right. It is in order if hon. Members approve a Communication from the Chair, and sometimes the Speaker is seeking their confirmation that he is speaking their voice. However, on any ruling on a point of order, it is completely out of order to applaud, almost as much as it is to do the reverse.

Mr. Anyien: Mr. Speaker, Sir, is the Minister aware that at Harambee House the President did say, and it was given as a statement in the Press, that a Member can address a meeting in another Member's constituency, provided that the Member in that area invited him or welcomes him to address the meeting. Does this action of the district commissioner not violate the promise which was given to us by our President who believes in the freedom of speech?

Mr. Nyamweya: Mr. Speaker, Sir, I think I may take this opportunity to clarify the position concerning this ruling, as some hon. Members have misinterpreted the Presidential ruling with regard to public meetings. Firstly, Mr. Speaker, Sir, the hon. Members of the National Assembly are at liberty to address meetings anywhere in the country on conditions that a licence has been issued to a certain individual.

Secondly, Mr. Speaker, Sir, the licence which is to be issued by the licensing authority will have to contain certain conditions. It is up to the licensee to ensure that the conditions on the licence, to enable them to hold a meeting, are followed. If, in the licence, there are certain conditions which may include that Members whose names appear on the licence are the only persons who may speak at that meeting, then that must be the condition and it must be preserved. This condition can only be included in the permit or the licence, when the licensing authority has examined the security situation of a particular area where the meeting is going to be held.

Lastly, Mr. Speaker, Sir, some hon. Members have taken this ruling as a general direction that they can hold meetings anywhere and in other Members' constituencies, without consulting Members for the constituencies concerned. That, Sir, is wrong.

Mr. Choge: Mr. Speaker, Sir, arising from the Minister's reply, and in view of the fact that this section, or this law, does interfere a lot with the Members of Parliament, especially when they have no time to contact other Members of Parliament, and that some may be available whom the Member may not have contacted during the previous week or so, and yet they are ready to go and address a meeting, is the Minister prepared to allow this law to be brought to this House, so that it can be amended so as to allow the Members of Parliament to speak at any rally?

Mr. Nyamweya: Mr. Speaker, Sir, I do not agree that a Government should not be concerned with the security situation of this country. The hon. Member for Butere, if he behaves like an hon. Member in Butere, can always get

anybody he wants to speak at his meeting without any condition at all. But the Government cannot, and will not, close its eyes when the security of the country is threatened, including Butere.

Now, Sir, coming to the question of the hon. Member for Nairobi South. The Government has no intentions at present.

Mr. Khasakhaha: On a point of order, Mr. Speaker, Sir, could the hon. Minister substantiate that the hon. Members are threatening the security of the country?

The Speaker (Mr. Slade): No, he has not said that.

Mr. Khasakhaha: Yes, but he did say that if the security of the country was threatened, Members could not be allowed to address meetings, unless their names were included on the permit.

The Speaker (Mr. Slade): Order! He has not said that. You can put any interpretation you like, but then that is your affair.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, would it be in order, while the Minister is answering this particular question, to state also that this only applies to those places where the security position is questionable?

The Speaker (Mr. Slade): Order! How do you think that is a point of order, Mr. Ngala-Abok? Will you sit down, please, and not interrupt on false points of order. You are in danger of being asked to leave. You are putting a question to the Minister, and you should not do it on a point of order.

Mr. Nyamweya: I was concluding, Mr. Speaker, Sir, by saying that, at present, the Government has no intention of amending this particular Act.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 391: LICENCES FOR PUBLIC MEETINGS

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, in view of the very unsatisfactory reply by the hon. Member from I do not know where, I wish to raise this matter on an adjournment.

#### ORAL ANSWERS TO QUESTIONS

Question No. 392

##### CENTRAL MUSEUM: AFRICAN CULTURE

Mr. Mate asked the Vice-President if he could tell the House what were the plans for the opening of a Central Museum at Nairobi for the preservation of art, archives and articles of value in African folk-lore.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply. As adequate facilities already exist for the preservation of art, archives and folk-lore, there is no need at present for the establishment of a Central Museum.

The National Museum, (formerly Coryndon Museum) is prepared to, and does, collect and preserve valuable materials of art and folk-lore, and the Kenya National Archives, which is a department in the Office of the Vice-President, collects and preserves archives of historical or administrative value.

Mr. Mate: Mr. Speaker, Sir, is the Assistant Minister aware that this would also include modes of dress of the different tribes, weapons of war of the tribes, traditional art of the tribes, material paraphernalia of the tribes, ceremonial dress of the tribes, music and the various musical instruments of the tribes and African technological genius, in such a manner that it would actually give a national representation of African history?

Dr. Waiyaki: Mr. Speaker, Sir, I am not aware that the National Museum is not prepared to accept any of the items listed by the hon. Mr. Mate in fact they have a fine tribal collection of costumes, weapons, utensils and jewellery already.

Mr. Mbogohi: Mr. Speaker, Sir, what steps is the Ministry taking to collect all those things for the National Museum?

Dr. Waiyaki: Mr. Speaker, Sir, the museum collects these things; we as a Ministry do not collect these things. But, Sir, if the hon. Mr. Mbogohi has in mind any items of interest for the National Museum, I would be very glad to hear about them and see them.

Mr. Muthoo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House what efforts the Government is making to encourage this development of a National Museum?

Dr. Waiyaki: Mr. Speaker, Sir, the question was about a Central Museum, which was to include art, archives and folk-lore. We have recently passed a Bill in this House to set up a National Archives Department which is already being organized and we are training staff, both locally and overseas, for this particular job. Also the National Museum is expanding all the time, and when it reaches the stage of needing a new building, then, Mr. Speaker, Sir, no doubt the Government will take the appropriate action.

Question No. 355

##### RUBBER INDUSTRY FOR KENYA

Mr. Ndile asked the Minister for Economic Planning and Development if he would tell the House whether a rubber industry would be established in Kenya.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Speaker, Sir, I beg to reply. Yes, a rubber industry could be established in Kenya. But before such an industry is established, it is imperative to carry out a detailed feasibility study. The hon. Member might be interested to know that we have proposals which are now being investigated by the Government and a statement will be issued in due course.

Question No. 364

##### ASUMBI GIRLS' SECONDARY SCHOOL AND WORLD BANK

Mr. Ngala-Abok asked the Minister for Education if he would tell the House when the World Bank Mission, which visited Asumbi Girls' Secondary School last year and agreed to take it over in January 1966 for development purposes, would start its work at the school concerned.

The Assistant Minister for Education (Mr. ole Kionellah): Mr. Speaker, Sir, I beg to reply. Work on the Kenya Government's current development programme for expanding secondary school facilities, which includes the establishment of new streams at Asumbi Girls' School, and which is dependent on the Government's obtaining loan funds from the International Development Association, will proceed as soon as negotiations with the World Bank have been completed and authority is given for expenditure to begin.

Mr. Ngala-Abok: Would the Assistant Minister please repeat his reply?

The Speaker (Mr. Slade): You did not hear it? No, Mr. Kionellah, I did not hear it very well. Come a little nearer one of the amplifiers.

Mr. ole Kionellah: Mr. Speaker, Sir, work on the Kenya Government's current development programme for expanding secondary school facilities, which includes the establishment of new streams at Asumbi Girls' School, and which is dependent on the Government's obtaining loans from the International Development Association, will proceed as soon as negotiations with the World Bank have been completed and authority has been given for expenditure to begin.

Tuesday, 8th March 1966

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:—

Interim Report of the Public Accounts Committee on the Government of Kenya Accounts for the year ending 30th June 1964.

(By the Minister of State, President's Office (Mr. Nyamweya) on behalf of the Chairman of the Public Accounts Committee)

#### NOTICES OF MOTIONS

##### RECRUITMENT OF MORAN INTO KENYA ARMY AND POLICE

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

THAT this House being aware of the steady increase of stock theft by the Samburu and Masai *Moran*, calls upon the Government to find jobs for those *Moran*, particularly in the Kenya Rifles and the police force, with a view to mitigating and reducing the present toll of stock thefts in the country.

##### AFRICANIZATION: COMMERCE AND INDUSTRY

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

THAT in view of the slow Africanization policy in the commercial and business firms and companies in this country, this House urges the Government to make a legislation under which such firms and companies will be required to have at least 50 per cent of their executive jobs taken by Africans.

##### AFRICANIZATION IN INDUSTRY TO END UNEMPLOYMENT

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

THAT in view of the seriousness of the unemployment situation among the indigenous people of Kenya, especially the Africans, this House calls upon the Government to enunciate an industrial policy which would ensure speeding up of Africanization, in private firms and public organizations, of all jobs which even now are still being unnecessarily filled by foreigners and immigrants who have refused to take up Kenya citizenship after two years of grace.

The Speaker (Mr. Slade): I see that there was a notice of Motion due to be given by the Chairman of the Public Accounts Committee. If there is any other member of the Public Accounts Committee present, it would be in order for him to give that notice. Mr. Nyamweya, you are a member of the Public Accounts Committee.

#### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

The Minister of State, President's Office (Mr. Nyamweya): I am Sir.

I beg to give notice of the following Motion:—

THAT this House approves the recommendations of the Interim Report of the Public Accounts Committee on the Government of Kenya Accounts for the year ending 30th June 1964.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 393

##### LICENCES FOR PUBLIC MEETINGS

Mr. Shikuku asked the Minister of State in the President's Office:

(a) Whether he would tell the House why the district commissioners, particularly the one in Kakamega, had decided to reinforce the imperialist law, as far as licences for public meetings were concerned, namely, that no one could speak at such a meeting unless his or her name was on the list of speakers.

(b) Would the Minister also tell the House whether the police, who used to issue the licences for public meetings and who sometimes allowed people other than those on the licence to speak, were breaking the law.

(c) If not, would the Minister tell the House whether he would not stop the present system being enforced by the district commissioners.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The Public Order Act provides that a public meeting may only be held under the conditions laid down in the licence. For security reasons, the conditions which may be imposed by the licensing officer may vary from time to time and from place to place, and it is the responsibility of the licensee to comply with the conditions of his licence.

When the police allowed people whose names were not included in the licence to speak, it did not mean that they were breaking the law. The licensing officer has the discretion to decide whether or not the names of other speakers should

[The Minister of State, President's Office] be included in the licence, in which event only those listed in the licence may speak. Section (c), therefore, does not arise.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, when he referred to the question of security, does he mean to tell me, Sir, that the police who were issuing these licences to hon. Members or to other people to organize public meetings in those days that there was then no security risk and that now the district commissioners are issuing licences because of the security risks? Who knows better, the district commissioners or the police?

Mr. Nyamweya: The security question has been there always, even before the authority for issuing licences was transferred from the police to the administration.

Mr. Shikuku: Mr. Speaker, Sir, arising from the reply of the Minister, is he aware that the Member for Nyandarua, who is well known in this House and who is a strong supporter of the Government, when I approached the district commissioner to have his name on the licence, but that he refused to have him on the licence? Is he a security risk? Could the Minister tell the House this?

Mr. Nyamweya: Mr. Speaker, Sir, I am informed that the hon. Member for Nyandarua is not at present a security risk.

Mr. Mubiro: Mr. Speaker, Sir, would the Minister not agree with me that the humiliation of Members of Parliament lowers the dignity of this House?

Mr. Nyamweya: The humiliation of any person is a disgrace, not only a disgrace for the Members of this House, so it is upon the hon. Members of this House to ensure that everything is done according to law so that no humiliation comes.

Mr. J. M. Karuhit: On a point of order, Sir, is the hon. Minister in order to say that he is now told—does he want to imply that I was a security risk at the time when the licence was refused?

The Speaker (Mr. Slade): Order! I do not think there was any such implication, but perhaps the Minister would like to assure you of that.

Mr. Nyamweya: Mr. Speaker, Sir, I did not say that he is now not; what I said was that I am informed that the hon. Member for Nyandarua is at present not a security risk. Not at present. I cannot guarantee the future.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, this is most interesting. Would the Minister of State for the President's Office tell

the House whether, by the use of the words "at present", at the time—

The Speaker (Mr. Slade): Order! Are you raising on a point of order?

Mr. Ngala-Abok: Now, is it in order for him to—

The Speaker (Mr. Slade): You had better sit down, I think, Mr. Ngala-Abok.

Mr. Anyienk: On a point of order, Mr. Speaker, this question deals with time which is past and the hon. Minister says that it was not good for the hon. Member to address the meeting says that "now"—does that not imply, Sir, that at that time he was a security risk?

The Speaker (Mr. Slade): Order! We have finished with that one.

Mr. Shikuku: Arising from the answer, Mr. Speaker, that the hon. Member for Nyandarua is at present not a security risk, could the Minister now tell the House that at that time, when the Member for Nyandarua came to Butere, that he was then a security risk?

Mr. Nyamweya: Mr. Speaker, Sir, the hon. Member for Nyandarua has not been a security risk and, furthermore, even at present, he is not one. What the hon. Member for Butere fails to understand is that the permit to hold a public meeting was issued in Kakamega District and the Kakamega District licensing officer has the right to look into the problems of security in Kakamega. There is no need to drag the Member for Nyandarua into this.

Mr. Gatuguta: Mr. Speaker, Sir, on this question, would the Minister agree with me that the licensing officers should have no powers whatsoever to refuse a Member of Parliament the right to address a meeting and that the proper procedure would be for the Government to prosecute the Member should he do anything that is likely to cause trouble?

Mr. Nyamweya: Mr. Speaker, Sir, I am one of those people who believe in freedom of speech—not theoretically but practically—and I would assure the hon. Members of this House that, subject to the usual limitations of the security of the nation, no Member's freedom is going to be curtailed.

Mr. Mbogobi: Mr. Speaker, Sir, is it not true that the President has ruled that anybody can address a meeting anywhere in this country if the people of that area are interested in listening to him?

Mr. Nyamweya: I am not aware of that ruling, Mr. Speaker.



The Speaker (Mr. Slade): Is there nobody here from the Ministry of Agriculture? That will have to wait.

#### Question No. 364

WORLD BANK AND ASUMBI GIRLS' SECONDARY SCHOOL

Mr. Ngala-Abok asked the Minister for Education whether he would tell the House when the World Bank Mission which visited Asumbi Girls' Secondary School last year and agreed to take it over in January 1966 for development purposes would start its work at the school concerned.

#### POINT OF ORDER

##### ABSENCE OF MINISTERS

Mr. Ngala: On a point of order, Mr. Speaker, I think it is very, very insulting of the Ministers to be absent from the House when Members come here to hear very important replies on matters affecting the country. Would I be in order, Mr. Speaker, under Standing Order 14, to move that this matter is discussed now as a matter of national importance?

The Speaker (Mr. Slade): No, I do not think it is a case to which we can apply Standing Order 14. It is a fairly continuous feature of our sittings, this, that on Friday mornings, for some reason, Ministers are unable to get here when we get here. It is extremely unsatisfactory, but it is not the sort of case to which Standing Order 14 applies. Sometimes, on other occasions, the House has shown its dissatisfaction by moving the adjournment of the House substantively, that is to say, moving we actually do adjourn, on the ground that it is not much use sitting here if Ministers are not going to attend.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, following your ruling, would I, therefore, be in order to move straight away that we adjourn the House in view of the absence of the Ministers?

The Speaker (Mr. Slade): Yes, it would be in order to do that.

#### MOTION FOR THE ADJOURNMENT

##### ADJOURNMENT OF THE HOUSE: ABSENCE OF MINISTERS

Mr. Shikuku: Being in order, may I take this opportunity, Mr. Speaker, Sir, to express our deepest dissatisfaction and disgust at the behaviour of the Ministers in continuously absenting themselves from this House and, I feel, this is because the Ministers have been overworked since we obtained independence. The original Ministers are still Ministers and they must be

tired, and it is time, Mr. Speaker, Sir, in my opinion, if I may submit to the President of the Republic of Kenya, that a fresh Cabinet is necessary.

The Speaker (Mr. Slade): Order! I am sorry when you are moving substantively that the House do now adjourn, the only thing you can argue is that we should adjourn; it does not become a matter under Standing Order 14.

Mr. Shikuku: Thank you, Mr. Speaker. In order to make things go fast and that we adjourn this House, and for the public to know that the Ministers are tired and cannot present themselves in this House—probably they had too much drink last night—perhaps we—

The Speaker (Mr. Slade): Order! Order! Just keep your control of what you say now, Mr. Shikuku.

Mr. Shikuku: Therefore, Mr. Speaker, I beg to move that the House do now adjourn in order to show our great dissatisfaction.

Mr. Ngala: Mr. Speaker, Sir, I would like to second this. The reason why I would like to support this is because we all know that on Friday morning Parliament should be meeting. The Members who should be most concerned are the Ministers of the Government and they should therefore come here punctually, particularly when there is a question for any Minister to answer. It is a custom in any Parliament in the world that the Minister concerned should be present in person to reply to the question. Failing to be present is an insult to the House and to the Members who are taking the trouble to ask questions. I think it is very likely that the House should show its indignation by adjourning as we should like the message to reach the President, that his Ministers are going slow and do not attend.

I, therefore, support the Motion.

#### (Question proposed)

Mr. Kase: On a point of order, Mr. Speaker, since the matter is self-explanatory, I beg to move that the question be now put.

The Speaker (Mr. Slade): Order! Order! That is perfectly reasonable on a Motion of this kind. I will now put the question.

(Question: that the question be now put, put and agreed to.)

#### DIVISION

##### (Question put)

The Speaker (Mr. Slade): Order! Order! Hon. Members, please keep a little self-control. Remember where you are.

Mr. Anyien: On a point of order, Mr. Speaker, Sir, in view of the fact that when this matter was being discussed there were no Ministers here, and in view of the fact that the Ministers are here now, is it not in order that we propose that we continue now?

The Speaker (Mr. Slade): You ought to know procedure better than that, Mr. Anyien.

Hon. Members will see for themselves what you point out. There is no question of reopening the debate.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, according to Standing Orders, what is a quorum in this House?

The Speaker (Mr. Slade): A quorum, as the hon. Member should know, is twenty Members.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, would you rule on this point of order why Ministers cannot continue debating while the Ministers take the blame? The House can continue debating when there is a quorum.

The Speaker (Mr. Slade): I do not understand your point of order, Mr. Ngala-Abok.

#### (The House divided)

##### (Question carried by 36 votes to 29)

AYES: Messrs. Amin, Bala, Balala, Baraza, Bonaya, Choge, Dingiria, Gatuguta, Gichoya, Kall, J. M. Kariuki, Kase, Kioko, Kiprotich, Maisori-Iumbo, Mate, Matl, Mbali, Mulama, Muliro, Mwanzandi, Mwatsama, Ndile, Ngala, Nyaberi, Odera-Sar, Omar, Oselu-Nyallick, Rurumban, Seroney, Shikuku, Soli, Somo, Tanui, and Tuva.

Tellers of the Ayes: Messrs. Gichoya and Odera-Jowi.

NOES: Messrs. Acheng-Onoko, Bii, Gichuru, E. D. Godana, Godia, Ithari, Kerich, Komora, Khayo, Makoha, Makone, Malinda, Malu, Mbogoh, Mboya, Moi, Mutiso, Mwalwa, Mwenda, Ngala-Abok, Nyamweya, Odera-Jowi, Okwanyo, Omweri, Onamu, Osogo, Pandya, Theuri and Tipi.

Tellers of the Noes: Messrs. Muliro and Onamu.

The Minister for Information and Broadcasting (Mr. Acheng-Onoko): On a point of order, Mr. Speaker, in view of the fact that the House has not sat, are the Members entitled to receive their allowances for today?

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, in view of the fact that many Members are concerned all the time about the poor people, is it fair for the whole country—

The Speaker (Mr. Slade): Order! Order! That is not a valid point of order. You are trying to go over the ground of whether or not the House should have resolved as it has. You cannot do that.

Mr. Malinda: On a point of order, Mr. Speaker, when this Motion was being discussed, the sentiments were that the House should adjourn until the Ministers were available—

The Speaker (Mr. Slade): Order! Order! There was no such qualification of the Motion nor could there be.

#### ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until Tuesday, 8th March, at 2.30 p.m.

The House rose at thirty minutes past Nine o'clock.

Mr. Oduya: On a point of order, Mr. Speaker, can the Member substantiate that I take instructions from Makan'yengo?

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, what I gathered from the speech of the hon. Member, if the whole text is read, it is exactly what the hon. Member has told the House, and—

The Speaker (Mr. Slade): Order! You are asked to substantiate that the hon. Member has taken instructions from this gentleman. I think you must explain what kind of instructions you mean and then say on what evidence.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, the instruction, I took it, was to ventilate this matter here because it was not published—

The Speaker (Mr. Slade): You mean that document?

The Minister of State, President's Office (Mr. Nyamweya): Yes, Sir.

The Speaker (Mr. Slade): Order! Having explained what instructions you mean, you must now say why you say that Mr. Oduya took instructions from this gentleman.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, this I take it, is the document which the Press refused to publish. This is the document which pleads for the governing council to be postponed. This is the document, Mr. Speaker, which, paragraph by paragraph, was repeated in the speech of the hon. Mover. Any person trained in a profession like mine would draw that conclusion.

Mr. Anyieni: On a point of order, Mr. Speaker, my hon. learned friend, who has decided to use that to substantiate the allegation he has just made, has stated that the hon. Member has been quoting from this article which he alleges the Press refused to publish. When the hon. Member there was speaking, Mr. Speaker, I never saw him quote from a written text—

The Speaker (Mr. Slade): No, order!

Mr. Anyieni: Just a minute, Mr. Speaker, I am—

The Speaker (Mr. Slade): No, I am sorry, no, Order! The hon. Member has given his substantiation; he has not alleged that there was actual reading of that circular, he has alleged

that Mr. Oduya's arguments were exactly similar to what is contained in that circular. Order! That is his reason for what he said. The House takes it or leaves it.

Mr. Oduya: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Not on that question any more.

Mr. Oduya: On a point of order, Mr. Speaker, the Member has just said that I did quote the paper—

The Speaker (Mr. Slade): Order! Not in my hearing.

Mr. Oduya: Yes, he said that I was quoting—

The Speaker (Mr. Slade): Order. We are finished with this point and there is one minute left before the adjournment.

Mr. Shikuku: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Not on that point.

Mr. Shikuku: Yes—

The Speaker (Mr. Slade): No, you will sit down. I have finished that point.

Mr. Nyamweya—

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I was concluding by saying that the only logical thing for the Members of the National Assembly to do, instead of trying to put off the convention which everybody has been asking for, is to go to the convention on Sunday, 13th, with clean hands, and every Member, Mr. Speaker, will be able—

Mr. Mallinda: On a point of order, Mr. Speaker, Sir, is the hon. Member for Teso in order in referring to the Member who is speaking as a stooge of Mr. Mboya?

The Speaker (Mr. Slade): No, he is completely out of order. Unfortunately, it is too late for me to do anything about it.

#### ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is adjourned until tomorrow, Friday, 4th March, at 9 a.m.

The House rose at thirty minutes past six o'clock.

Friday, 4th March 1966

The House met at Nine o'clock.

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

#### PRAYERS

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 380

#### SELECTION OF ELECTORAL COMMISSION PERSONNEL

Mr. Nyaberi asked the Minister of State, President's Office what factors were taken into consideration when appointing the Electoral Commission.

The Speaker (Mr. Slade): There does not appear to be anyone ready to answer it yet, we must wait with it then.

Your next question, Mr. Nyaberi.

##### Question No. 381

#### KENYA'S DEFICIT IN BALANCE OF PAYMENT

Mr. Nyaberi asked the Minister for Finance whether he would tell the House if Kenya tended to have a continuous deficit in her balance of payments in as far as loans and investments from abroad were concerned.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply. If by a "deficit" on the capital account of the Kenya balance of payments, the Member for North Mugirango means that capital outflow is smaller than capital inflow, then it is true that Kenya tends to have a "deficit" on the capital account of the balance of payments. Such a situation is, however, normally regarded as a "surplus" situation. A balance of payments is usually divided into current and capital accounts. It must balance by definition when current and capital accounts are taken together. A deficit on the current account of balance of payments arises when a country's expenditure on foreign goods and services exceeds its income from overseas. If this deficit is not financed by foreign borrowing (a capital inflow), the country in question would have to use its foreign exchange reserves to finance the deficit. Thus, a deficit on current account enables a country to have a greater command over real resources (particularly capital goods) than otherwise possible, and a surplus on capital account (a net inflow) makes it possible to finance the deficit on current account without running down reserves.

It will be necessary for us to have a net inflow on capital account for some years to come if the pace of development is to be accelerated. There are two reasons for this. First, as domestic savings are inadequate in relation to our capital

requirements, we must borrow foreign savings. Second, our need for foreign exchange is greater than our capacity to earn it. However, it is the Government's intention to reduce the reliance on foreign borrowing by increasing domestic savings and intensifying policies of export promotion and import-substitution.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the very explanatory answer, would the Minister tell the House whether our production is increasing to meet the value of exports abroad?

Mr. Gichuru: It is increasing gradually and steadily.

Mr. Onweri: Mr. Speaker, Sir, the question here, continuous deficit means as I understand it, that we are not able to put in money for some particular development. Would the Minister then tell this House how long he intends to continue this kind of deficit, so that he supplements whatever requirement of finance we have from foreign-borrowed loans?

Mr. Gichuru: It will depend entirely on how hard you and I work. If we work hard and produce more and therefore sell more, we shall be able thereby to reduce our deficit.

Mr. Nyaberi: Mr. Speaker, Sir, will the Minister tell this House in which country Kenya makes much more payment abroad, which country really leads in as far as payments abroad are concerned?

Mr. Gichuru: Our largest lender is Great Britain.

Mr. Mate: Mr. Speaker, Sir, will the Minister agree with me that as far as Kenya is a young country and Great Britain is the parent country, that our local industries are much more important than these other industries? Local industries, including any commodity that we can produce and get money from?

Mr. Gichuru: This is exactly what I have just said, Sir, that we shall have to produce more, industrially, agriculturally and in every other way in order to lower our deficit.

##### Question No. 388

#### AGRICULTURAL FINANCE CORPORATION AND LAND BANK LOANS

Mr. Bala asked the Minister for Agriculture and Animal Husbandry—

(a) how many loans had been given to the people of Central Nyanza by the Land Bank up to now, and

(b) how many loans had been given to the people of Central Nyanza by the Agricultural Finance Corporation up to now.

[Mr. Kaggali]

conference must be convened by the Executive Committee. We cannot be compelled, Mr. Speaker, to believe that Mr. Thomas Joseph Mboya is the Executive Committee as such. This we can never allow. It was only the other day, Mr. Speaker, that he had a circular from the organizing secretary, who told us the position of the party, a very appalling position. That they have not paid their office rent; they have no telephone; they have not submitted any returns for a long time, and the Executive Committee has not met for a long time; the Governing Council has not met for a long time. Who instructed Mr. Mboya to call this delegates' conference? With whose authority has he called it, Mr. Speaker? Because of this, we want to appeal to the President that this delegates' conference must be postponed, so that the proper Executive Committee can meet and convene the meeting properly, and decide the place of the meeting and the time.

The other point, Mr. Speaker, which is very disgraceful, the secretary-general called this meeting in the State House. This is the first time, Mr. Speaker, we have heard in the history of any delegates' conference of a political party, of it being called in the residence of the Head of the State. This is a disgrace. This is the first time we have heard of this. I am going to say what is wrong with this. This is almost the same as a delegates' conference of the Conservative Party being held in Buckingham Palace. This is a thing we have never heard of. Mr. Speaker, it appears that some people feel that they are not secure; they do not feel safe in any other house except in the State House. If Mr. Mboya cannot feel safe in Kanu headquarters, or any other place except in the State House, it is high time he resigned because he has not the guts to sit in the headquarters there and wait for the delegates' conference. Therefore, Mr. Speaker, I would not like to take up too much time, but I very strongly appeal to the President. We are not going to allow the State House of this country to be corrupted by the mistakes of some individuals here. We are not going to allow the name of the President, as we have said so many times here, some cowardly whenever they are in trouble, they try to hide behind the coat of Mzee. This we are not going to allow. Let the delegates' conference be convened properly in the Kanu headquarters. We will go there, and if needs be we will fight there.

Mr. Speaker, I beg to second.

(Question proposed)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am going to deal with this question without any emotion at all,

since I have no interest in any office and I do not wish to run for any office in the party.

Mr. Speaker, Sir, during the month of January, the question was tabled in this House by the hon. Mr. Lorema, Member for West Pokot, concerning the affairs of the Kenya African National Union. Mr. Speaker, Sir, the House will remember that I was very closely cross-examined as to the affairs of the party, and why the conference had not been convened. When dealing with this question in the House, I assured the hon. Members that the President intended that the Governing Council, or the conference, should be convened as soon as possible. Just last week, Mr. Speaker, Sir, a similar question was tabled in the Senate, and the questioner asked, "Will the Minister state the date he has fixed for holding the next Kanu Governing Council meeting in 1966?" Mr. Speaker, Sir, all these proceedings in this Chamber and in another place, there is no reason why we should think that the statements or expressions made in this House and in the Senate are not conveyed to the President. As it has been revealed in the past, Mr. Speaker, the President is quite sensible in going in touch with public opinion, and there have been consistent demands from the Senate, as well as from this House, that a convention should be called. Consequently, there is no reason why anybody should think that the calling of the convention has not been given the blessing of the President as the president of the party.

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Speaker, is my hon. colleague and friend out of order here, because the question that is being discussed is postponement of the conference, not that the conference should not be held?

The Speaker (Mr. Slade): Yes, it was alleged in the course of the argument against it that hon. Members, or rather officers of the party, I do not know which, were sheltering behind the coat of the President. This is a relevant answer, I think.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, the Kanu Delegates' Conference has been convened to be held on the 13th March 1966. The hon. Member for Kandara has read the relevant parts from the Kanu constitution which deal with this. Although, I do not know, it is a matter of interpretation, Mr. Speaker, the constitution requires twenty-one days; but at the same time, there are provisions that, wherever practicable, by Press advertisement, not less than fourteen days before the date of the conference. Mr. Speaker, Sir, I am aware that the advertisement in the Press and on the radio was made on the 28th February, 1966. I am explaining this, if the hon. Members would lend me their

[The Minister of State, President's Office] ears they will see the point I want to make. Mr. Speaker, Sir, so far as that is concerned, there is a clear fourteen days notice which is consistent with the constitution.

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Speaker, is my hon. friend in order to mislead the House? The statement in the Press never mentioned the word conference.

The Speaker (Mr. Slade): Order! Order! Mr. Okelo-Odongo, you cannot rise on a point of order to join in the argument. I have told you this so often that you will leave the Chamber now.

(Mr. Okelo-Odongo withdrew from the Chamber)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I have here the notice which was issued by the secretary-general, an excerpt of which was read to the House by the hon. Mover of this Motion. What he failed to do, Mr. Speaker, was to inform the House of the sequence of events leading to the Kanu Delegates' Conference on the 13th March. I was under the impression that he was trying to mislead the House by trying to say that the Ministers and Assistant Ministers and some other people have usurped the powers of the Governing Council. It says here, Mr. Speaker, "On Friday, 11th March 1966, the President, Mzee Jomo Kenyatta, will meet all Members of the National Assembly at Harambee House, Nairobi. There will be a general discussion about the role of the party and its constitution." In this meeting, Mr. Speaker, Sir, it is intended that the President will brief and prepare the Members for the delegates' conference on Sunday. "On Saturday"—the phrase which has been taken as offensive—"the President will meet the three officials from all the branches in the country, as well as the Ministers and Assistant Ministers, Government Whip, and the secretary and the vice-chairman." Mr. Speaker, Sir, if the hon. Members fear that there is going to be brain-washing somewhere, they are totally mistaken. On the 13th, Mr. Speaker, Sir, circular says, "Kanu Delegates' Conference at the State House, the conference will be addressed by the President, it will consider the adoption of a new party constitution, and its implementation, including the election of national officials." Now, Mr. Speaker, Sir, the hon. Member for Kandara has taken exception to the venue, saying that a mistake has been made by convening this meeting at State House.

Mr. Speaker, Sir, the hon. Member for Kandara, who is my good friend, will bear me out that at one time he and myself and other

persons visited Moscow and we had a big conference in the Kremlin. At the same time, Mr. Speaker, according to the brief we were given when we were in the Kremlin, we were taken to the palace where they usually hold their party conferences and where the officers are elected. I suppose some hon. Members would like us to be fairly close to what goes on in the Kremlin.

Mr. Speaker, Sir, in this notice convening the meeting, there is mention of the elections of the national officials. There is no reason, Mr. Speaker, Sir, why some people should think that the best thing to do to postpone the elections is to come here. After all, under the same constitution, Mr. Speaker, we are told that the composition of the delegates' conference shall be as follows: members of the National Executive Committee, presumably those who have been holding offices as president, vice-president, and so on. It is true.

Mr. Oduya: It is not.

The Minister of State, President's Office (Mr. Nyamweya): It also says, Mr. Speaker, Sir, that all Kanu members of the legislature or Parliament—that is to say, all Members of the National Assembly—will be at this meeting on the 13th. This is page 7, I would tell the hon. Member for Butere. Also, there will be six delegates duly elected by each Branch Executive Committee of the union.

Mr. Speaker, Sir, that being the case, I suggest that the best course for the hon. Member for Teso, a person with whom I have some—

An hon. Member: Dulike.

The Minister of State, President's Office (Mr. Nyamweya): No, I would not say that, Mr. Speaker. As a matter of fact, the hon. Member for Teso is a very good friend of mine.

What I am saying, Mr. Speaker, is this: If the hon. Member for Teso or the Member for Kandara has any misgivings about the elections of the office bearers, which they think, as some people have said—"I have a circular here which came to us, office this morning. Big meetings planned by certain politicians to out-manoeuvre their political opponents. Then it goes on to say a few other things about the party and also pleading with the President Mzee Jomo Kenyatta, who is also the President of Kanu, not to allow these meetings to take place for, instead of bringing unity and reorganizing Kanu, they will cause an open split and disorganization of the party.

This letter is signed by Ochoia Ogaya Makenyege from whom, I am told, perhaps the hon. Member received instructions.

conference must be convened by the Executive Committee. We cannot be compelled, Mr. Speaker, to believe that Mr. Thomas Joseph Mboya is the Executive Committee as such. This we can never allow. It was only the other day, Mr. Speaker, that we had a circular from the organizing secretary, who told us the position of the party, a very appalling position. That they have not paid their office rent; they have no telephone; they have not submitted any returns for a long time, and the Executive Committee has not met for a long time; the Governing Council has not met for a long time. Who instructed Mr. Mboya to call this delegates' conference? With whose authority has he called it, Mr. Speaker? Because of this, we want to appeal to the President that this delegates' conference must be postponed, so that the proper Executive Committee can meet and convene the meeting properly, and decide the place of the meeting and the time.

The other point, Mr. Speaker, which is very disgraceful, the secretary-general called this meeting in the State House. This is the first time, Mr. Speaker, we have heard in the history of any delegates' conference of a political party, of it being called in the residence of the Head of the State. This is a disgrace. This is the first time we have heard of this. I am going to say what is wrong with this. This is almost the same as a delegates' conference of the Conservative Party being held in Buckingham Palace. This is a thing we have never heard of. Mr. Speaker, it appears that some people feel that they are not secure; they do not feel safe in any other house except in the State House. If Mr. Mboya cannot feel safe in Kanu headquarters, or any other place except in the State House, it is high time he resigned because he has not the guts to sit in the headquarters there and wait for the delegates' conference. Therefore, Mr. Speaker, I would not like to take up too much time, but I very strongly appeal to the President. We are not going to allow the State House of this country to be corrupted by the mistakes of some individuals here. We are not going to allow the name of the President, as we have said so many times here, some cowards whenever they are in trouble, they try to hide behind the coat of Mzee. This we are not going to allow. Let the delegates' conference be convened properly in the Kanu headquarters. We will go there, and if needs be we will fight there.

Mr. Speaker, I beg to second.

(Question proposed)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I am going to deal with this question without any emotion at all,

since I have no interest in any office and I do not wish to run for any office in the party.

Mr. Speaker, Sir, during the month of January, the question was tabled in this House by the hon. Mr. Lorema, Member for West Pokot, concerning the affairs of the Kenya African National Union. Mr. Speaker, Sir, the House will remember that I was very closely cross-examined as to the affairs of the party, and why the conference had not been convened. When dealing with this question in the House, I assured the hon. Members that the President intended that the Governing Council, or the conference, should be convened as soon as possible. Just last week, Mr. Speaker, Sir, a similar question was tabled in the Senate, and the questioner asked, "Will the Minister state the date he has fixed for holding the next Kanu Governing Council meeting in 1966?" Mr. Speaker, Sir, all these proceedings in this Chamber and in another place, there is no reason why we should think that the statements or expressions made in this House and in the Senate are not conveyed to the President. As it has been revealed in the past, Mr. Speaker, the President is quite sensible in getting in touch with public opinion, and there have been consistent demands from the Senate, as well as from this House, that a convention should be called. Consequently, there is no reason why anybody should think that the calling of the convention has not been given the blessing of the President as the president of the party.

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Speaker, is my hon. colleague and friend out of order here because the question that is being discussed is postponement of the conference, not that the conference should not be held?

The Speaker (Mr. Slade): Yes, it was alleged in the course of the argument against it that hon. Members, or rather, officers of the party, I do not know which, were sheltering behind the coat of the President. This is a relevant answer, I think.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, the Kanu Delegates' Conference has been convened to be held on the 13th March 1966. The hon. Member for Kandara has read the relevant parts from the Kanu constitution which deal with this. Although I do not know, it is a matter of interpretation, Mr. Speaker, the constitution requires twenty-one days, but at the same time, there are provisions that, wherever practicable, by Press advertisement, not less than fourteen days before the date of the conference. Mr. Speaker, Sir, I am aware that the advertisement in the Press and on the radio was made on the 28th February, 1966. I am explaining this, if the hon. Members would lend me their

(The Minister of State, President's Office) ears they will see the point I want to make, Mr. Speaker, Sir, so far as that is concerned, there is a clear fourteen days' notice which is consistent with the constitution.

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Speaker, is my hon. friend in order to mislead the House? The statement in the Press never mentioned the word conference.

The Speaker (Mr. Slade): Order! Order! Mr. Okelo-Odongo, you cannot rise on a point of order to join in the argument. I have told you this so often that you will leave the Chamber now.

(Mr. Okelo-Odongo withdrew from the Chamber)

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I have here the notice which was issued by the secretary-general, an excerpt of which was read to the House by the hon. Mover of this Motion. What he failed to do, Mr. Speaker, was to inform the House of the sequence of events leading to the Kanu Delegates' Conference on the 13th March. I was under the impression that he was trying to mislead the House by trying to say that the Ministers and Assistant Ministers and some other people have usurped the powers of the Governing Council. It says here, Mr. Speaker, "On Friday, 11th March 1966, the President, Mzee Jomo Kenyatta, will meet all Members of the National Assembly at Harambee House, Nairobi. There will be a general discussion about the role of the party and its constitution." In this meeting, Mr. Speaker, Sir, it is intended that the President will brief and prepare the Members for the delegates' conference on Sunday. "On Saturday"—the phrase which has been taken as offensive—"the President will meet the three officials from all the branches in the country, as well as the Ministers and Assistant Ministers, Government Whip, and the secretary and the vice-chairman." Mr. Speaker, Sir, if the hon. Members fear that there is going to be brain-washing somewhere, they are totally mistaken. On the 13th, Mr. Speaker, Sir, this circular says, "Kanu Delegates' Conference at the State House, the conference will be addressed by the President, it will consider the adoption of a new party constitution, and its implementation, including the election of national officials." Now, Mr. Speaker, Sir, the hon. Member for Kandara has taken exception to the venue, saying that a mistake has been made by convening this meeting at State House.

Mr. Speaker, Sir, the hon. Member for Kandara, who is my good friend, will bear me out that at one time he and myself and other

persons visited Moscow and we had a big conference in the Kremlin. At the same time, Mr. Speaker, according to the brief we were given when we were in the Kremlin, we were taken to the palace where they usually hold their party conferences and where the officers are elected. I suppose some hon. Members would like us to be fairly close to what goes on in the Kremlin!

Mr. Speaker, Sir, in this notice convening the meeting, there is mention of the elections of the national officials. There is no reason, Mr. Speaker, Sir, why some people should think that the best thing to do to postpone the elections is to come here. After all, under the same constitution, Mr. Speaker, we are told that the composition of the delegates' conference shall be as follows: members of the National Executive Committee, presumably those who have been holding offices as president, vice-president, and so on. It is true.

Mr. Odinya: It is not.

The Minister of State, President's Office (Mr. Nyamweya): It also says, Mr. Speaker, Sir, that all Kanu members of the legislature or Parliament—that is to say, all Members of the National Assembly—will be at this meeting on the 13th. This is page 7, I would tell the hon. Member for Butere. Also, there will be six delegates duly elected by each Branch Executive Committee of the union.

Mr. Speaker, Sir, that being the case, I suggest that the best course for the hon. Member for Teso, a person with whom I have some—

An hon. Member Dislike

The Minister of State, President's Office (Mr. Nyamweya): No, I would not say that, Mr. Speaker. As a matter of fact, the hon. Member for Teso is a very good friend of mine.

What I am saying, Mr. Speaker, is this. If the hon. Member for Teso or the Member for Kandara has any misgivings about the elections of the office bearers, which they think, as some people have said—I have a circular here which came to our office this morning—big meetings planned by certain politicians to out-manoeuvre their political opponents. Then it goes on to say a few other things about the party and also pleading with the President Mzee Jomo Kenyatta, who is also the President of Kanu, not to allow these meetings to take place; for, instead of bringing unity and reorganizing Kanu, they will cause an open split and disorganization of the party.

This letter is signed by Ochiola Ogayo Makenye from whom, I am told, perhaps the hon. Member received instructions.

[Mr. Oduya] enough to be appointed as Ministers—and we feel that they have a duty to discuss Government policy jointly. It is no use saying that today Members will discuss things, tomorrow other people will discuss, and so on. This does not bring about unity, something which we want very much.

Therefore we say that the conference should not be rushed into very quickly. There is no need to rush this conference. The main thing is that the public of Kenya want unity and that unity cannot come about if we do not respect the registered constitutions of our political institutions. If we only think of respecting our positions in the Government, also our positions as Members of this House, if we think we are there to deliver the goods to the people separately instead of jointly, then things will go wrong. This is why I appeal to the President of the Republic to see that what he did in the trade union movement should be done here in the political sector. Mr. Speaker, Sir, we are all working for unity.

I do not know if the Secretary-General is going to reply on behalf of the President. If he is going to, then is he going to tell us whether this is good advice on the part of the Members? I do not know if all Members will support because everybody has his own particular opinion.

However, I would like to say that even those who are considered to be, possibly, the minority—of course, some people have bigger numbers. This is a democratic State, we must gather views and see that there is unity. I do not like the idea of saying that those who can speak after, all, Ministers in the Government. This will not help us to get anywhere. Since the secretary-general is here, perhaps he will indicate whether this line follows the registered constitution of the party as laid down. That is not governed here. What is here is only to adopt a new constitution and then carry out by-elections. However, this message was not in the telegrams that were sent to the branches. The question of elections was not mentioned.

For the reasons I have given above, I request that the President—I speak sincerely and say that we all owe allegiance to the party, we owe allegiance to the President because we have made him our servant to a certain extent; we feel that unity must be maintained, and that is why we need to see that everything that we do conforms with Government policy. Everything must be scrutinized jointly by all heads in this country to see that you do our duty to our people. We must forget our personal views. This is what I am trying to straighten out in this Motion.

I cannot go into details on this matter, because the Chair has advised me to speak only with certain limits and not to expound about the party constitution or other things. I cannot do this, therefore. So, I only wanted to bring to the notice of Government what we think.

Already there are suggestions throughout the country that elections should be postponed. It seems as if the Press have been advised that they should not accept to make this matter public because the Government does not like that.

The Minister for Information and Broadcasting (Mr. Achieng-Onyko): On a point of order, Mr. Speaker, is the hon. Member alleging that the Government has instructed the Press not to give publicity to what is being discussed now? Is it in order?

The Speaker (Mr. Slade): Are you alleging that, Mr. Oduya?

Mr. Oduya: I said it is rumoured, I did not say—

The Speaker (Mr. Slade): Oh, no, Hon. Members know that they cannot get away with allegations by saying that they are rumoured. It is it bad to say things are rumoured as to say they are a fact.

You should not say a thing at all unless you are prepared to substantiate, which is what Mr. Achieng-Onyko is asking for. He is asking for substantiation of a rumour which apparently you believe. If you do not believe, then you must not mention it. Do you substantiate or withdraw, Mr. Oduya?

Mr. Oduya: Yes, I withdraw.

A circular was issued yesterday and was also sent to the Press, but it did not appear in the Press. The man who issued the circular is one of the citizens of the country, but the Press—

The Speaker (Mr. Slade): And what was that circular about?

Mr. Oduya: The circular was to the effect that there were complaints that the elections should not be held.

The Speaker (Mr. Slade): All right.

Mr. Oduya: That is why I say the Minister should check and find out who issued the order, whether they are orders or not. We are the custodians of public opinion because we are democratic.

Mr. Speaker, I want to end here because I would like to enable other Members to speak on this Motion.

The Seconder to the Motion is Mr. Kagga.

Mr. Kagga: Mr. Speaker, Sir, as we have a very short time, I will confine myself to a few reasons that we have to appeal to the Government to postpone the proposed delegates' conference.

First, Mr. Speaker, we have a programme here written by the secretary-general, dated 1st March, and this circular calls for a delegates' conference on the 13th of this month, which means about twelve days from the 1st.

I am now going to read a small portion of the Constitution which shows very clearly that this delegates' conference is definitely unconstitutional. That is why we oppose the holding of the delegates' conference on the given date.

Before I come to this, I would like to mention that it has been said by the secretary-general, outside this Chamber, that we have been demanding the delegates' conference and now we come here and say that we do not want the delegates' conference. What we have been demanding, Mr. Speaker, is a delegates' conference properly organized as under the Party Constitution. We never demanded an illegal, unconstitutional delegates' conference. We are not going to allow this.

Under the Kanu constitution, section 7 (c), it reads as follows: "The annual delegates' conference shall be held in the month of August of each year at a place and date which shall be decided by the National Executive Committee. Notice in writing of such annual delegates' conference, accompanied by annual statements of accounts and the agenda for the meeting shall be sent by the secretary-general to all branches and persons entitled to attend the conference not less than twenty-one days before the date of the conference, and, where practicable, by Press advertisement not less than fourteen days before the date of the conference." Mr. Speaker, as I have said, the notice here was sent only eleven days beforehand and, therefore, it does not even come under the fourteen days' time set out in the constitution.

Again, Sir, we have not received twenty-one days' notice in writing. Therefore, this delegates' conference is entirely unconstitutional, and we are not going to allow it.

It has been common knowledge in this country, Mr. Speaker, that the Party has been run wrongly since 1960. There has been no election and the so-called secretary-general sits there unconstitutionally, as far as the Party constitution is concerned, because he has, under this constitution, to be either re-elected or removed every year. However, since 1960, nobody ever confirmed him and he never called any delegates' conference for election.

The other points on which I feel very strongly are these: He has been telling us every now and then that reorganization is going on in various branches. In the Central Province, Mr. Speaker, we had elections in August 1964, in the whole of the province—

The Speaker (Mr. Slade): Order! Order! Mr. Kagga, you are getting away into the domestic affairs of the party, which I said was not relevant to this Motion. Unless you can relate what you are saying directly to the objection to the Government's participation in the conference now being convened.

Mr. Kagga: I am going to relate this, Mr. Speaker, I said I had two reasons, one, the constitution, and the other one is the one I am now giving, which forces us to appeal for a postponement.

The Speaker (Mr. Slade): I see, you do say it is a reason for appealing for a postponement? It is difficult to see the relationship at the moment.

Mr. Kagga: I will show it, Mr. Speaker. After we had an election according to the constitution, and supervised by the properly elected Election Committee, another election was held last year, which was initiated by the secretary-general, and which was unconstitutional. Now, these unconstitutional elections took place not only in Murang'a but in many other branches. As a result of that, we have two branches in Murang'a. There are two branches in Homa Bay; two branches in Kitui; and many other branches, and because of this, Mr. Speaker—you can shout but I am going to prove this—therefore, Mr. Speaker, nobody knows which delegation will come from Murang'a, whether it will be from my branch or from Dr. Kiiano's branch. It is as simple as that. Mr. Speaker, this was initiated by the so-called secretary-general, because when, Mr. Speaker, I raised this question because Kiiano or his friend or who called, this meeting for elections in Murang'a were never elected officers of Kanu. They had no right to call this meeting. When I questioned this, Mr. Speaker, I went to the registrar's office and I found a letter written by the secretary-general confirming this illegal and unconstitutional election. Which proved that he is the one who initiated this so that he may have his friends and supporters to come to the so-called delegates' conference and vote for him.

This, Mr. Speaker, we are not going to allow, and because of this, as I said, it is not only in Murang'a, we feel that if we allow this unconstitutional conference, we are going to note Kanu is a party of confusion. Mr. Speaker, as I said, and as I read from the constitution, the delegates'

Mr. Komora: I beg your pardon, Sir?

The Speaker (Mr. Slade): You have quite a lot more to say, I expect.

Mr. Komora: Yes, Sir.

The Speaker (Mr. Slade): Then, Mr. Komora, I have to interrupt you now, I am afraid, and you can continue when the debate is resumed.

#### MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

##### FORTHCOMING KANU ELECTIONS

The Speaker (Mr. Slade): It is now the time that I promised I would allow Mr. Oduya to move the adjournment of the House. Mr. Oduya.

Mr. Oduya: Mr. Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Gatunga: On a point of order, Mr. Speaker, Sir, I would like to say that the Motion which is being raised by the hon. Member is very important and therefore I want to seek your guidance as to whether we could proceed with this debate up until seven o'clock, since we have no other Motion for the Adjournment.

The Speaker (Mr. Slade): Order. By resolution of the House moved by a Minister, we can exempt this particular matter from the Standing Order which requires us to rise at 6.30 p.m. There is no other way. A Minister would have to move that the business of this Motion for the Adjournment be exempted from the provisions of the Standing Order. That is how it is done.

#### MOTION

##### EXTENSION OF HOURS OF BUSINESS

The Minister for Information and Broadcasting (Mr. Achieng-Otieno): Mr. Speaker, Sir, I think for the interest of which the other hon. Members have expressed towards this particular Motion, I would like to move that Standing Orders be exempted to enable the normal sitting time to be extended to seven o'clock.

The Assistant Minister for Finance (Mr. Okelo-Odongo) seconded.

##### (Question proposed)

Mr. Ngala: Mr. Speaker, Sir, I propose that the intention of the Minister who has moved, this is to keep us here for fifty minutes on a very small point, I would like to oppose the Motion which was moved by the Minister. Mr. Speaker, Sir, I do not see that there is any need at all for extending the time. If we now start talking until seven o'clock, then that will be seventy minutes. Now, Sir, intelligent and educated people like ourselves do not talk on obvious matters for seventy minutes. I wonder whether the Minister

has moved this on behalf of the Government. Why does the Government want us—

Mr. Shikuku: On a point of order, Mr. Speaker, I seek your ruling on the point made by the Minister when he stood to move that the time for this Motion be extended to seven o'clock was in order. If so, is the hon. Speaker in order to question whether the hon. Minister was speaking on behalf of the Government when he so requested?

The Speaker (Mr. Slade): Order! Order! No, that is out of order. We have to assume, when Ministers say they speak with the authority of Government, that they do so. Actually, the Minister who moved the Motion did not say he spoke with the authority of the Government, but he moved it as a Minister undoubtedly. So his authority must be assumed.

Mr. Ngala: Mr. Speaker, I must make it clear that the hon. Oduya has put forward a very straightforward question and that can be replied to within thirty minutes. Every Member, I am sure, understands the matter. So, there is no need to have this Motion going to seventy minutes. We know that as far as the question is concerned, the President is going to meet the Members of Parliament. The first opportunity will be given to the Members of Parliament to meet him in connexion with the conference that is due to take place. Therefore, Members of Parliament will have a chance to discuss matters.

We also know that the President will meet the delegates from the country, plus Members of Parliament together. Hence, there is no point in complaining that we are refused an opportunity to know what is going on either in the Party or in the Government. All that we need to be assured on is that we are not going to be refused the opportunity. That is all we would like the Minister to tell us. Does it take seventy minutes to say, for any Minister of Government to stand up and say, "You are not going to be refused the opportunity, gentlemen, to discuss it." Why do we need seventy minutes to do that?

Mr. Speaker, Sir, we are not dumb. I think some people would like to keep us here unnecessarily. Therefore, I would like to say this. I am quite sure that the Minister did not move this with the authority of the Government. If he did—

The Speaker (Mr. Slade): Order, order, Mr. Ngala! I have said once that it is out of order to say that, and it is out of order the way we work things. You must not say that again.

Mr. Gichoya: On a point of order, Mr. Speaker, I would like you to give us directions so far as the authority of Government is concerned.

(Mr. Gichoya)

because we have never heard a Minister saying that he has been ordered by the President to be the authority of the Government in a matter like this one. Since the hon.—

The Speaker (Mr. Slade): What is your point of order, Mr. Gichoya? You know, we are losing a lot of time.

Mr. Gichoya: My point of order is this: could we know from you when we determine this authority of the Government when a Minister stands as requested by the Chair to move the closure of business?

The Speaker (Mr. Slade): I have answered that. The Minister's authority is assumed. Now, let us get on.

Have you anything more to say, Mr. Ngala? Did you say you had a short point?

Mr. Ngala: Mr. Speaker, I think I have said my point in short. I feel that we do not require seventy minutes—

The Speaker (Mr. Slade): You are repeating yourself now, Mr. Ngala.

Mr. Ngala: Mr. Speaker, Sir, I beg to oppose this very strongly.

The Assistant Minister for Home Affairs (Mr. Speaker, Sir, I beg to move that the question be now put.

(Question, that the question be now put, put and agreed to)

The Speaker (Mr. Slade): I will now put the question that the business of this impending Motion for adjournment of the House be exempted from the provisions of Standing Order 11 to allow the debate to continue until 7 p.m.

(Question put and negatived)

#### MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

##### FORTHCOMING KANU ELECTIONS

The Speaker (Mr. Slade): Mr. Oduya, will you please proceed.

Mr. Oduya: Time has been wasted! They have wasted time for nothing.

The Speaker (Mr. Slade): You must blame the Minister for that.

Mr. Oduya: No, not the Minister. I blame Ngala.

The Speaker (Mr. Slade): All right, carry on.

Mr. Maitiri-Imbibo: On a point of order, Mr. Speaker, is the hon. Member in order to refer to the hon. Ngala and saying, "blame Ngala" instead of saying "the hon. Ngala"?

The Speaker (Mr. Slade): Will you continue, Mr. Oduya.

Mr. Maitiri-Imbibo: On a point of order—

The Speaker (Mr. Slade): No, do sit down. Mr. Maitiri-Imbibo, we have only a very limited time. Do leave us alone, please.

Mr. Oduya: Mr. Speaker, Sir, I beg to move that the House do now adjourn in order to allow Members to discuss this matter on a Motion of urgent national importance, that is, the Kanu elections which are due very soon.

The reason why I have raised this issue as a matter of national importance is because it looks from the circular we received yesterday, from the Secretary-General, that the Government is actually brought into the electioneering of the party in full swing. Quoting one example is the question of the 12th of this month where the President, all Ministers, the Government Chief Whip, the Vice-Chairman, of the Parliamentary Group, the Secretary of the Parliamentary Group, all these will be on the Government side. They will meet, of course, the chairman, the secretary, the treasurer, the officers of all branches. This is where the Members of the National Assembly are excluded. On that day, the group I have mentioned will discuss Government policy which will deal with the administration of Government, that is, the relations between the party and the Government in matters of administration.

We feel that the Members are the people who are directly concerned with the running of this country; they deal with the affairs of this country today. This means they are a bridge between the Government and the public. Therefore, if you meet the representatives of our districts without us, the Members of the National Assembly, only the Ministers and Assistant Ministers, then this shows that the other side is cut off completely from the total policy that is to be discussed.

Because of this, I consider that this conference should not be held because this is one of the most important conferences. The country has been waiting for it. I feel that since it was not announced properly, it should be postponed. I appeal to the President to postpone this conference until further notice has been given. We should have at least three weeks' notice because the party has its own constitution by which it is to be governed.

Mr. Speaker, Sir, actually the affairs of the party are not for any one individual. The same applies to the affairs of Government, they do not apply to any particular group. We feel it is a matter between the Members of this House, their representatives of the branches, and the Government Ministers—who have been fortunate

[Mr. Kibugi]

people of a certain sub-location are completely dissatisfied with their chief or with their sub-chief they should be given the chance to elect the chief that they would want.

Mr. Speaker, Sir, in most cases you find that the leaders—especially the Kanu leaders, the locational leaders, the county councillors, the area councillors—in most cases, have become disillusioned because they say, "You have passed this one in your Parliament, but when we go to approach the district commissioner, the chief and so on, some of them treat us badly." In fact, Mr. Speaker, Sir, there have been some incidents in my area where a chief or sub-chief tells the people, "We ruled you and we told you that we should rule you during the Emergency, and we shall still continue to rule you." We do not want to discriminate against anybody, Mr. Speaker, Sir, but it is necessary that people in a particular area should be given a chance to see democracy at work.

Today is the time for undertaking self-help projects and in order to carry out these projects there is the necessity for agreement between the political leaders and the administrative leaders, but you find in most cases that because the chief and the Kanu leader and the councillor do not agree, there is confusion in a certain sub-location and no projects are taking place. So, if we are to advance and if we were to work unitedly and start a lot of projects in the country, it is necessary to dismiss some of the old chiefs. Some of them are old and have reached an age where they should be retired, but there is also another lot who are not old, but they do not know what stage we have reached.

In the olden days, during the colonial time, a chief and a sub-chief was concerned with law and order; he was not interested in the education there with the agriculture, with veterinary services and with all the other developments of the country; he was only interested in law and order.

Today we want chiefs and sub-chiefs who have the co-operation of the local leaders in the area, and they should be able to implement the policy of the Government and, also, the policy of the people.

Mr. Speaker, Sir, I wish to support the Motion with the forthcoming amendment.

Mr. Gichoya: Mr. Speaker, Sir, I beg to make amendments to the Motion by, (a) adding the words "and sub-chiefs" after the word chiefs, in the second line; (b) deleting the words "especially in the Coast Province" in the second and third lines, and (c) deleting the word "dismissed"

in the last line and inserting in place thereof the word "disciplined". Then, Mr. Speaker, the Motion would then read:

THAT this House, noting with deep regret the delay in the appointment of chiefs and sub-chiefs in this country recommends that all civil servants responsible for such delays be disciplined forthwith.

Mr. Speaker, my intention in including sub-chiefs is quite obvious. Any successful chief would be successful as long as he had the support of the sub-chiefs; the sub-chiefs are the base of the Government in the lower rank, and next to them are the chiefs. Now, even if we replaced a bad chief and retained bad sub-chiefs it would still mean that we did not have the answer to the problem of harmonizing our society.

The intention of changing the chiefs and sub-chiefs is to make it possible for the new Government employees—that is, chiefs and sub-chiefs—to follow what the policies of the Government directed from this House and as put through the Cabinet back to the people in harmony.

Now, with the people who cannot accept that the Government of today is the government of the party, obviously all the plans of the Government would be frustrated and, consequently, people will start to feel that the Government is not doing its own job.

To change chiefs, and also sub-chiefs, with the popular chiefs and sub-chiefs was a decision arrived at by the Parliamentary Group chaired by our President and many a time the President in his own public meetings has told the public that: "If you are dissatisfied with the service of a particular chief or a particular sub-chief, you are at liberty—as free people—to notify your feelings to the Administration; to the district commissioner or the district officer and, consequently, you will get a man you would like to have as one of the immediate administrators."

Now, the problem is not confined to the Coast Province. This is a problem which is faced particularly, if I may say so, by the people of the Central Province where we have the problem of the colonial legacy. Unless these things are changed people will still feel that there has been little change; that there has been a change only in the Parliament—as we see it—a change only in the Cabinet; as we see all of them have black faces and are popularly elected with, of course, one hon. Member who is specially elected, but is popularly supported, and, Mr. Speaker, the reflection of the Parliament must also be the reflection of the villages in terms of workers. We do not want to say that we must

[Mr. Gichoya]

have chiefs who are friendly to Members of Parliament. No, that is not the case. We want chiefs who are friendly and well supported by the ordinary person with whom he is always together.

The district commissioner, again, Mr. Speaker, should have very little to say other than communicating to his immediate superior—that is the provincial commissioner—the decision of the people, because the provincial commissioner is a passing river; he comes here, one spends a week in a particular district, another one three days, another one month, and another, maybe, one year and then he is transferred to another place. Now, if we entrust the decision of change or the determination of whether or not a chief is proper to a district officer, or, for that matter, to a district officer, we are bound to have the continuity of complaints amongst the people in the villages.

Mr. Speaker, Sir, I would like the merit on which a chief is removed and another one appointed not to be put in the hands of the Administration, but for the public to recommend these people to the Administration and then the normal formality take place of them having been appointed by the Government and on the principles of a civil servant. This, Sir, is what we expect. Sir, I must say that in my own constituency I have a good number of sub-chiefs who have done remarkably well with regard to self-help arrangements. Those, Sir, are the ones which I call progressive chiefs, and not retrogressive chiefs or sub-chiefs. This, Sir, is what we expect in every place. When things are going all right in the constituencies we are very happy, and it is equally true that the Ministers who are, more or less, the policy makers, and the ones who execute the policy, do feel happy when things are going nicely.

Mr. Speaker, Sir, with these few words, I would like to say that instead of these people being dismissed, because they might have committed an offence deliberately, we should appeal to the Government and check why there should be these delays and why the country should be unhappy, because of certain administrators. Those administrators who have been involved, I think that the best thing for the Government to do is to discipline them. Discipline, Mr. Speaker, Sir, can then take on two forms. Firstly, Sir, demotion, which I think is a very good disciplinary action. Secondly, it can also take the form of dismissal, if it is found that this administrator is irreconcilable and has persistently frustrated the policies of the Government. Mr. Speaker,

Sir, I do not think that in this country we have any officer of the Government who is above our President. Therefore, Sir, that whatever our President says should be taken by our administrators that it is the policy from the highest authority of the country and not just a question of frustrating it. If they cannot listen to what our President says, then, Mr. Speaker, Sir, I feel that even the Member for Gichugu, no matter how many times he has spoken in this House, then not a single civil servant should hint what the Members say in connexion with his own constituency.

Mr. Speaker, Sir, with these few words, I appeal to the Government to discipline these civil servants where necessary, and find out what the causes of this frustration were, frustrating the words of the Government, frustrating the words of the President and frustrating the decision of the Parliamentary Group.

With these few words, Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): Who seconds this? Mr. Komora. You have only about two minutes now, Mr. Komora.

Mr. Komora: Mr. Speaker, Sir, I think my friend, the hon. Member for Gichugu has brought the Motion into its clear perspective, because when the original Mover moved this Motion he only confined it to the Coast Province. But, Sir, my friend has tried to put the Motion into such a form that it covers the whole country. This is the only reason why I stand to support the Motion.

Mr. Speaker, Sir, it is a very sad matter to see that the President, himself, having declared at one time when he was at the Coast Province; once at Malindi and once at Kwale, that the moment a vote is taken whoever the chief to be has the majority, then that same person will be made chief. But, Mr. Speaker, Sir, I have seen it happen myself that these elections are taking place more than four times. I think, Mr. Speaker, Sir, that perhaps we are blaming the civil servants in the field for this, but my view is that the Government has not established a proper machinery for the appointing of chiefs and sub-chiefs, and therefore the Government has been finding it difficult to get the chiefs and sub-chiefs appointed. So, Sir, before the Government had a chance to make a decision the civil servants in the field were unable to make whatever arrangements that were necessary as was made public by the President.

The Speaker (Mr. Slade): I take it, Mr. Komora, that you have quite a lot more to say.

The Speaker (Mr. Slade): No, because of the special constitutional requirement for a special minimum number of votes. The reason why, if there are no tellers for one side, then the other side automatically has it, in the ordinary way, is that if there are none on one side and even a very few on the other, naturally the others have the necessary majority. But where you have, by the Constitution, a requirement of at least eighty-four Members supporting, you have to have a count of eighty-four Members, even if there are no people against it.

Mr. Mwanamendi: On a point of order, Mr. Speaker, I have seen, with regard to the Constitution, that when the Mover finds that the number to support his Motion is not sufficient, the voting is adjourned. Could it happen in every debate, say, when I think my Motion has fewer supporters of my side and I would like to have my question put tomorrow, could it happen that way? Or does this happen only with Constitution (Amendment) Bills?

### CONSIDERED RULING

#### DEFERMENT OF DIVISION

The Speaker (Mr. Slade): I think you probably were not here when I answered an almost exactly similar question by Mr. Komora on the previous division this afternoon. The answer is no. In any ordinary question, where the resolution is by simple majority, the division takes place immediately, regardless of the number of people present, except that if there is not a quorum of the House, the division then has to be adjourned. You find that in Standing Orders.

Now when, by the Constitution, a resolution requires a particular minimum number of supporters, then it is fruitless to proceed to a division if less than that number are in the House. I do not say less than that number of supporters, but less than that number altogether. It is like a lack of quorum, really. So we adjourn until we can get what I regard as a quorum for that particular occasion.

In view of the count of Members present—I do not think we have eighty-four. No, Hon. Members, we only have fifty-seven Members present so it would obviously be abortive to proceed now to a division. I think that again, as we did on the Second Reading, we shall have to postpone this division to another time. I imagine it is fruitless to postpone it until any later time this evening. That being so—unless we have the leave of the House tomorrow or a resolution of the House tomorrow—it will have to go over until Tuesday, tomorrow being Private Members' Day.

Several hon. Members: Tuesday!

The Speaker (Mr. Slade): Shall we make it Tuesday? Or Wednesday?

Several hon. Members: Wednesday.

The Speaker (Mr. Slade): We will make it the commencement of business on Wednesday. Hon. Members know that business commences at the end of Question Time, which is about 3.30 p.m., but may be a little earlier or later. It will be on the Order Paper for us to proceed with this division at the commencement of business.

Mr. Komora: On a point of order, Mr. Speaker, would you wish to inform the House of the definition of section 71 (3) of the Constitution?

The Speaker (Mr. Slade): What is the actual point you are raising, Mr. Komora?

Mr. Komora: Pardon, Sir?

The Speaker (Mr. Slade): What is the actual point you are raising?

Mr. Komora: Mr. Speaker, Sir, in that subsection, as I have said before, it says that if a Bill like this one does not have the necessary requirement in the way of votes, the Bill must be withdrawn. I see that we are postponing voting on this Bill every now and then. I do not know whether I understand that particular section properly.

The Speaker (Mr. Slade): I am very sorry if you do not understand, Mr. Komora, but I have explained it once to you and once again in your presence just now to another hon. Member. It is too bad if you still do not understand.

We will go on to the next Order.

### MOTION

#### APPOINTMENT OF CHIEFS

THAT this House, noting with deep regret the delay in the appointment of chiefs in this country, especially in the Coast Province, recommends that all civil servants responsible for such delays be dismissed forthwith.

(Mr. Kwa on 2nd March 1966)

(Resumption of debate interrupted on 2nd March 1966)

The Speaker (Mr. Slade): I would remind hon. Members, on this Motion, that the question had been proposed when the House was adjourned, and the time still left is one hour and three minutes.

Mr. Kibuga: Mr. Speaker, Sir, I support this Motion very much because it is a long time since we were told that the old chiefs, the unpopular

(Mr. Kibuga)

chiefs and sub-chiefs would go so that the nationalists—the people of the country—would have a chance of electing the people they wanted.

In this House we are elected by popular vote and we see no reason why in the countryside the public should not be allowed to do the same thing. Again, in our Parliamentary Group meeting some time under the chairmanship of His Excellency, the President, it was decided that where the people of a certain location or a sub-location decide in a big way that they do not want to have a certain chief or a sub-chief, he should go away and make room for another chief. Since that time there has been a lot of confusion in the country and, in most cases, you find that the people do not seem to understand what was really passed. In fact a number of times at public meetings, the President has announced to the public that if they want to remain with an unpopular chief or sub-chief it is up to them. When this was heard by the public, they again came to the constituency Members and ask us whether we are the ones who are not allowing them to have the chief that they want. So, it becomes very difficult and very hard for hon. Members in their constituencies.

Recently, I remember, we in our District of Kirinyaga went to see the provincial commissioner, not because we wanted all the old chiefs or sub-chiefs who worked during the emergency to be removed, but among the old chiefs—whether they were employed during the Emergency or after the Emergency—there are some who do not know their duty, and it is necessary that the people should be given a chance to elect the people they want. When we went to see the provincial commissioner, he told us, "Well, if in your Parliamentary Group meeting it was decided that the people would be allowed a chance to elect their own chiefs and sub-chiefs, this does not concern me because I have not yet received instructions from the permanent secretary who is my immediate boss." So, we wonder what has gone wrong with this. If, in our Parliamentary Group meeting, where the President, where the permanent secretary was concerned and it was decided and agreed, we see no reason why this should not take place.

Mr. Speaker, Sir, I see an hon. Member who wants to move an amendment has just come in and I want to support his amendment. But, since he has come a little late, I think he will move his amendment later, but I still support his amendment.

I think that the Motion as it stands is rather too harsh on the civil servants concerned, to dismiss them.

Mr. Gichoya: On a point of order, Mr. Speaker, would it be in order, if, say, he gives way and I move the amendment and then he supports it.

The Speaker (Mr. Slade): No.

Mr. Kibuga: Mr. Speaker, Sir, I think it will amount to the same thing because it is quite simple. The Motion, Sir, reads:

THAT this House, noting with deep regret the delay in the appointment of chiefs in this country, especially in the Coast Province, recommends that all civil servants responsible for such delays be dismissed forthwith.

I think in the amendment we propose to include chiefs and sub-chiefs. I mean, when the Mover of the amendment comes to do so he will explain further. Again, instead of saying that they should be dismissed forthwith, I think that what should happen is that they should be replaced.

On a point of order, Mr. Speaker, Sir, I wish I could move the amendment and then he would support me, if he says—

The Speaker (Mr. Slade): There is nothing to prevent you moving the amendment if the hon. Member is willing, because I have had written notice of it.

Mr. Gichoya: Mr. Speaker, Sir, I have no objection to that because we still have more people to speak on it.

The Speaker (Mr. Slade): All right. You have a copy of it?

Mr. Kibuga: Mr. Speaker, Sir, I think in this country we should be reasonable.

Mr. Gichoya: On a point of order, Mr. Speaker, I think his time is nearly over and so I move my amendment.

The Speaker (Mr. Slade): All right.

Mr. Kibuga: Anyway, Mr. Speaker, the Motion as it reads is rather too hard on these civil servants, I think that it is rather unfair to them to dismiss them because they failed to implement what we passed. So, I feel that probably they did not effect what was passed because they were not instructed in the proper way. So far the Minister has not told us whether, after we had agreed in the Parliamentary Group meeting, these civil servants, the under secretary, the provincial commissioner, the district commissioner and the district officer, were instructed. So, I hope that when the Government responder comes to reply to us on behalf of the Government he will tell us why. We have no wish to dismiss all the chiefs or sub-chiefs who disagree with us. It could be that there is some personal conflict between a Member and a chief or sub-chief, but where



[Mr. Gichoya]

are concerned, is not visible. I believe, Mr. Speaker, Sir, that in the Ministry of Finance and other Ministries, when the Budget is being prepared, every Ministry does calculate the amount of money needed for that particular Ministry for one particular year and, consequently, unless I am told that our experts today have become so inefficient that they are incapable of making a proper Budget, I do not think that we should allow the Minister for Finance to make use of our monies without our consultation and finally be presented with what has already been spent instead of, first of all, being asked to approve such-and-such items for expenditure. Mr. Speaker, Sir, these are matters on which everyone feels that there might be certain ways of thinking that, at a particular stage of time, the Government may require to spend money and the Parliament perhaps might refuse to allow the expenditure to be incurred by the State or the Government. Consequently, to make it easier the Minister is allowed to spend money and finally come and say, "Well, I have spent so much, and it is within the Constitution of Kenya that I have done it."

Mr. Speaker, these are things which ought to be properly examined by Members who are always ready to say that if So-and-so has approved this thing, everything is O.K.

Mr. Speaker, I heard one day a Minister stating here that because a Bill has been approved by the Attorney-General, that Bill is O.K., but the Attorney-General is a mere technician, Mr. Speaker, Sir—

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, Sir, in the Third Reading when we deal with clause after clause, I should have thought under the Standing Orders that no hon. Member is allowed to speak for more than ten minutes at a go. The hon. Member has spoken for more than fifteen minutes.

The Speaker (Mr. Slade): There is no such provision in our Standing Orders at present, Mr. arap Moi. You might persuade the Sessional Committee to introduce a Standing Order of the House like that.

The Minister for Home Affairs (Mr. arap Moi): I will, Sir.

The Speaker (Mr. Slade): It is not there now.

Mr. Gichoya: Mr. Speaker, Sir, I think the hon. Minister who has been in the House for so many years and is one of the most senior Members has no background of Standing Orders.

Mr. Speaker, Sir, I register my protest very strongly, and I believe that the other House, the Upper House, should really be upper and scrutinize this amendment—

The Speaker (Mr. Slade): Well, we talk about what goes on in this House, do we not?

Mr. Kamau: Mr. Speaker, Sir, I think I am going to make a historical speech on this amendment and say that, first of all, I am a student of constitutional law and after studying this amendment very carefully, I have found that the hon. Attorney-General has considered very carefully the well-being of our Government.

I would say, Mr. Speaker, Sir, if the people who have elected us to this House were always in this House to see how we debate things, I doubt very much whether most of us would be allowed to be here the next day. I say this for one simple reason: anybody who is a parent here—and I repeat, a parent here—will know very well that unless a parent has control over his or her children, none of them will ever obey the guidance of the parent. I think what most Members here fear is that if one is absent for eight days, he may vacate his seat. My question is: where will you be for eight days without the knowledge of the people whom you are representing, without the knowledge of the House to which you come? Therefore, this, Mr. Speaker, Sir, is sensible. An hon. Member knows very well that when he is away from the House for eight days, without the knowledge of the House or the Speaker, or otherwise, his constituency is losing a great deal.

The Speaker (Mr. Slade): Mr. Kamau, we had all this argument on the Second Reading and I have explained to hon. Members that we cannot repeat it on the Third Reading.

Mr. Kamau: Thank you very much Mr. Speaker.

Without repeating, I would say one thing here. I hope the Attorney-General who is making this law will listen, and other Members who are having a very loud discussion, when I say that it was alleged that some of the Members are supporting this amendment on a friendly basis. This I would refute and say that we Members were elected by the people; they elected us because they knew that we have our own ways of judgment; we do not follow things blindly. Therefore, nobody could even follow the Attorney-General, even if he was his brother, if he was leading us to darkness. We Members are not supporting this amendment because of friendliness. We are supporting it for particular reasons.

[Mr. Kamau]

Therefore, Mr. Speaker, Sir, I do not think I should waste any more time, but very strongly support the amendment.

Mr. Kibuga: Mr. Speaker, Sir, during the Second Reading of this Bill, quite a lot was said, and I do not wish to take up the time of the House very much. All I wish to say, Sir, is that we, the elected Members of this Republic of Kenya, were elected to serve the people of this country; and when we were elected, we were meant to be guided by the same laws of this country. There cannot be any question of our being controlled by laws which are different from those controlling other people.

An hon. Member: We are on a contract.

Mr. Kibuga: There are so many people who are on contract, who are outside this House. If someone is put in for some two or three months, then he goes away, why should we continue to waste the public money and not allow the public to have a chance to elect the person they want to represent them? If we are supposed to come here and represent our people, why must we go away for a long time from the constituency, away from the House, without the constituency having the chance to get someone to represent them? It would be wrong, Sir, to stay away for two weeks without serving one's constituency. In any case, after all, in the history of this House, up to this day, nobody has wished to go away from the House if there is a current session. So I do not see the difficulty in supporting this Bill because of the limitation of eight days, after which someone would lose his seat unless he had previously asked the Speaker's permission.

Mr. Speaker, Sir, I would like to comment on another thing which is related to this constitutional question. We have amended the Constitution, and recently I know we were under the *Mojimbo* Constitution: It was decided that we no longer wanted to divide Kenya into sections; we want one leader and we want one nation and we want unity; I understand there is a move to have the constitution of Kanu adapted in such a way that it would support a sort of *Mojimbo* way of living, having seven presidents, vice-presidents—

The Speaker (Mr. Slade): Mr. Kibuga, this is relevant to this Bill, is it?

Mr. Kibuga: Mr. Speaker, Sir, I am only saying that the constitution of the party should follow the Constitution of the country—

The Speaker (Mr. Slade): Well, I do not think you can say that on this Bill.

Mr. Kibuga: Mr. Speaker, I only meant to say that this amendment of the Constitution completes the full amendment, and I hope, as I said during the Second Reading, that we shall now have a complete copy of the Constitution of Kenya so that we can guide our people.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): On a point of order, Mr. Speaker, in view of the fact that there was a lot of discussion on this during the Second Reading, and in view of the fact that many Members are now repeating themselves, may I move that the mover be now called on to reply.

The Speaker (Mr. Slade): Yes, I think the House must be allowed to consider that. I will put the question that the Mover be called upon to reply.

(Question, that the Mover be now called on to reply, put and agreed to)

The Speaker (Mr. Slade): Since the Mover is not here, I will put the question. And the question is that the Constitution of Kenya (Amendment) Bill be now read a Third Time.

For reasons I have stated before, since this requires the support of a minimum of eighty-four Members, I do not take the Ayes and Noes, but proceed immediately to a division.

(Question put)

Mr. Mwendwa: On a point of order, Mr. Speaker, the Mover of the Bill was not here, but if he had been, perhaps he could have given us some more important points on the Bill. By putting the question, do you not think that you are not giving us the right to hear whatever he is prepared to say in the way of clarification?

The Speaker (Mr. Slade): It is too late, I am afraid; I have put the question.

Mr. Kibuga: On a point of order, Mr. Speaker, Sir, supposing that the House wanted to entertain the idea that the Mover should give replies to some of the points we have raised, is there any way whereby the House can vary the decision to proceed with the division, and first of all allow the Mover to reply a little bit?

The Speaker (Mr. Slade): I am afraid not. The question has been put.

Mr. Mibogoh: On a point of order, Sir, in other debates we have found that if there are no tellers for a certain side the other side has it. Supposing if, in this one, we do not have the tellers for the Noes, would it be like the other debates or would we still proceed to a division?

[Mr. Gichoya]

Kadu: an opportunity of delaying our independence we should pass the Constitution without scrutinizing it. This we did. The second stage, Mr. Deputy Speaker, was the second amendment where we had quite a number of misgivings; but we said that what we want is our President Mzee Kenyatta, by then he was the Prime Minister, he should take over the authority of this country as Head of the State, although combining the authority of the Government and that of the State. As a matter of fact, today, Mr. Deputy Speaker, our Constitution, although it is unique in itself, has brought confusion to this country. Today if our President says that he must retire, we are put in an awkward position whereby we are not in a position to make out who should be the Head of the Government and the Head of the State. The combination of the Head of the State and the Head of the Government, Mr. Deputy Speaker, were consented to because we wanted our President to handle the two responsibilities.

The Deputy Speaker (Dr. De Souza): You must speak on this Bill, and not on the Constitution generally.

Mr. Gichoya: Mr. Deputy Speaker, thank you.

Mr. Deputy Speaker, I was just giving the background and on which, I personally, feel that we have made a blunder. Mr. Deputy Speaker, Sir, by passing this amendment we have already made the Speaker, in the first place, an interested party in taking decisions in this House, instead of being independent as he has been. That is one observation, Mr. Deputy Speaker, I want to make. The other one is that we have become a little bit more ruthless than what the colonial régime used to be in this country, in that during the colonial period, Mr. Deputy Speaker, a Member could abstain himself for a number of days from coming to the House, and leave somebody officiating on his behalf. Today since we have the one-party system, the limitation of the minimum number of days when a Member should be in the House ought not to have been there. It would have been far better to say that when somebody is absent, or will be absent for more than eight sittings, the party in the constituency where he comes from should send somebody to represent that constituency. That would have been a very logical way of taking things. I understand that because of the hon. Senator for Nanyuki-Laikipia's sentence which, I think, runs for eighteen months, and the hon. Member for Nyumbeni South, Mr. Gaciatta, who is in for three years, the Government is losing a lot. May I question, Mr. Deputy Speaker, Sir, how much

money did we spend on Tihombe when he came here for the Organization of African Unity? Expenditure unnecessarily spent by this Government of ours for a person who had no status in his own community, yet we accommodate the Organization of African Unity here, saying that we were getting a solution.

Mr. Deputy Speaker: I believe too that we are also represented in the Organization of African Unity debating club in Addis Ababa, which has already accepted the military régime in Ghana. In preference to Nkrumah's authority which was there, civil authority.

Mr. Deputy Speaker: I am trying to make one point here that the question of expenditure, on the part of the State on those people who might be put in for a "cooked-up" story to put a Member in, or to dethrone a Member from his own constituency, the period he stays in does not cost the Kenya Government as much as they spend on necessary services which they say they are rendering to the State. Those

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

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

Mr. Speaker, are my own observations. It is all right, the Constitution is passed, but, I think, Members should never repent tomorrow morning when they see the Constitution being operated word by word, letter per letter, in this country.

Today we are lucky. We have our President, a man with sympathy, a man with a fatherly approach, but who says that he will be here for thirty years as the President and Head of Government in this country? One might suggest that when our Mzee retires, we can amend this Constitution is like a Motion which can be amended every day. A constitution is not like a Standing Order of this House which we can decide within a minute to amend and we amend it. A constitution is a document which carries with it the spirit of the country. We have histories, Mr. Speaker, of a constitution like that of America. Up to this moment, the American Constitution does not have more than thirty amendments within 100 years. This one of ours has three amendments within two years. I believe, too, that within the period during which we are in this House, we might amend this Constitution of ours thirty times and it will show exactly that we have not decided what should be our objectives in the final analysis.

Mr. Speaker, I would suggest that in future we should have the whole Constitution and all the amendments put together, and then the Members

## CONSIDERED RULING

## LIMITATION OF DEBATE ON THIRD READING

The Speaker (Mr. Slade): Mr. Gichoya, we do not very often have debates on Third Readings, and I have never made clear to hon. Members the limitation of a debate on a Third Reading, but it is really this: that having had a full debate on the principle of the Bill, on the Second Reading, when you come to the Third Reading you are entitled still to say you do not like the Bill, but we cannot have repetition of all that has been said in the Second Reading. Hon. Members may say they still object to this, that or the other thing, but they must not give their same reasons over and over again. Also, they can raise new objections: Mr. Shikuku, quite rightly, before I left the Chair just now, raised his objection to hon. Members having been influenced by assurances that were given outside the House. That was something that had not been raised in the Second Reading and was in order, but it is limited in that way with debate on the Third Reading.

## (Resumption of debate on Third Reading)

Mr. Gichoya: Mr. Speaker, Sir, thank you very much indeed for giving me the directives and, happily enough, at least I have put a few points which the Attorney-General ought to consider tomorrow when bringing up amendments to our Constitution.

Mr. Speaker, the other thing I have to make observations on is that, although we have already passed this or we are bound to pass it, I would be very grateful if the Senate could stop it for a while, so that we can see the President of our Republic and put our cases across, because the tendency here, Mr. Speaker, is that there is not a one-party system, there is not clear thinking among some of the Members and, consequently, we are put in an awkward position, that if you stand on your own thinking as an individual one is bound to say that one is against the Government. Mr. Speaker, let me make it quite clear that to say, "I love you," does not necessarily mean one loves that person; and this was demonstrated very clearly by the Foreign Minister who deserted his own colleague because he wanted—

The Speaker (Mr. Slade): We are getting off the Bill now, are we not? Let us keep to the Bill, Mr. Gichoya.

Mr. Gichoya: Yes.

Mr. Speaker, Sir, we have been saying that the National Assembly should be supreme; but the supremacy of the National Assembly, as indicated by this Bill, so far as Supplementary Estimates

[Mr. Gichoya]

of the National Assembly and also some people, who are not Members of the National Assembly but people with sufficient wisdom to make a constitution, should be called in a conference to determine the future of our Constitution, rather than making it something like the by-laws of a city council or a local authority or, for that matter, of a club, which are amended when it suits people, not necessarily all the people but a group of individuals, thinking of making it to suit them and their own happiness. Let us make a constitution for the happiness of the society for which we claim—and rightly—we are the representatives.

Mr. Speaker, Sir, it is very unfortunate that instead of expecting hon. Members who are here to take a decision based on what they understand, decisions today are being based on personal friendship. Mr. Speaker, let me confess that the Attorney-General is my personal friend, but who guarantees that Charles Njonjo will be the Attorney-General tomorrow when Gichoya becomes the President? Am I to make the constitution to suit the new Attorney-General or should it be made to be an everlasting document?

The Attorney-General (Mr. Njonjo): We might get a better one tomorrow.

Mr. Gichoya: Mr. Speaker, Sir, I doubt very strongly if we can get another person equally to Mzee Kenyatta.

Mr. Speaker, Sir, I feel very strongly that people might be saying that So-and-so will be the President, and I wish the Attorney-General could go to his Chambers tomorrow and order the draftsmen to amend that clause which limits the age and say that there is no age limit: if you are a Member of the National Assembly, truly you can hold the responsibility of the President. Then the confusion, Mr. Speaker, Sir, would be eliminated. I am saying this, Mr. Speaker, because, after all, as the Member for Gichugu, can I not lead the country as much as I am leading my own constituency properly?

The Speaker (Mr. Slade): I am sorry, Mr. Gichoya, but we cannot discuss other amendments to the Constitution which you would have liked to see here, we can only discuss those that are before you.

Mr. Gichoya: Yes, Mr. Speaker. My problem, when I was trying to put those points, was on the question of taking the hon. elected Member from this House because he has failed to attend eight sittings. He might be very busy working for the constituency within the villages—

[Mr. Shikuku] is a most serious thing, and I am going to see the Speaker privately and express my personal disgust at what has happened. If the public trusts these people in this House and these people can play about with the very future of the people in this House through voting, then Mr. Deputy Speaker—

The Deputy Speaker (Dr. De Souza): If you are referring to hon. Members you must refer to them as hon. Members.

Mr. Shikuku: Thank you, Mr. Deputy Speaker. If these hon. Members can speak at the top of their voices and then through some sort of coverage, because they fear to come out into the true light, they swindle around and vote against the very views that they have expressed, and also a Member elected by the people, to vote twice. This, Mr. Deputy Speaker, I have never heard of. Even the ordinary man in the street if you told him that he would really laugh. I feel that the House has been let down badly by this hon. Member. We are supposed to be respectable people, and people who are supposed to be more than respectable, yet on a Bill as important as this that concerns the future of the country, I am sorry to say, Mr. Deputy Speaker, that our passing of this Bill has been wrongly done and it is a black mark. One day one of the young women or men in this country will question our integrity in this very House, because whatever we are putting down and whatever we say here is recorded, and it has been recorded that one of the Members voted twice, on such a vitally important document like the alteration of the Constitution.

Mr. Deputy Speaker, if the future of the country is going to be entrusted to the hands of such people who have no principles in this House, then Kenya will be facing a very terrible situation in a short time.

With these few remarks, Mr. Deputy Speaker, I beg to register my strongest protest at the passing of this Bill: one, because it does not help the ordinary man; two, it has been passed with a black mark and it could be safely said it was through pressure that particular Member had to do such a thing, otherwise he should tell us why he voted "No" then within a short time we went round this House, pulled to the other side, I was on the other side when the hon. Member was voting. Mr. Deputy Speaker, he was actually brought in by some people who told him "Now look, where are you voting?"

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, I take it that this

kind of allegation is quite a serious one, what the hon. Member is alleging at this time, I wonder whether he will substantiate now that the hon. Member who voted twice was virtually brought into the polling booth?

The Deputy Speaker (Dr. De Souza): Yes, Mr. Shikuku, can you substantiate that?

Mr. Shikuku: I am ready to substantiate, Mr. Deputy Speaker, and I think the hon. Member for Bunyala-Samia should know that I am a very serious man; and I always substantiate what I say. I am not such a coward. Mr. Deputy Speaker, I represented the tellers on the Aye side, and what happened, Mr. Deputy Speaker, when we were marking this document with the hon. Mr. Nyagah, Member for Embu South—the House is very large, Mr. Deputy Speaker, we have 129 Members and to remember their constituencies is quite a big problem. Mr. Deputy Speaker, this gentleman came in and he stood, he did not know what to say, until, Mr. Deputy Speaker, and I remember the hon. Member who is the Minister for Home Affairs was there behind him, and this hon. Member stood stiff, he did not know what to do, and then the Minister for Home Affairs said let him speak for himself. Then the hon. Member, Mr. Nyagah said—what do you say—he said he was watching. Why was he hesitating? Why had he voted on the other side and then come back this way? I think the hon. Member will be able to tell us—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, my point of order, was that the hon. Member for Butere should substantiate that the hon. Mr. Kamuren was virtually forced to go into that booth. He has not substantiated that.

The Deputy Speaker (Dr. De Souza): Order! What the hon. Mr. Shikuku has said is his view, or his version of what happened. Now he has stated what happened, and I think that is sufficient explanation of what he believes happened. Now whether that was virtual force, it is for the House to decide. When one is asked to substantiate, all one is asked to do is to explain the facts, or the basis, or the evidence, on which one makes the allegation. He has stated now the evidence on which he makes this allegation. Whether the allegation is accepted or rejected, it is for the House to decide. It is not that he has to prove this; there is a difference between proof and substantiation. Proof is that you must adduce evidence which is then accepted as correct. Substantiation does not go so far as proof, it merely means that you bring forward such facts as you base your allegation on. The allegation may then be considered by the House

[The Deputy Speaker]: to be totally unfounded. So long as you have stated what are the facts on which you based your allegation that is all that the House, in this case, can demand.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, I should say that I am wondering what your ruling is going to be on the word that the hon. Member put forward in his debate, that the hon. Member was virtually forced. This is what I am trying to pursue Mr. Deputy Speaker, because if he was virtually forced, unless my language is short, if he was virtually forced then we want to know who virtually forced him to vote.

The Deputy Speaker (Dr. De Souza): I quite agree. I quite understand what you are saying, Mr. Osogo. Let me explain again, I think that this is a matter which does deserve explanation. If you ask any hon. Member, or ask me myself, whether I would accept that this evidence on which he has now based his allegation is sufficient, I might have reservations, and many other may not accept it. The only thing, as I said, the House can demand to know on what basis, or on what evidence he bases his allegation. Each Member may then decide that his allegation is totally unfounded. But he has stated what he has seen. From that hon. Members may decide that what he saw does not, in any way, warrant the allegation, or that the hon. Member was in fact virtually forced. He has stated, I think, the facts on which this was based. I think it is up to each hon. Member now when they speak, or in their own mind, or in the House itself, to decide whether in fact his allegation that he was forced has the remotest validity, or the remotest quantity of truth in it.

Mr. Shikuku: Mr. Deputy Speaker, if I may go further, during the first round of voting I was on the other side, and the hon. Member came and voted definitely "No." He came back into the group here, Mr. Deputy Speaker, and he came back again and said, I am sorry that he had voted "No," he was worried then. When he went to vote he had a smile and when he came back the second time, it was with a grim face. He said, "I would like to have my name removed." I went and consulted the Speaker, and asked him if it was in order for any hon. Member who has voted definitely "No," to come back and try and have his name scrapped. The Speaker told me, "No." Mr. Deputy Speaker, if this is the sort of Members who are going to decide the future of the country, then I am really very worried. Again, Mr. Deputy Speaker, in the first round there were fifteen Members who voted

"No." In the second round the number dwindled to eleven. What happened? Are these Members without principle? That is why I say, Mr. Deputy Speaker, if the future of this country can be left in the hands of these inconsistent hon. Members of this House—

The Assistant Minister for Home Affairs (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, I wonder whether the hon. Member speaking now is in order to insinuate that the three or four Members who did not make the fifteen over the other side, have no principle?

The Deputy Speaker (Dr. De Souza): No, I think you are right, Mr. Nyagah. I do not think you can say that they have no principles. I think you can leave the House to decide what were the factors, or what were the merits of the hon. Member, and I think you are going too far.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I agree with your ruling. It is up to the public also to find out whether they are unprincipled. I am sorry I think I went a bit too far.

The Deputy Speaker (Dr. De Souza): Yes, do you withdraw that, Mr. Shikuku?

Mr. Shikuku: I withdraw it, Mr. Deputy Speaker. I am taking the Speaker's advice.

Mr. Deputy Speaker, if I may end, may I say that fear, inconsistency, as such, will not help this country. One man may help the country, even if there are two, the fact that so many have said "Yes," does not mean that they are right. At the same time, Mr. Deputy Speaker, I say with no fear that I am a resident of this House; I shall always speak my mind in this House even if it means my being hung; because I know that whether I am hanged by this Government or the next Government or what, something is certain and that is that one day hon. Shikuku will die. I do not care what the other people fear, I will speak on behalf of the people and on behalf of those who fear. I will speak the truth always.

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

Mr. Gitohya: Mr. Deputy Speaker, Sir, my intention today is just merely to put across a few words which perhaps might help those who will be making the laws tomorrow in this country.

Mr. Deputy Speaker, Sir, when we started making amendments of what we have as our Constitution, this is the third amendment, and the first amendment, Mr. Deputy Speaker, was passed because we had two parties Kadu and Kanu, and we said that in order not to give

The Assistant Minister for Labour (Mr. Odero-Towi) seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Njōjō): Mr. Speaker, Sir, I beg to move that the Constitution of Kenya (Amendment) Bill be now read the Third Time.

The Vice-President (Mr. Odinga) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, having said much during the Second Reading, I still am of the opinion, despite the fact that the Attorney-General did, as a matter of fact, convene a meeting of the Parliamentary Group and try to explain some of the sections in this Bill, I did take part in one of the first meetings, but in the second meeting I did not, because I had certain commitments, but, nevertheless, the point that I would like to register, Mr. Speaker, is that I am of the opinion that the assurances given by the Attorney-General to some of the hon. Members who opposed this Bill, were only verbal. The Attorney-General who exists now is a nice gentleman, I know him, but I have no hope that the Attorney-General will live for ever and a day so that he can go on assuring me. This is something, at least the Attorney-General agrees with me, but on some of the clauses, particularly on this question of eight days and the question of permission, I understand that the explanation given by the Attorney-General was to the effect that we should have the Bill passed and then we can have this question of eight days included in the Standing Orders. If that is the explanation, Mr. Speaker, and those hon. Members who agreed with that, I am sure did not think very seriously, because once we pass the Bill and it becomes a part of the Constitution, certainly we cannot amend the Constitution by Standing Orders, and I think that the hon. Members should have thought of that, but, of course, some of the hon. Members go by assurances.

Mr. Speaker, I object to that, because I am thinking of a long-term policy and if the Members think that by amending the Standing Order and including eight days it will be safeguarding them, they are dreaming, because we shall be going according to the Constitution and any future Attorney-General, who comes into power, might as well say, "Look, boys, your Standing Order is not the Constitution. The Constitution and I quote from clause such-and-such of the Constitution," page so-and-so, sub-paragraph that, and that, and this is the Constitution that governs the country. I do not know about a

Standing Order. In any case, Mr. Speaker, no ordinary man in the street or any lawyer would ever take into account the question of Standing Orders. Standing Orders are only for the people in this Parliament and can never be quoted in any court of law, therefore, Mr. Speaker, though the Members have agreed to this explanation, I am sure one day they will regret it and, at the same time, Mr. Speaker, I am of the opinion that some of the Members are not people with principles.

If you see something that you feel is wrong, I think it would be in the interests of the country that that particular person, whether well known or from a small group, should express his feelings or their feelings in order to have them registered in HANSARD and into the minds of the people so that when something happens in the future someone will have the right to quote such an occasion. Personally, Mr. Speaker, I wish to register very strongly that I still do not agree with the explanation given, because it is not even in writing and I would also like to register, Mr. Speaker, the fact that so many Members have voted and so few have not voted, does not mean that the many who voted are obviously right. To prove my case, Mr. Speaker, the very people who have just spoken here, who spoke against the Bill and who later voted for the Bill and who have just gone out shows that some Members are only here to vote and not to speak and contribute to the welfare of the country. To show it, the House is practically empty, Mr. Speaker. The voting Members have gone out, they have done their job, sitting on the benches, voting and going out. They do not talk in terms of the implications of this Bill, because they want—and the Member for Bunyala-Samia, of course, I understand his position, he must vote "Yes," because he has to retain his post, that is obvious, he has to support the Bill otherwise he will be sacked if he does not vote for the Bill. So I

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

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

The Member for Butere, Mr. Deputy Speaker, I wish to talk on his behalf—

Mr. Gatiguta: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the Member for Butere to impute a motive to another Member that he voted out of fear of losing a position?

The Deputy Speaker (Dr. De Souza): No, Mr. Gatiguta, I do not think it is quite fair to say this, but on the other hand, I think an hon. Member can point out that a Minister of the Government must vote for the Government. I

[The Deputy Speaker] think this is true knowledge, I do not think that one would be unfair to say that if a Minister of the Government voted against the Government he would not lose his job, he would. In fact it is expected that a Minister, if he voted against the Government in such an important Motion, would be asked to leave the Government. I think so. I do not think that he was saying something that is wrong.

Mr. Shikuku: I thought the hon. Member was listening, and he has been long enough in this House to know that, once you are appointed as an Assistant Minister or a Minister you are thereby obliged or you are compelled to vote with the Government, and if the hon. Member for Kikuyu does not know this I want to teach him. I am teaching him now that if the hon. Member for Bunyala-Samia dared vote against it, he would lose his job the same way as the hon. Mr. Kaggia voted against the Government and lost his job.

Mr. Deputy Speaker, the point that I was trying to drive home is this: that the fact that there is a number of people who voted "Yes," does not mean they are right. Once I remember, Mr. Deputy Speaker, when I made it known to this House that the question of a one-party system cannot work, today we have many Members meeting upstairs who are thinking of forming a new party. What has happened, Mr. Deputy Speaker, I am trying to prove the fact that just because there were so many that voted "Yes" it does not mean that they are right. Therefore, Mr. Deputy Speaker, I am taking this opportunity, without any fear—some people may fear—that if they voted "No," then they would be marked down. I want it to go down on record that I am prepared to be convicted, I am prepared to be subverted and everything, but right will prevail. It does not matter how many Members in this House shout, just because they think that by saying "Yes" they are becoming good boys. One day they will have to harvest the bitter fruits of their folly.

Mr. Agar: On a point of order, Mr. Deputy Speaker, Sir, is it in order for a Member to keep on dwelling on the behaviour and fear of Members, instead of speaking on the amendment to the Constitution?

The Deputy Speaker (Dr. De Souza): Yes, I think you are overdoing it a little now, Mr. Shikuku. I think you can speak on the Bill, you can speak on the voting in the Second Reading, but I think you have also got to confine yourself to the Bill. The Speaker did tell me, before he left, that you were, in his opinion, speaking on a rather new point, but one should not allow

debate on points already made in the Second Reading, there cannot be repetition. I realise you are speaking on a different point, but I think you are probably repeating yourself in that regard.

Mr. Shikuku: Thank you very much, Mr. Speaker. So far, for the information of the hon. Member for Karachuonyo, I have not repeated anything, I have given him new points and I am only trying to speak for he who cannot dare speak for himself. Therefore, Mr. Deputy Speaker, I wish to add to that by saying that these verbal assurances, which are not in writing, might be regretted in the long run.

When I come to section 122 which one of the hon. Members—I think the Member for Bunyala-Samia—had the chance to dwell on the Member for Butere, may I again have it registered, that I still maintain—and I have always maintained—that this expenditure of funds should be with the approval of this House, and whether they assure me in the Parliamentary Group or otherwise, Mr. Deputy Speaker, I am of the opinion that the House is the supreme authority and it should always control any expenditure. Of course, there might be some queer cases where someone might find himself in a fix, but I think that the Government, before they bring out Estimates, to this House, maybe they are going to bring the Budget, but I still think that they have a lot of time to think about all these things and try to put them together, so that we do not have to have too many supplementaries, because some of these supplementaries come in as a result of the fact that some extra people have to be employed and which they did not consider, and sometimes some extra expenditure is spent extravagantly and then it has to be balanced through the supplementaries. I am of the opinion that this House must be told what these people want to do with the money that they are demanding from the public and the House should approve such funds. But if we are going to allow this procedure of having to be told what was spent and we say "Yes," like some other Members here, Mr. Deputy Speaker, I say "No." Therefore, I still maintain that this procedure must be done away with.

Mr. Deputy Speaker, the last thing that I wish to say is, and may I submit, in all honesty, that we in this country have problems that face us, problems of unemployment, problems with schools, problems with this and the other thing, but I am of the opinion, Mr. Deputy Speaker, that we must be more serious in this House. Serious to ourselves and conscious of the needs of the people, rather than the sort of play that we have had here, where an hon. Member in this vitally important document had the guts to play about with the voting. Mr. Deputy Speaker, this

## POINT OF ORDER

## PROCEDURE OF TELLERS IN A DIVISION

Mr. Anyieni: On a point of order, Mr. Speaker, when you are calling for the tellers normally do you have to find out as to whether they are going to put, "No," or whether they are going to put, "Yes," and if this is the case, were the tellers who were selected today consulted and asked as to whether they were going to vote "No" or "Yes"? I ask this because in the history of this Parliament I always thought that people were just selected and whether they voted "Yes" or "No" did not matter because there are records?

The Speaker (Mr. Slade): All right. Well, you have completely misunderstood the position, but I thought I had made it clear five minutes ago. Those who wish to vote "Aye" are expected to produce from among them two who are committed to vote "Aye". Those who are wanting to vote "No" are expected to produce from among themselves two who are committed to vote "No". You then divide them up, take one of each party, one of the "Ayes" and one of the "Noes" to count the "Ayes", and one of the "Noes", so that each side feel that they are sure of a fair count.

Certainly it is not for the Speaker to inquire whether someone presented by the "Ayes" as a teller for the "Ayes" is going to vote "Aye", but it is up to those who wish to vote "Aye", particularly the man who offers himself as a teller for the "Ayes", to vote "Aye".

Mr. Oduya: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Can we not get on with the Division, Mr. Oduya?

Mr. Oduya: What I want to know is whether it is in order, if, for example, if a Member does not wish to vote for either "Ayes" or "Noes", and you find a Minister squinting at the door waiting to intimidate Members—

The Speaker (Mr. Slade): Order! Order! All hon. Members are perfectly well aware that no kind of threats or intimidation of any kind is allowed in this House; if ever there is clear evidence of it, I expect it to be announced openly to this House. An hon. Member takes the consequence of a false allegation, as we saw not long ago; but we cannot have a suggestion that there is intimidation without being prepared to allege it openly and stand by the consequences.

(Question put and the House divided)

The Speaker (Mr. Slade): Order! Order! I do not mind hon. Members playing a little over a Division; but they can overdo it.

## POINT OF ORDER

## VOTING PROCEDURE IN A DIVISION

The Speaker (Mr. Slade): I find that one hon. Member, namely Mr. Kamuren has voted in both lobbies. In those circumstances, it is in order for him to state now in which lobby he intended to vote, and the register will be corrected accordingly.

Mr. Oduya: On a point of order, Mr. Speaker, Sir, as I have told you that there were some Ministers who pulled some of the Members by force to make them vote in favour. Can I make it clear, Sir, that the hon. Member in question voted on this side, the lobby for the "Noes",—

The Speaker (Mr. Slade): Order! Will you sit down, Mr. Oduya. Sit down and do not interfere with what I am directing. As a matter of order I am asking Mr. Kamuren where he intended to vote. Mr. Oduya, unless you can control yourself, you are not going to last in this Chamber, and your opportunity for moving the adjournment will be gone. Mr. Kamuren.

Mr. Kamuren: Mr. Speaker, Sir, I vote for the Ayes.

Mr. Balala: On a point of order, Mr. Speaker, Sir, if the hon. Member voted for both sides, may we know why the hon. Member voted for the Noes?

The Speaker (Mr. Slade): I cannot hear you, Mr. Balala; speak up.

Mr. Balala: Mr. Speaker, Sir, as the hon. Member voted on both sides, would it be in order for us to know why he also voted for the Noes?

The Speaker (Mr. Slade): No.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, there are two decisions which you made which, for the future, I think we ought to make clear to the Members. Mr. Speaker, Sir, I raised the first one, but, Sir, the second one is this: I know that in the normal procedure of voting, for example, voting during the elections, if a person casts his vote more than once his vote is lost and it is null and void. Therefore, Sir, I do not know why it was necessary in this respect for you to call upon the Member to say, because what we know is that—

The Speaker (Mr. Slade): Order! Mr. Anyieni, I am sorry, it is not in order to challenge my decision at the time I make it in this House. If you think I am wrong, you can come and talk to me about it outside the House.

I will now ask the tellers to report the result of the Division.

## DIVISION

(Question carried by 86 votes to 11)

Ayes: Messrs. Achieng-Onoko, Abdurahman, Alexander, Angaine, Aremam, Ayodo, Babu, Balala, Barasa, Bly, Bonnet, Chirchir, Dingira, Ekitela, Gachago, Gichuru, Godia, Ithrai, Jahazi, Jamal, Kasi, Kamuren, G. G. Karuki, J. M. Karuki, Kase, Kerich, Kiumba, Dr. Kiako; Messrs. Kibaki, Kibuga, Kiprotich, Koingane, Komora, Konechlah, Kubai, Khaoya, Lorena, Mairori-Iumbo, Makome, Malinda, Malu, Matano, Mate, Mati, Mbat, Mbogo, Mboya, Mohamed, Moi, Moss; Dr. Mungai; Messrs. Murgor, Muruli, Muisio, Mwalwa, Mwamzandi, Mwanumba, Mwasiana, Ndile, Ngala, Njeru, Njiri, Nyaga, Nyagah, Nyamweya, Ochwada, Odera-Jowi, Odinga, Okelo-Odongo, Okwanyo, Omar, Onamu, Oselo-Nyallick, Osogo, Pandya, Sadalla, Sagine, Soi, Somo, Theuri, Tialal, Tipis, Too, Tuva; Dr. Waiyaki and Wamuthenya.

Tellers of the Ayes: Messrs. Nyagah and Shikuku.

Noes: Messrs. Anyieni, Bonaya, Gichoya, E. D. Godana, Kaggia, Kioki, Makokha, Nyaberi, Odera-Sar, Oduya, and Shikuku.

Tellers of the Noes: Messrs. Odera-Jowi and Gichoya.

(The Bill was read a Second Time)

The Speaker (Mr. Slade): I have to ask hon. Members whether we have the leave of the House for the Committee stage of this Bill to be taken now. I would point out that, with this particular Bill, it is a sheer formality because no amendment can be made. I see no hon. Member objects.

Mr. Gichoya: On a point of order, Mr. Speaker, since this Bill has passed the Second Reading it is now possible for the Bill to fail, if we do not get the appropriate number of votes at the Third Reading?

The Speaker (Mr. Slade): As I said, it cannot be touched as it goes through the Committee stage; but at the Third Reading again the Bill requires to have the same minimum number of eighty-four votes. It is to be withdrawn if at the Third Reading it fails to get that support.

(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

(Clauses 2, 3, 4 and 5 agreed to)

## Clause 6

Mr. Pandya: Mr. Chairman, I only wanted to seek one clarification and that is to find out the significance and relevance of the date that this clause shall be deemed to have ceased to apply to any officer in the public service who is a citizen of Kenya after 18th January. I wanted to know what was the significance of mentioning that date.

I also wanted to say that I appreciated very much that the Attorney-General, in moving the Second Reading, did state that he had withdrawn Circulars 49 and 51. If I had known this earlier, I can assure him that I would not have moved the Motion I did.

The Attorney-General (Mr. Njonjo): Mr. Chairman, Sir, the significance of the 18th January 1966, is the date when these circulars were withdrawn.

## QUORUM

Mr. Shikuku: On a point of order, Mr. Chairman, is there a quorum in the House?

The Chairman (Dr. De Souza): No, there is not. Ring the Division Bell.

(The Division Bell was rung)

The Chairman (Dr. De Souza): We now have a quorum. We can continue.

(Clause 6 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Third 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 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 am directed by a Committee of the whole House to report its consideration of the Constitution of Kenya (Amendment) Bill and its approval of 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 Speaker (Mr. Slade):** Order. Yes; there are more than ten Members supporting this proposal, and so I will allow Mr. Oduya to move the adjournment of the House to discuss this matter at 5.45 p.m. today. I would point out—and I will point this out again when we come to that time—that the discussion must be limited to Government's position and matters of administration; and cannot wander into the international affairs of the party.

### POINT OF ORDER

#### MATTERS WHICH CAN BE DISCUSSED IN ADJOURNMENT MOTIONS

**Mr. Anyika:** On a point of order, Mr. Speaker, you have ruled that this will be strictly in connexion with the Government. Now, Mr. Speaker, you know very well that even a party has its own rules which the party must adhere to and when a party fails to adhere to these rules, the Government has the right to intervene and de-register that organization. If a thing like that is happening, how is it, Mr. Speaker, that it will be out of order to discuss it, in view of the fact that the other day there was a question in Parliament which the Attorney-General did reply to and which was in connexion with the parties and registration and the laws of these parties?

**The Speaker (Mr. Slade):** Yes, I think that is a perfectly good question. I do not say that it would be out of order in this adjournment discussion; to discuss the law relating to parties and any breach of the law, because that is a matter of administration for which Government is responsible. All I say, in principle, is that what we can talk about is something for which Government is responsible, as opposed to the leaders of the parties; as such. We must keep off the domestic affairs of the party.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, I rise to seek your guidance. In view of the fact that a similar request has been made in the Senate this afternoon, I would like to know whether it is in order for the matter to be discussed simultaneously in the House of Representatives as well as in the Senate, or whether it could be discussed here and then subsequently in the Senate?

**The Speaker (Mr. Slade):** It is in order, of course, that the Senate should discuss something at the same time as this House. But it may be very embarrassing for Government to have to divide their forces in that way. If it was more convenient to have this at another time, I would be prepared to make it, assuming the Senate are

starting, say, at quarter to six or half past five, I would be prepared to let this start at quarter to five, but on the understanding that Mr. Oduya would withdraw his Motion after three-quarters of an hour. My idea in fixing the time at quarter to six is to limit the time we spend on this; and if we were to start at quarter to five and go on to half past six, we would be spending a great deal too much time on it. I do not know whether Mr. Oduya is willing to give an undertaking to withdraw his Motion after we had had three-quarters of an hour of it?

**Mr. Oduya:** No, Sir.

**The Speaker (Mr. Slade):** No, I have heard Mr. Oduya's answers and so we will have to make it quarter to six.

**Mr. Kaggia:** On a point of order, Mr. Speaker, in view of the fact that we have one party here and again the officers, the leaders, of the party are also the leaders of the Government, I am just wondering how we can restrict this debate to matters of administration without discussing party affairs, because the whole thing is completely linked together and I do not see how we can differentiate between one and the other.

**The Speaker (Mr. Slade):** Oh, I think, Mr. Kaggia, you ought to be able to see that, in spite of the fact of having only one party, internal party affairs are not the responsibility of Government as such. The party leaders and the Government are not always the same. They may happen to be, but this is not necessarily so, and their functions are different. You may have one person with two functions, a party leader who is also a Minister. But you have to distinguish between the functions, and we are only free to discuss, under this procedure, something which concerns the Government of the country.

**Mr. Gichoya:** On a point of order, Mr. Speaker, here on that very point which the hon. Member for Kandara has raised, and on which we are now basing this Motion of urgent national importance, it is clearly stated that what is to be discussed is the constitution of the party and the policy of Government and the programme of the Government. Now, do you not think that it is quite an order that those things which are linked up with the party and the Government programme could be discussed here as a matter of administration?

**The Speaker (Mr. Slade):** Yes, order! That is exactly why I have thought that this matter is probably within the scope of Standing Order 14. But when we come to the discussion, we have to keep to those things where Government is dragged in, and not wander to those where

**[The Speaker]** is not dragged in. When we come to the debate, we will see, and I will tell Members when they are going off the rails.

Next Order.

### BILL

#### Second Reading

#### THE CONSTITUTION OF KENYA (AMENDMENT)

### BILL

*(The Attorney-General on 22nd February 1966)  
(Question put on 2nd March 1966, Division deferred)*

**The Speaker (Mr. Slade):** Hon. Members will recall that at the close of this debate on the Second Reading of the Constitution of Kenya (Amendment) Bill yesterday, we had to go to a division in order to see whether the necessary minimum of eighty-four voting Members supported the Second Reading. At the point of division, we found that we had less than that number in the Chamber, so that any division would obviously have been abortive. For that reason, we deferred the division until this time today. I now have to put the question again and proceed to a division, remembering that we have to have a minimum of eight-four Members in support, in order to pass the Second Reading.

#### (Question put)

**Mr. Lorens:** On a point of order, Mr. Speaker, I am wondering whether 65 per cent of 130 Members is eighty-four.

**The Speaker (Mr. Slade):** Order! It is voting Members, Members who have a vote. You are counting in the Attorney-General; I think, whereas he has no vote. It is 65 per cent of 129 Members; I make that just under eighty-four, but as we cannot divide Members into fractions, eighty-four is the number.

**Mr. Komora:** On a point of order, Mr. Speaker, I rise to seek your guidance on this. It is laid down in the Constitution, section 71, subsections (2) and (3). I think, which deal with voting on such Bills. In subsection (3), it is stated that if a Bill does not get the necessary percentage of votes, it is to be withdrawn. Now, Sir, I have some three points here which I wish to seek your guidance on. The first point is whether the Bill, since it was not possible to get the required percentage of votes yesterday, is it not liable for withdrawal? That is one. The second point is: for how long will the Speaker be continuing to suspend the voting if the necessary percentage is not available or is not obtained? Three, where are those powers for the Speaker to suspend the voting to be seen in either the Standing Orders to the Constitution?

**The Speaker (Mr. Slade):** There are no written instructions in our Standing Orders or in the Constitution as to what you are to do about this particular matter. That being so, the Speaker is required, by Standing Order No. 1, to do what he thinks best for the House. Now when we have these very rare cases of a Bill requiring the support of a minimum number of Members, I believe it is in the interests of the House to wait until we have that minimum number in the Chamber, to see whether or not they support the Bill. It is not easy to get them here; they can be taken by surprise. It seems quite wrong to proceed to a division which you know must be abortive, because the requisite number of Members simply are not here.

I would not postpone a division merely to get that extra number of Members on one side or the other, but when we have less than eighty-four Members altogether, I do think it is in the interests of the House to wait until we have eighty-four Members here. Then, if, out of those eighty-four Members, one votes against, of course, the Bill would have to be withdrawn. That is the procedure I have adopted on other occasions, and I intend to adopt it again on this occasion.

I will ask the Clerk to count the numbers present to see if we have any prospect of a division. Yes, we have more than eighty-four Members now present, so we can proceed to the division.

### DIVISION

#### (The House divided)

**The Speaker (Mr. Slade):** I very much regret to tell Members that this Division is abortive because one of the tellers, who accepted to be a teller for the Ayes, Mr. Odeh-Sir, has insisted on voting "No". The whole point of having tellers, two for the Ayes and two for the Noes, is that you then divide, with one Aye and one No counting the vote on either side. This made us with two Noes counting the Ayes, which we cannot have. We will have to have fresh tellers and start again. I am afraid.

I want two real tellers for the Ayes this time, please.

Two tellers for the Ayes and two tellers for the Noes as quickly as possible, please, so that we can get back to a proper Division. Mr. Clerk, could you come and take the names of the new tellers?

**Order! Order!** We are starting the Division again. Whatever is recorded on that abortive attempt will be completely disregarded.

[Mr. Nyamweya] habits of Meru, is to help Meru people discourage the excessive drinking of the Meru people.

Mr. Mate: Mr. Speaker, Sir, the Minister knows very well that the revenue of the licensing goes to the county council, if that is the position, why should he penalize the trader?

Mr. Nyamweya: Mr. Speaker, Sir, we want to make it understood among the Meru people, that it is an expensive affair to be a drunkard.

Mr. Anytem: Mr. Speaker, Sir, in view of the fact that the drinker is more important than the seller of these drinks, what measures has the Government taken to make sure that while the Government has shortened the hours of drinking in official or licensed places, that these people who have been prevented from drinking in the official places will not go and drink at the other places, and therefore not work hard?

Mr. Nyamweya: Mr. Speaker, Sir, every administrative method is being used, to uncover those who are drinking in secret in Meru.

Mr. Gichoya: Mr. Speaker, Sir, arising from the Minister's reply, that the intentions were, of course, meant to restrict drinking in Meru, how does it become necessary to penalize the businessman who may not necessarily be a drinking man, by raising the fee from Sh. 180 to Sh. 300?

Mr. Nyamweya: Mr. Speaker, Sir, if a business man discovers that it does not pay to run a drinking business, he will not necessarily buy a licence at a higher price.

Mr. Nyaga: Mr. Speaker, Sir, since I understand that the hours of selling the native liquor have been limited from 2 p.m. up to 6 p.m., I presume, that the selling of Tusker beer and the rest is limited from 10 p.m. to 11 p.m., will the Minister clarify this point and tell the House why this is done, and the difference between the native liquor and beer?

Mr. Nyamweya: Mr. Speaker, Sir, I am told that most people in Meru can only afford to drink native beer thus encouraging a lot of people to become drunk and unable to work in their *shambas*. If the hon. Member from Meru would like to give us the support, we would also explore the possibility of limiting the hours for other liquor as well.

Mr. Nyaga: Mr. Speaker, Sir, will the Minister give an accurate answer to this House as to why there is a difference between beer and the native liquor, and why beer has a limitation from 10 p.m. to 11 p.m. and why native liquor has been limited from 2 p.m. to 6 p.m.?

Mr. Nyamweya: Mr. Speaker, Sir, I have already dealt with that point.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, that he has answered that question, is he aware that he has not answered the question that has been asked? The question, if I may repeat, is this: could the Minister tell the House the amount of liquor content in native beer and Tusker beer? Would he tell the House on what basis he is basing this, or is he ignorant about the content of liquor in native beer? Is he not, by so restricting this native liquor, promoting Tusker beer which is a European drink, and denying African Socialism to that effect?

Mr. Nyamweya: Mr. Speaker, Sir, that coming from the hon. Member for Butere who, I know very well, is a teetotaler like myself, I would like to say this: If the House sincerely requires that information, I shall have to ask the hon. Members for Meru to bring the samples of this native liquor and I shall submit this to the Government Chemist for analysis.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the Minister in order, when we ask a question connected with him, to reply to other hon. Members to go and bring the liquor. Is he not informed of the strength of the alcohol content of African beer? Are we to go and get the bottles of this liquor and bring it here ourselves?

The Speaker (Mr. Slade): It is quite in order.

Mr. Tamir: Mr. Speaker, Sir, will the Minister agree with me that by restricting the African drinking hours, he is promoting the Asians to take the money away from the Africans, because the people that own the non-African beers are non-Meru people, but Asians?

Mr. Nyamweya: Mr. Speaker, Sir, how impossible can some people be? In these buildings, Mr. Speaker, Sir, if we examine the bar's account, we will see that a lot of money has been paid to the various companies who brew beer in the country, all imbibed, by the by, by the Member of this House!

Mr. Omeri: Mr. Speaker, Sir, would the Minister consider, that from 2 p.m. which is in the middle of working hours, that whatever limitation of hours there is going to be, it should start after the actual working hours when these Meru people and any other person has finished work, which should, I say, start from 6 p.m. to 10 p.m., rather than having the limitation starting during the working hours.

The Speaker (Mr. Slade): No, Mr. Omeri, that is too far away from this question.

Mr. Jahazi: Mr. Speaker, Sir, is the Minister aware that, due to the restriction of this native liquor, there has been an increase of people chewing *mira* in Meru so that the effect desired of controlling people from excessive drinking, the time is spent in chewing this gum?

The Speaker (Mr. Slade): Will you please repeat your question, Mr. Jahazi?

Mr. Jahazi: Mr. Speaker, Sir, is the Minister aware that due to the restriction of hours of drinking native liquor, this has created excessive chewing of *mira* in this area, and in this way the desired effect of having people working on the *shambas* is defeated?

Mr. Nyamweya: Mr. Speaker, Sir, I do not know the practice of chewing *mira*, but if *mira* is being chewed, then I presume it could be chewed when someone is working in his *shamba*.

Mr. Nyaga: On a point of order, Mr. Speaker, I seek your guidance. Is the Minister in order, when giving information to this House, to give answers which do not adhere to what the House wants to know or what the country wants to know?

The Speaker (Mr. Slade): Yes.

#### Question No. 379

##### SELECTION OF STUDENTS FOR *Harambee* SECONDARY SCHOOLS

Mr. Nyaberi asked the Minister for Education if he would define the manner of selection of students for a *Harambee* secondary school in any particular constituency which had to bear the financial burden for this school.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. The Management of unaided schools are entitled to select pupils for admission without direct or indirect control by the Ministry of Education, but they have been advised to choose those who have passed the Kenya Preliminary Examination, preferably with high grades.

Mr. Nyaberi: Arising from that reply by the Assistant Minister, Mr. Speaker, Sir, will he tell this House in which way his Ministry will exercise powers over the account books of a *Harambee* secondary school?

Mr. ole Konchellah: We have inspectors and county education officers who are also entitled to visit these schools and inspect them.

Mr. Araman: Mr. Speaker, Sir, may we know from the Assistant Minister because he said that he has the power to choose directly or indirectly the students—how many his Ministry has chosen for these *Harambee* schools?

Mr. ole Konchellah: Mr. Speaker, Sir, the question is not clear. Could the hon. Member please explain?

Mr. Araman: Mr. Speaker, Sir, the Assistant Minister said that he has the power to choose, either directly or indirectly, the students to go to the *Harambee* schools. I would like to know how many students he has chosen to go to the *Harambee* schools?

Mr. ole Konchellah: Mr. Speaker, I did not say that. I said that the committees of these schools had the right to choose the students for such schools and that there was no control over this by the Ministry of Education, directly or indirectly, only advice.

Mr. Kerich: Mr. Speaker, Sir, could the Assistant Minister tell the House the reason why the Ministry has not taken an interest to see that properly qualified boys are admitted to the *Harambee* secondary schools?

Mr. ole Konchellah: Mr. Speaker, Sir, my Ministry has taken an interest. Our inspectors are going round these schools and any unqualified children who have been admitted will be asked to leave the school.

Mr. Kamurea: Arising from the Assistant Minister's reply, during the selection of boys for secondary schools, we sometimes see headmasters from secondary schools going to the provincial education offices for selection of these boys who qualify for secondary education, but we do not see headmasters of *Harambee* schools going to the provincial education offices to select boys for their schools. This being so, is the Ministry satisfied that the boys going to *Harambee* high school are of the same calibre as the boys selected by the headmasters of other secondary schools?

Mr. ole Konchellah: Mr. Speaker, Sir, the first selection which takes place, takes place for all Government and national schools. Later on, the *Harambee* schools also select their groups, but this only happens after the provincial headquarters have selected the number of boys who could be accommodated in the existing Government schools.

Mr. Gatuguta: Mr. Speaker, Sir, arising from the reply from the Assistant Minister, in which he said that his Ministry will inspect the *Harambee* schools, and if they find some pupils who have been admitted there who are not properly qualified they will be dismissed, may I know from the Assistant Minister whether the Ministry is prepared to take the responsibility of these schools if they intend, in fact, to interfere with the selection of the students? I ask this because

Mr. Ndile: On a point of order, Mr. Speaker, I think my question has been omitted.

The Speaker (Mr. Slade): Yes, I thought you understood; it was because there was no representation of the Ministry of Education here. When we come to the end, we will come back to those questions for the Ministry because the Assistant Minister is here now.

#### Question No. 384

##### HOUSING SHORTAGE, KISUMU

Mr. Bala asked the Minister for Lands and Settlement if he was aware that there was a very great shortage of dwelling houses in Kisumu and if so, would he allow more plots to be allocated by the Kisumu Municipality before the end of February 1966.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, I am not aware that there is a great shortage of dwelling houses in Kisumu, but, even if a shortage of dwelling houses exists, this is not due to a lack of availability of plots for residential purposes. In the past five years, numerous plots for private dwelling houses and for business combined with residence have been allocated in Kisumu. Normally, the allottees are allowed a maximum of two years in which to complete the proposed development, with possible extensions when they advance good reasons why they are unable to complete development within the stipulated period.

Out of twenty-seven plots which were allocated in or about the year 1960 for business-cum-residential purposes, only half have been developed to date. In 1963, an area off Ramogi Road was zoned for private dwellings houses and, out of the thirteen plots allocated during this period, more than one-third have not yet been developed. Eight more plots were allocated for private dwelling houses last year and these are not yet developed.

Notwithstanding this delay in development, at the present moment, plans are in the process of being approved for a site and service scheme and, once these are approved, the land will be available to the municipality. Furthermore, plans are also in the process of being approved for an area of low-density residential plots to the south of Baring Drive, and it is hoped that once these two schemes come into operation, they will be sufficient to meet any residential problems that are likely to arise in Kisumu in the near future.

Mr. Bala: Arising from the Assistant Minister's reply, Sir, and the fact that we are expecting the Soviet Union-aided hospital in Kisumu, and a

textile factory to be built in Kisumu, would the Minister consider either withdrawing some of the plots which are allocated to people and which have not been developed in order that they could be allocated to other people who could build on them immediately or, alternatively, to try to allocate further plots for the people who can build on them quickly so that we should have more dwelling houses in Kisumu?

Mr. Gachago: Mr. Speaker, Sir, whenever an applicant is allocated a plot, he undertakes to develop that plot within two years. It is very difficult, Sir, to know who is not telling the truth and who is telling the truth. What we do in is good faith. The Government allocates a plot to a person after two years we know whether an allottee is prepared to develop the plot or not. As I have said in my reply, some people do advance reasons why they have not been able to develop their plots within that period and, therefore, more time is granted. If there is a need and a pressure, as the hon. Member states, we shall be able to consider that in the light of whatever pressure may be existing.

Mr. Bala: Arising from the Assistant Minister's reply, Mr. Speaker, is the Assistant Minister not aware that, at present, there are doctors in the Nyanza General Hospital who cannot get accommodation to rent and, as such, they are even considering resigning and going back to their country because there are no houses?

Mr. Gachago: Well, Mr. Speaker, Sir, I am not aware of that, and even if I was, there is nothing that my Ministry could do but allocate plots to those people who apply for them. It is up to the hon. Member to see that those people, if they are in his area, or in his constituency, do develop those plots so that the doctors can live in.

Mr. Mallinda: Mr. Speaker, Sir, arising out of a reply by the Assistant Minister, would he tell this House whether he has received any complaints as to the unavailability of more undeveloped plots in Kisumu which could be applied for and allocated to new applicants?

Mr. Gachago: No, Sir.

Mr. Bataala: Mr. Speaker, Sir, does the Assistant Minister agree with me that in a town like Kisumu and other main towns of the country, most of the plots are owned by non-Africans and, therefore, it is difficult for Africans to own plots? As such, is his Ministry prepared to take over some of these plots and develop them for Africans?

Mr. Gachago: Mr. Speaker, if this is correct, we would be very much prepared to look into it, but according to the economic standard of this

[Mr. Gachago]

I very much doubt if Africans will be able to develop these plots any faster than those which have been allocated to them. As I said, Mr. Speaker, the other day, the allocation of plots is not considered on a racial basis.

Mr. Jambali: Mr. Speaker, Sir, in view of the fact that non-development of the plots is not only due to the shortage of the plots but also to the shortage of finance, would the Minister—in consultation with the Minister for Housing—ensure that the Development Finance Corporation makes money available to people of Kisumu so that development can take place in the same way as in Nairobi and Mombasa?

Mr. Gachago: Mr. Speaker, Sir, it is outside the jurisdiction of my Ministry to consider—

The Speaker (Mr. Slade): And it is also outside the scope of this question.

Mr. Gachago: I thought you would say so, Mr. Speaker.

#### Question No. 386

##### PURCHASES OF FIREARMS: DIFFICULTIES

Mr. Bala asked the Minister for Home Affairs whether he was aware of hardship experienced by the people of Nyanza and Western Province in buying firearms which could only be obtained from Nairobi and not from Kisumu.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. No, Sir, I am not aware of any such hardship. The only firearms dealer in Kisumu gave up the business in 1964, because it was uneconomic for him to operate there; his sales were only one firearm, on average, per month. Moreover, the selling of firearms is carried out by private businessmen and the Government cannot compel anyone to set up a business where it will not pay to do so.

Mr. Bala: Arising from the Minister's reply, Sir, where he says that it was uneconomic for the private sector to handle the sales of firearms, could the Ministry try to establish other machinery whereby the people from the Western Province and Nyanza Province could get firearms which they normally use for protection against wild animals and so on. Some Members are asking "what for"—not for shooting human beings, but for shooting wild animals.

Mr. arap Moi: Mr. Speaker, Sir, I am not aware that the people of Central Province are not protected; nor the people of Central Nyanza.

Mr. Oasin-Nyallick: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that there are a number of people in Nyanza and Western Province who are licensed to own guns for their

own protection, and when they want the firearms to scare some animals—such as hippos and others—that are destroying their crops, these people are made to walk a long way from Kisumu to Nairobi, in search of firearms? What is the Ministry doing in order to save them such a situation?

Mr. arap Moi: It is not my business to urge any individual from Central Nyanza or anywhere else in Kenya to come and buy firearms, it is up to him, or her, if he or she feels that he or she should own a firearms to protect themselves if he or she owns a licence.

The Speaker (Mr. Slade): We will go back now to Mr. Mate's question, No. 390.

#### Question No. 390

##### SALES OF NATIVE LIQUOR IN EASTERN PROVINCE

Mr. Mate asked the Minister of State, President's Office, why it was necessary to limit the selling hours of native liquor in Meru and in other parts of Eastern Province, when the licensed traders had had their licence fees raised from Sh. 180 to Sh. 300 per annum.

The Minister of State, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, I beg to reply. The provincial commissioner gave instructions that drinking hours throughout his province should be between 2 p.m. and 6 p.m. He made this decision in the light of the recent famine threat to the province. The provincial commissioner was of the opinion that one of the causes of famine in the province was due to the fact that people spent many hours in drinking instead of working on their land to produce sufficient food for themselves. The intention of the order was to encourage people to be usefully occupied on their land, and to reduce the hours of drinking.

It is to be hoped that the people of Eastern Province will prove that such orders are not necessary, by working hard on their land, thus averting any future famine threat, and I do trust that the hon. Member will give a lead in this case.

Mr. Mate: Mr. Speaker, Sir, since the trader has had to have his licence fee raised and, in order to get materials for making native liquor, the trader goes to a lot of expense, why should Government raise the licence fee and also limit the hours of drinking?

Mr. Nyamwaya: Mr. Speaker, Sir, the sole purpose of this order of restricting the drinking hours and also to increase the fees payable by the people who intend to gain from the drinking



Mr. Ndile: On a point of order, Mr. Speaker, I think my question has been omitted.

The Speaker (Mr. Slade): Yes, I thought you understood; it was because there was no representative of the Ministry of Education here. When we come to the end, we will come back to those questions for the Ministry because the Assistant Minister is here now.

#### Question No. 384

##### HOUSING SHORTAGE, KISUMU

Mr. Bala asked the Minister for Lands and Settlement if he was aware that there was a very great shortage of dwelling houses in Kisumu and if so, would he allow more plots to be allocated by the Kisumu Municipality before the end of February 1966.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, I am not aware that there is a great shortage of dwelling houses in Kisumu, but, even if a shortage of dwelling houses exists, this is not due to a lack of availability of plots for residential purposes. In the past five years, numerous plots for private dwelling houses and for business combined with residence have been allocated in Kisumu. Normally, the allottees are allowed a maximum of two years in which to complete the proposed development, with possible extensions when they advance good reasons why they are unable to complete development within the stipulated period.

Out of twenty-seven plots which were allocated in or about the year 1960 for business-cum-residential purposes, only half have been developed to date. In 1963, an area off Ramogi Road was zoned for private dwellings houses and, out of the thirteen plots allocated during this period, more than one-third have not yet been developed. Eight more plots were allocated for private dwelling houses last year and these are not yet developed.

Notwithstanding this delay in development, at the present moment, plans are in the process of being approved for a site and service scheme and, once these are approved, the land will be available to the municipality. Furthermore, plans are also in the process of being approved for an area of low-density residential plots to the south of Baring Drive, and it is hoped that once these two schemes come into operation, they will be sufficient to meet any residential problems that are likely to arise in Kisumu in the near future.

Mr. Bala: Arising from the Assistant Minister's reply, Sir, and the fact that we are expecting the Soviet Union-aided hospital in Kisumu, and a

textile factory to be built in Kisumu, would the Minister consider either withdrawing some of the plots which are allocated to people and which have not been developed in order that they could be allocated to other people who could build on them immediately or, alternatively, to try to allocate further plots for the people who can build on them quickly so that we should have more dwelling houses in Kisumu?

Mr. Gachago: Mr. Speaker, Sir, whenever an applicant is allocated a plot, he undertakes to develop that plot within two years. It is very difficult, Sir, to know who is not telling the truth and who is telling the truth. What we do in good faith. The Government allocates a plot and after two years we know whether an allottee is prepared to develop the plot or not. As I have said in my reply, some people do advance reasons why they have not been able to develop their plots within that period and, therefore, more time is granted. If there is a need and a pressure, as the hon. Member states, we shall be able to consider that in the light of whatever pressure may be existing.

Mr. Bala: Arising from the Assistant Minister's reply, Mr. Speaker, is the Assistant Minister not aware that, at present, there are doctors in the Nyanza General Hospital who cannot get accommodation to rent and, as such, they are even considering resigning and going back to their country because there are no houses?

Mr. Gachago: Well, Mr. Speaker, Sir, I am not aware of that, and even if I was, there is nothing that my Ministry could do but allocate plots to those people who apply for them. It is up to the hon. Member to see that those people, if they are in his area, or in his constituency, do develop those plots so that the doctors can live in.

Mr. Mallinda: Mr. Speaker, Sir, arising out of a reply by the Assistant Minister, would he tell this House whether he has received any complaints as to the unavailability of more undeveloped plots in Kisumu which could be applied for and allocated to new applicants?

Mr. Gachago: No, Sir.

Mr. Balala: Mr. Speaker, Sir, does the Assistant Minister agree with me that in a town like Kisumu and other main towns of the country, most of the plots are owned by non-Africans and, therefore, it is difficult for Africans to own plots? As such, is his Ministry prepared to take over some of these plots and develop them for Africans?

Mr. Gachago: Mr. Speaker, if this is correct, we would be very much prepared to look into it, but according to the economic standard of this

[Mr. Gachago]

country, Sir, I very much doubt if Africans will be able to develop these plots any faster than those which have been allocated to them. As I said, Mr. Speaker, the other day, the allocation of plots is not considered on a racial basis.

Mr. Jamak: Mr. Speaker, Sir, in view of the fact that non-development of the plots is not only due to the shortage of the plots but also to the shortage of finance, would the Minister—in consultation with the Minister for Housing—ensure that the Development Finance Corporation makes money available to people of Kisumu so that development can take place in the same way as in Nairobi and Mombasa?

Mr. Gachago: Mr. Speaker, Sir, it is outside the jurisdiction of my Ministry to consider—

The Speaker (Mr. Slade): And it is also outside the scope of this question.

Mr. Gachago: I thought you would say so, Mr. Speaker.

#### Question No. 386

##### PURCHASES OF FIREARMS: DIFFICULTIES

Mr. Bala asked the Minister for Home Affairs whether he was aware of hardship experienced by the people of Nyanza and Western Province in buying firearms which could only be obtained from Nairobi and not from Kisumu.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. No, Sir, I am not aware of any such hardship. The only firearms dealer in Kisumu gave up the business in 1964, because it was uneconomic for him to operate there; his sales were only one firearm, on average, per month. Moreover, the selling of firearms is carried out by private businessmen and the Government cannot compel anyone to set up a business where it will not pay to do so.

Mr. Bala: Arising from the Minister's reply, Sir, where he says that it was uneconomic for the private sector to handle the sales of firearms, could the Ministry try to establish other machinery whereby the people from the Western Province and Nyanza Province could get firearms which they normally use for protection against wild animals and so on. Some Members are asking "what for"—not for shooting human beings, but for shooting wild animals.

Mr. arap Moi: Mr. Speaker, Sir, I am not aware that the people of Central Province are not protected, nor the people of Central Nyanza.

Mr. Oada-Nyallick: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that there are a number of people in Nyanza and Western Province who are licensed to own guns for their

own protection, and when they want the firearms to scare some animals—such as hippos and others—that are destroying their crops, these people are made to walk a long way, from Kisumu to Nairobi, in search of firearms? What is the Ministry doing in order to save them such a situation?

Mr. arap Moi: It is not my business to urge any individual from Central Nyanza or anywhere else in Kenya to come and buy firearms; it is up to him or her, if he or she feels that he or she should own a firearms to protect themselves if he or she owns a licence.

The Speaker (Mr. Slade): We will go back now to Mr. Mate's question, No. 390.

#### Question No. 390

##### SALES OF NATIVE LIQUOR IN EASTERN PROVINCE

Mr. Mate asked the Minister of State, President's Office, why it was necessary to limit the selling hours of native liquor in Meru and in other parts of Eastern Province, when the licensed traders had had their licence fees raised from Sh. 180 to Sh. 300 per annum.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The provincial commissioner gave instructions that drinking hours throughout his province should be between 2 p.m. and 6 p.m. He made this decision in the light of the recent famine threat to the province. The provincial commissioner was of the opinion that one of the causes of famine in the province was due to the fact that people spent many hours in drinking instead of working on their land to produce sufficient food for themselves. The intention of the order was to encourage people to be usefully occupied on their land, and to reduce the hours of drinking.

It is to be hoped that the people of Eastern Province will prove that such orders are not necessary, by working hard on their land, thus averting any future famine threat, and I do trust that the hon. Member will give a lead in this case.

Mr. Mate: Mr. Speaker, Sir, since the trader has had to have his licence fee raised and, in order to get materials for making native liquor, the trader goes to a lot of expense, why should Government raise the licence fee and also limit the hours of drinking?

Mr. Nyamweya: Mr. Speaker, Sir, the sole purpose of this order of restricting the drinking hours and also to increase the fees payable by the people who intend to gain from the drinking

**[The Acting Minister for Housing and Social Services]**

Twenty-six students were accepted for the first, second and third courses and thirteen are taking the fourth.

Twenty-four students successfully completed the first course and seventeen the second. Four students of the second course are sitting one subject again.

Of the forty-one successful students: twenty are employed by local authorities; ten are employed by voluntary agencies; two are employed by Government; two are awaiting final decision regarding employment by local authorities; two are continuing their studies overseas; and five are unemployed for domestic reasons.

The Ministry is now investigating establishment of an employment procedure for successful students and is considering also salary scales to be recommended to potential employers.

**Question No. 374****POLICE POST FOR MWANGORISIA**

Mr. Nyaberi asked the Minister for Home Affairs if he was aware that there was a great demand to establish a police post at Mwangorisia at the junction of the roads, Kisi-Sotik and Ikonge-Keroka, where stock thieving was very active.

The Minister for Home Affairs (Mr. arap Moi) No. Sir, I am satisfied that there is no justification for the establishment of a police post at Mwangorisia. This place is close to Keroka and Sotik police stations from which it is effectively patrolled; nor is it far from Kisi and Nyamira. Information at my disposal indicates that there has been no upsurge in the prevalence of crime in the area in recent months. Stock thefts take place in the vicinity of this place, occasionally but the incidence is not alarming. However, I will continue to watch the situation and should it deteriorate I shall not hesitate to take appropriate action.

**Question No. 375****REGIONAL AND DISTRICT BOUNDARIES**

Mr. Nyaberi asked the Minister for Lands and Settlement if he would tell the House whether the boundaries as recommended and laid down by the Regional Boundary Commission between districts and regions were being observed when allocating plots in the settlement schemes.

The Minister for Lands and Settlement (Mr. Angaine): Yes, Sir, the district boundaries are used, although the scheme may not necessarily be for that district alone.

**Question No. 451****NAIROBI MAYOR'S ENTERTAINMENT ALLOWANCE**

Mr. Ndile asked the Minister for Local Government if he was aware that the Mayor of Nairobi spent £7,000-£10,000 in entertainment last year, 1965. Who were the people entertained?

**Question No. 455****NAIROBI MAYOR'S EMOLUMENTS**

Mr. Ndile asked the Minister for Local Government if he would inform the House of the amount of money paid to the Mayor of Nairobi as salary or allowances.

The Minister for Local Government (Mr. Mr. Oyoda): Mr. Speaker, Sir, with your permission, I would like to link Question Nos. 451 and 455 and reply to them at one time, because they are associated.

I am not aware that the Mayor of Nairobi City Council spent £7,000 to £10,000 on entertainment in 1965. The Mayor was awarded an annual allowance of £1,500 at the commencement of the civic year in June 1965, which was later increased, with my approval, to £2,000. This sum, which is an allowance and not a salary, is for his personal subsistence, loss of earnings and entertainment disbursements associated with his office. It will be appreciated that the Mayor is a very active man who does a great deal for Nairobi and many things are expected of him.

In addition, the city council allocated, with my approval, a sum of £2,000 in the Estimates for 1965, for the civic entertainment of distinguished visitors and citizens. This estimate was increased to £3,000, with my approval, but, in fact, only £2,345 was spent. The Vote is under the control of the council and not the Mayor personally.

It is not possible to give a list of names of all persons who were entertained by the council but receptions were held, *inter alia*, for His Excellency the President of Kenya on the opening of the Kariobangi Site and Service Housing Scheme, His Excellency the President of Zambia when he visited Kenya to open the Agricultural Show, delegations from Lusaka and Kitwe Municipalities in Zambia, also from Kampala in Uganda, the Worcestershire cricket team, the East African Safari drivers and officials, the Pakistan hockey team, members of the United Nations Economic Commission for Africa, and members of the staff on the occasion of the retirement of the selected expatriate officers.

**Thursday, 3rd March 1966**

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

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

**PRAYERS****ORAL ANSWERS TO QUESTIONS****Question No. 378****MARKETING BOARD'S ACCOUNTS**

Mr. Nyaberi asked the Minister for Agriculture and Animal Husbandry if the duties transacted by the accountants of the Kenya Coffee Board and those of the Kenya Marketing Board differed to a degree that it would be impossible to amalgamate the boards into one board.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, I beg to reply, No, Sir.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the answer comprising two letters, n. o. "no", Sir, would the Assistant Minister tell this House about the many questions concerning these boards, the Kenya Coffee Board and the Kenya Marketing Board, instead of just saying, "no"?

Mr. Murgor: Mr. Speaker, Sir, the hon. Member should note that both the Coffee Board and the Coffee Marketing Board have actually jointly employed only one accountant to look after both boards' accounts. In regard to the amalgamation of the two boards, I should like to remind the hon. Member that there is a working party already investigating this matter and the hon. Member's question will certainly be answered in the working party's report.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he agree with me that the market price for lb. of coffee is probably Sh. 4, and yet the farmers in Kisi or in his constituency only get about 15 cents? Because of this, we want to see whether this is due to the fact that there are so many boards. And—

The Speaker (Mr. Slade): All right, Mr. Nyaberi. That is enough by way of speech.

Mr. Murgor: Mr. Speaker, I do not think I can go further on this question, because this working party is considering all the facts and, as soon as they hand their report to us, I am sure the hon. Member will be able to see the report.

Mr. Mbooga: Mr. Speaker, will the Assistant Minister assure this House that when that report is produced, he will bring it here to the House, for our information?

Mr. Murgor: Yes, Sir.

**Question No. 379****SELECTION OF STUDENTS FOR Harambee SECONDARY SCHOOLS**

Mr. Nyaberi asked the Minister for Education if he would define the manner for selecting those students to join the Harambee secondary schools in a particular constituency which bore the financial burden.

The Speaker (Mr. Slade): Who answers for the Ministry of Education?

I am afraid that I will have to wait to the end then, Mr. Nyaberi. Likewise the next question. We had better go on to Question No. 382.

**Question No. 382****MEMBERS' MEMBERSHIP OF COUNTY COUNCILS**

Mr. Ngala-Abok asked the Minister for Local Government if he, in consultation with the Attorney-General, would amend the Constitution so as to enable all Members of Parliament to become automatically members of their respective county councils, without necessarily having any allowances; and whether the Minister was aware that this was the recommendation of Members of Parliament, permanent secretaries and provincial commissioners at the conference held on 15th to 17th December 1965, at the Kenya Institute of Administration.

The Assistant Minister for Local Government (Mr. Njiru): Mr. Speaker, Sir, I beg to reply: I am aware that the seminar which was attended by some hon. Members, permanent secretaries and provincial commissioners in December last year, recommended that Members of Parliament should become members of the county councils in their respective areas.

I do not propose to take any action on the matter now. Hon. Members will, by now, have learned from my public statements that His Excellency the President has agreed to set up a commission of inquiry to look into the constitution, finances and other matters relating to our system of local government. As the question of membership of Members of Parliament in local authority bodies will involve the constitutions of those local authorities, I shall take this recommendation very seriously in the near future.

Mr. Ngala-Abok: Mr. Speaker, I just want to push the Assistant Minister a little further! Does that imply, Sir, saying that the Ministry will take the matter seriously, does that imply that the Ministry will be positive and this will not be conditional on the recommendations?

Mr. Njiru: Mr. Speaker, after the commission of inquiry, we will see what we can do.

The Speaker (Mr. Slade): Next question.

[Mr. Gatigwa] that he is the best judge of these matters, and that he knows as a matter of fact that this chief is doing a good job. It is quite right that a chief might be doing a very good job administratively, but it is no use keeping him if he is unpopular with the people, and in any case since the Government policy is quite clear that the chiefs should be selected, why are they kept? Why are two chiefs in my constituency who killed people during the emergency still kept? Why are they still singing to the people that they will continue to rule these people?

Mr. Speaker, Sir, I do not wish to speak very much on this Motion, because it is quite clear that the wish of the people is that these old colonial chiefs should be dismissed and that the people be given the right to select their own chiefs. The policy has been accepted by the Government, and all that we want to know from whoever will reply to this Motion is why has this policy not been executed and, in particular, in my own constituency, are we to continue to have these two chiefs who are completely unpopular with the people? I have no grudge against them myself, I have never had any clashes with the chiefs; but they treat our people worse than dogs, and if this is so, we should not have them at all.

Mr. Speaker, Sir, I support the Motion.

(Question proposed)

#### ADJOURNMENT

The Speaker (Mr. Slade). It is now just on time for the interruption of business, so the House is now adjourned until tomorrow, Thursday, 3rd March, at 2.30 p.m.

The House rose at twenty-eight minutes past six o'clock.

#### WRITTEN REPLIES TO QUESTIONS

Question No. 132

##### TOMATO AND PINEAPPLE CANNING FACTORY FOR HAMISI

Mr. Godia asked the Minister for Commerce, Industry and Co-operative Development when he was going to establish a tomato and pineapple canning factory in Hamisi Constituency.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa). In answering this question, I would like to deal with the two crops separately.

**Pineapples.**—The Government recently concluded an agreement with California Packing Corporation of America, under the terms of which a very big expansion of pineapple production is envisaged. This corporation undertook to process eventually no less than 170,000 tons of pineapples per year. In the initial stages, however, it is expected that the canning factories will be set up in areas producing large quantities of pineapples. This is absolutely necessary if the factory such as this, which requires high capital investment, is to be kept busy all year. Unfortunately, not enough pineapples are grown in the Hamisi Constituency to sustain a canning factory at the present time. It is therefore unlikely that a pineapple canning factory will be started there in the near future.

**Tomatoes.**—The Horticultural Development Council has been working to encourage the development of a tomato-processing industry for some time now. At the present time, Trofoods Ltd., who are manufacturers of tomato puree, are buying tomatoes from a wide area in the Western Province, including the Hamisi Constituency, for their factory at Kabazi. One of the problems encountered has been that this factory which is producing for both the domestic and export market, is only able to pay 7 cents per lb. of tomatoes to the farmers and, consequently, farmers tend to sell most of their products in the local fresh market where they can obtain higher prices.

Some companies have expressed an interest in establishing a tomato-processing factory from the Lugari area and are currently carrying out feasibility studies.

Question No. 219

##### SCHOOLS' INSPECTION REPORTS

Mr. Godia asked the Minister for Education if he would tell the House how many inspection reports had been brought into his Ministry by his officers in 1964 and 1965 from primary and secondary schools. Would also tell the House who the inspectors were and what the effects of these inspection reports had been.

The Minister for Education (Mr. Koinange). In 1964, there were 91 school inspection reports received by the Inspectorate of the Ministry of Education. In 1965, there were 141 school inspection reports received. It should be noted that:

(a) Routine inspections of primary schools are carried out by education officers and assistant education officers in local authority areas and particular inspections of primary schools by inspectors from the Ministry's headquarters

##### [The Minister for Education]

may be requested by provincial education officers from time to time. In the latter cases, the provincial inspector of schools normally carries out the inspection. Reports on primary inspections, however, are not submitted to the Ministry in Nairobi, unless there is a special reason for doing so, and such reports are not included in the figures given above.

(b) The figures given do not include inspections of individual teachers in either primary or secondary schools. This is a routine task, mainly for promotion purposes, involving specialist and provincial inspectors, and is carried out throughout the year. Opportunity is naturally taken during such visits to give advice verbally to heads of schools.

(c) The figures take no account of the huge programme of primary and secondary and teacher-training supervisory visits by the inspectors attached to the curriculum development unit for new mathematics, science, vernacular and English. Reports resulting from such visits deal with the development of subjects nationally and are so submitted in composite form with schools possibly mentioned only as illustration.

(d) The total of 232 school inspections in 1964 and 1965 comprises the following types of inspections:

- (i) Routine advisory inspections by the provincial inspector of schools, usually to assist new secondary schools.
- (ii) Specialist visits by subject inspectors from the Ministry's Inspectorate and including physical education and domestic science.
- (iii) Panel inspections by two or more inspectors for the purpose of grading the school for external examination. These cover maintained, assisted and unaided schools.
- (iv) Periodic general inspections by panels of up to six inspectors to ensure the maintenance of educational standard.
- (v) Emergency panel inspections as may be required by the provincial education officers or by the Ministry.

The inspectors taking part in the inspections during 1964 and 1965 were: J. H. Gitau (Chief Inspector of Schools), K. R. Wilson (Senior Education Officer (I)), Miss E. W. Njionjo (Domestic Science), Miss E. A. MacHugh (Domestic Science), A. S. A. Jenby (Physical Education), A. K. Hardyman (History), W. G. Bowman (English), J. J. Omondini (Science), J. Tsuma (Geography), M. Malachia (Geography), H. J. Kanina (Mathematics), F. K. Kago (Swahili), J. Ougo

(Kisumu), K. Onyoni (Kakamega), D. Mwangi (Nyeri), J. G. M. Bundred (Mombasa), W. C. Dizney (Embu), B. Coffey (Nakuru), R. H. J. Thompson (Nairobi), C. C. Desai (Nairobi), G. Scholes, G. Norman, Mrs. M. Martin (Science Centre); Mrs. W. Maina (Maths Centre).

The value of the inspection reports is seen in the following—

(a) They provide the Ministry with an overall view and assessment of secondary education in Kenya. In doing this, they furnish the factual background for the Ministry's negotiations with overseas agencies for finance, staffing, institutions, scholarships, etc.

(b) They assist in the maintenance of educational standards in established secondary schools and in the inculcations of appropriate standards in new secondary schools.

(c) They offer a sure and quick diagnosis and, often, solution of problems affecting secondary education.

(d) They familiarize schools with new and appropriate text books.

(e) They lead to the spread of modern suitable teaching methods.

(f) They have proved to be a key factor in developing greater understanding between the teachers in the field and the Ministry of Education.

Question No. 363

##### EMPLOYMENT OF GRADUATES FROM ISRAELI SCHOOL, MACHAKOS

Mr. Njahi Abok asked the Minister for Housing and Social Services if he would tell the House what plans he had for the immediate employment of the students graduating from two years' training in social work from the Kenya Israel School of Social Work, Machakos, since the Government had now taken it over. What was to be the fixed basic salary scale for employed graduates.

The Acting Minister for Housing and Social Services (Mr. Otieno). As each course held at the school nears completion date, the board of governors take steps to find employment for the non-sponsored students. Sponsored students are the responsibility of the sponsoring body.

The following courses have been organized by the school to date: first graduated September 1964; second graduated October 1965; third will complete March 1967; fourth (in service) will complete in 1968.

[Mr. Kase] from that Ministry altogether. They can go and work somewhere else digging holes in the streets, there are plenty of jobs like that, and allow more capable people to be brought into these offices.

Now, Mr. Speaker, some hon. Members might say that the delay in the President's Office, some Members might say that it was in the provincial commissioner's office or at the level of the district commissioner. But all three are to blame, Mr. Speaker. The district commissioner is to blame because he sat on a few papers. Now, if I may give an example: in the Coast Province voting was done in early March last year, in every district, and in other provinces also, but what happened was that the files from the Tana River District on chiefs were not forwarded to Mombasa, which is only 200 miles away, from March until August. What was the district commissioner doing with these files in his office?

If I may go further, I have been trying to contact the President's Office. There is a gentleman there called Mr. Omino and Mr. Ekiappa, I think, if the pronunciation is right; I have tried to contact these gentlemen, Mr. Speaker, very often. The files from the provincial commissioner reached that office in October, the provincial commissioner sat on those papers for a number of months and forwarded them to the President's Office in October; this is what happens. The Minister of State, who is not here today, whose letter I have with me in my files, said: "Mr. Kase, when you receive this letter, the said provincial commissioner should have appointed the chiefs." This was dated the 2nd November 1965. I will go still further, Mr. Speaker, and say when were these chiefs appointed to some of these districts? The letter is dated 2nd November, when I received this letter it was said that the chiefs would have been appointed. This is a letter from the Minister of State in the President's Office, when he was the Assistant Minister.

What happened was that when this Motion came up I went on my own one week-end to the district officer who told me that he had been instructed to call those people and appoint them, so that when you bring a Motion to Parliament it is valueless. Are civil servants, Mr. Speaker, only going to work when Motions come to this Parliament? Mr. Speaker, this was the district officer at my home, he is the only district officer there so there is no question of naming him, the Government knows who he is. He says, "We have been instructed to appoint these chiefs today", and I remember that he did not get to sleep until midnight in order that the doctor could

examine them properly. So that when you bring a Motion to Parliament it will be worthless.

We now see, Mr. Speaker, that if this is the trend, that they will not act until Motions are brought into this Parliament, then this is a very sad affair. As for such civil servants, Mr. Speaker, I think the only thing is for them to go and leave other capable men to do the work.

I said, in the first instance, Mr. Speaker, that I have no quarrel with this and no personal grudge, I am capable of becoming a district commissioner the same as anyone. Some of them in fact are Standard Vs and Standard VIs; I am capable. Any hon. Member is capable of becoming a district commissioner, even a permanent secretary, for that matter.

The Minister for Home Affairs (Mr. arap Moi): You cannot become a permanent secretary.

Mr. Kase I hear the Minister for Home Affairs, Mr. Speaker, saying that I cannot become a permanent secretary. We know some people who have been district officers and who are now permanent secretaries. If I were capable of becoming a district officer, then I would be capable of becoming a permanent secretary. There is no problem about it. Some do not have better qualifications than myself.

Having made that point clear, Mr. Speaker, as to why I want them dismissed, I hope the Government will find it fit to dismiss them, because as long as they are there—I am informed that in places like the Central Province some chiefs have not yet been appointed, and also in Lamu they have not been appointed, despite the fact that some civil servants wanted to appoint them quickly before this Motion came up. I understand from Members in the Masai area that they have not been appointed. How long are people going to wait? If they are going to appoint the Tana River chiefs when I bring a Motion, how many Motions will come to this Parliament, Mr. Speaker? In every district—how many are there, forty-one—do we have time to waste on lazy civil servants? I do not think we have that time, Mr. Speaker, and if we do not have that time, I think the only thing is that when they get an order they should carry it out, otherwise, Mr. Speaker, these two hon. Ministers here and the Assistant Minister must convey to His Excellency the President the fact that his civil servants have let him down very badly. I am informed, Mr. Speaker, that in Kwana out of thirteen locations, where chiefs have been appointed six of them are not the ones who obtained majority votes. It is fortunate that this district commissioner is not mine.

An hon. Member: Keep quiet.

Mr. Kase: The hon. Member says, "Keep quiet", but I will not keep quiet.

Mr. Speaker, if we are going to have things like this happen, whom are we going to obey in this country? The President or someone else? If the President is too busy to act on this, then he has his Minister of State, Mr. Speaker, who should have acted, but if he too is not going to act, then all we say is that, although the President said this, we cannot believe him.

Mr. Speaker, these things are going to be proved untrue even when the President has gone further. If you do not want that chief, all we have to do is to say that we have no confidence in him. This thing is going to be proved untrue, because here is the beginning, Mr. Speaker, and if this is not cured in this country we are going to suffer.

Mr. Speaker, I think efficiency in the President's Office must be maintained, otherwise we lose hope; that is the key office in this country. If the President's Office has to be efficient, those civil servants who delayed it should go.

Mr. Speaker, I do not need to labour much on this because I think I have made my point very clear. With these few words, Mr. Speaker, I will wait to hit back at whoever thinks I have said things which are not factual.

I beg to move.

Mr. Gatuguta: Mr. Speaker, Sir, I rise to support this Motion because we have a very big problem in Central Province over chiefs.

Mr. Speaker, Sir, after independence, there was a statement made by the Government to the effect that chiefs who were ruling this country during the colonial period should be dismissed and that the people of this country should be allowed to elect their own chiefs. In fact, at one stage, a number of chiefs were dismissed by this Government and the new ones were elected by the people. There was a promise that the remaining chiefs would also be elected by the people. In fact, it is not only a question of appointing them, it is a question of the people themselves selecting their own chiefs.

Now, up to this time, Sir, we still have some chiefs in this country who were ruling during the colonial period and who did a lot of damage to our people. I can say this, Mr. Speaker, that the feeling of the people in this country about the old chiefs is very, very strong indeed. Our people have a lot of confidence in the President and in the Government, but there are some of these things which are likely to destroy that confidence. If the Government wants to move with the people and with so much confidence, some of these matters must be looked into carefully.

The President himself has made a statement—I think he has made a statement in every meeting he goes to—that the people have a right to select chiefs, and the old colonial chiefs should be sacked. It is clear that the President has issued a statement of policy. The civil servants who are expected to execute this policy have failed to do so, and that is why I support this Motion. If the civil servants, whoever they are, cannot execute the Government policy, which is that the people should select their own chiefs, then it means that they have failed in their responsibilities and they should be sacked immediately.

In my own constituency there are four chiefs. We selected two chiefs in 1965, and two of the worst of all are still there. I have written a letter to the Administration, Kanu has written letters to the Administration, asking for the removal of these chiefs, without any good response. Mr. Speaker, Sir, if we fail to do things outside this House by negotiations with the civil servants, then it is right that we should bring this matter to the public, in this very way.

Mr. Speaker, Sir, some of the chiefs in Central Province particularly are some of those who beat people and even shot people during the emergency. The President has told us that we should forget the past and we have agreed with him, but these chiefs who beat people during the emergency, instead of forgetting the past, as our President has advised, are still singing to the people that they ruled them during the European colonial times and they will continue to rule them now. This is a very serious statement. Mr. Speaker, Sir, as a matter of fact, had it not been for the fact that the people of this country have so much confidence in our President, a revolution would have been caused by this very fact, that they are being told now by the people who used to rule them during the emergency that they will continue to rule them.

Mr. Speaker, Sir, many of the civil servants do not understand the feelings of the people and do not care for those feelings. We, as politicians, come across these people, we know their difficulties and we know their complaints and it is just fair that when we make representations our feelings should be considered carefully.

It is a pity, Sir, that the civil servants are not prepared to listen to the politicians, because this is the crux of the problem. If you make a representation to a district commissioner or a district officer and tell him that a certain chief is unpopular and you ask him to do something about enabling the people to select another chief, what he will tell you is that a politician is not supposed to interfere with the Administration and

**[The Minister for Finance]**

the existing notes and coins are exchanged for the new Kenya notes and coins. Our new currency will, therefore, have a proper backing in external assets from the start.

The hon. Mr. Alexander also suggested that if the new East African currencies were issued, for example, when the Uganda cotton season was in full swing, Uganda would get a greater share of the assets of the currency board than if the change took place at a different time of the year. This point has also occurred to me, but I am satisfied that the danger which Mr. Alexander foresees is not really there, and will not affect our share of the assets of the currency board. It is true that if additional currency notes are issued in Uganda during the cotton season, then these notes will be backed by Sterling or local assets to which the Uganda Government will be able to lay claim. However, this will not reduce the amount of assets related to currency in circulation in Kenya, nor will it reduce what we will receive. We will also have an opportunity of earning external assets from Uganda and Tanzania if we continue to have a favourable balance of trade with our neighbours.

Finally, Mr. Speaker, the hon. Mr. Kamau urges that the bank should promote the African way of life and I can assure him that it is one of the specific objects of the bank to promote some economic development in this country.

I think that I have dealt with all the points raised which are relevant to the Bill before the House, but will be glad to provide the hon. Members with further information or to arrange for hon. Members to discuss particular points with experts in my Ministry, people who are versed in all details of this complicated matter.

Mr. Speaker, Sir, 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 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 CENTRAL BANK OF KENYA BILL**

*(Clauses 2, 3, 4 and 5 agreed to)*

*(Clauses 6, 7, 8, 9 and 10 agreed to)*

*(Clauses 11, 12, 13, 14 and 15 agreed to)*

*(Clauses 16, 17, 18, 19 and 20 agreed to)*

*(Clauses 21, 22, 23, 24 and 25 agreed to)*

*(Clauses 26, 27, 28, 29 and 30 agreed to)*

*(Clauses 31, 32, 33, 34 and 35 agreed to)*

*(Clauses 36, 37, 38, 39 and 40 agreed to)*

*(Clauses 41, 42, 43, 44 and 45 agreed to)*

*(Clauses 46, 47, 48, 49 and 50 agreed to)*

*(Clauses 51, 52, 53, 54 and 55 agreed to)*

**Clause 56**

The Minister for Finance (Mr. Gichuru): Mr. Deputy Chairman, there is a typographical error: 53 should read 54 on the second line; it should be section 54 instead of section 53.

The Deputy Chairman (Mr. Slade): I think you should, strictly, move a formal amendment then. Would you move that that be amended.

The Minister for Finance (Mr. Gichuru): Sir, I beg to move that in clause 56 the figure 53 should be removed and replaced by 54.

*(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 56 as amended agreed to)*

*(Clauses 57, 58, 59 and 60 agreed to)*

*(Clause 61 agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

The Minister for Finance (Mr. Gichuru): Mr. Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Central Bank of Kenya Bill, and its approval of the same with amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

**REPORT AND THIRD READING****THE CENTRAL BANK OF KENYA BILL**

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to report that the Committee of the whole House has considered the Central Bank of Kenya Bill, and has approved it with amendment.

The Speaker (Mr. Slade): Since it is only a formal amendment we could take consideration of the Report immediately, Mr. Gichuru, if you move that the House agrees with the Committee

The Minister for Finance (Mr. Gichuru): Mr. Speaker, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Health (Mr. Oluende) seconded.

*(Question proposed)*

*(Question put and agreed to)*

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Central Bank of Kenya Bill be now read the Third Time.

The Minister for Health (Mr. Oluende) 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)*

**MOTION****APPOINTMENT OF CHIEFS**

Mr. Kase: Mr. Speaker, Sir, I beg to move—

THAT this House, noting with deep regret the delay in the appointment of chiefs in this country, especially in the Coast Province, recommends that all civil servants responsible for such delays be dismissed forthwith.

Mr. Speaker, Sir, I would like to say, from the outset, that I have no grudge with any person as a person, with any civil servant who has delayed this. I have quarrelled, because he has failed to do his duty. You may be aware, Mr. Speaker, that in 1963 or 1964, the former Minister for Home Affairs did dismiss some chiefs in this country: that was in April 1964. We were told, Mr. Speaker, that people will vote, and when they vote the man who obtains the majority vote will become the chief. This was a very clear statement from the Minister for Home Affairs. That Minister was changed, Mr. Speaker, and the chiefs problem came under the President's Office, and the President of this country, Mr. Speaker, because I heard it with my own ears, not my own eyes, said that the one who obtains the majority vote would become the chief. Let us look at what happened.

I remember, Mr. Speaker, that those chiefs who were dismissed in 1964, in April, and up to now it is disappointing that for almost two years some locations in this country have been without a chief. What is the delay? Is it that the district commissioner or the provincial commissioner, or the permanent secretary, for that matter, does not like the men who obtain the majority votes to become chiefs? This is the whole matter which has delayed this thing, Mr. Speaker.

For two years some civil servants in this country have decided to sit on the decision, for two solid years.

Mr. Speaker, they should have told us if I say this because I have experience, I state two years without obtaining a chief in the locations in my district. Now, the district commissioner there said to me one day when talking to him, "Do you think that the one who gets a majority vote will make a good chief?" Mr. Speaker, if I may elaborate on the subject of appointment, the district commissioner, Member of Parliament, the Senator, K. K. K. and councillors sit together to select three names. Out of these three names, the commissioner is the chairman of that committee, one gets the majority vote. But then we understand that they go back and put forward their own recommendation to the provincial commissioner. Now, we would like to know, Mr. Speaker, whether the word of the President will be taken or not? If it is going to be taken, why stop—the minute a man gets 2,000 votes, his opponent gets 1,999—the other man becomes a chief?

I am informed, Mr. Speaker, that some cases have had majority vote, the same people in parties, but is it not a fact that in the areas where were formerly Kadu or Kanu, the same people have had majority vote, the same people has been no change at all? If it was a question, this party dissolved itself in 1964, happened in the whole of the year 1964, January to December, from January 1964 to March, where are we now? What has happened all this? This is why I say that these civil servants have failed this country, Mr. Speaker, district and every location.

Now, Mr. Speaker, we think that the one who the President should be the most efficient in Kenya, because the Head of State is supposed to function there. If all these gentlemen were in the President's Office, decide to do matters, what do we say? The other Ministers are the same. Unfortunately, it is not Mr. Speaker. Here are some of the questions we face from a few voters. The President the one who gets a majority vote will be chief and we hear the district commissioner say, "Oh! No. The only one whom you voted for did not get a majority vote." So that is why the delay is perhaps delaying the appointment, Mr. Speaker, if our President is not going to be trusted by the civil servants the only thing they humbly to tender their resignation, if they have not thought it fit to comply with regulations, Mr. Speaker, they should be dismissed.

[The Speaker] requires the support of 65 per cent of all voting Members of the House, that is actually eighty-four Members' votes—I think it is no use, my taking the Ayes and the Noes, and we have to proceed to a Division. Therefore we will ring the Division Bell.

*(The Division Bell was rung)*

The Speaker (Mr. Slade): As I explained hon. Members, this particular Motion has to be supported by at least eighty-four Members to have any effect. As we only have seventy-eight Members in the House now, it would be fruitless to proceed to a Division. On other occasions when this has happened, where a special majority is required, I have postponed the Division to another occasion in the hope that we will get the minimum number into the House, regardless of how they get a vote. So, I think, in the present position, unless there is any prospect of collecting at least eighty-four Members before half past six this evening, I had better adjourn this Division until 3.30 p.m. tomorrow afternoon.

BILL

*Second Reading*

THE CENTRAL BANK OF KENYA BILL

*(Minister for Finance on 1st March 1966)*

*(Resumption of debate interrupted on 1st March 1966)*

The Speaker (Mr. Slade): Mr. Gichuru was replying to this Bill.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, the hon. Mr. Ngala and a number of other hon. Members asked what the reserves or the external assets of the central bank would be. As pointed out by the hon. Mr. Kibaki, the form in which these external reserves will be held is set out in clause 26 of the Bill, and we will not know exactly the extent of these reserves until our new currency has been issued and we have received our share of the assets of the currency board.

However, Sir, as stated in my opening speech, we will expect to receive more than one third of the existing external assets of the currency board related to notes and coins now in circulation in East Africa. The hon. Members wanted a little further information on the relationship of the Minister to the bank, and this point was touched upon by other hon. Members. The relevant clause is clause 12 (6), and it is, I think, clear from this that if the governor or the representative of the Treasury wishes to do so, he may suspend a vote of the bank and refer the

matter to the Minister for a decision. The Minister could then decide whether the vote will stand or not. He has no powers, however, to direct the board of the bank as to what to do. In practice, I have every confidence that it will not be necessary for the powers conveyed by this clause to be used.

The same hon. Member, whether seriously or not, suggested some other title than governor should be found for the executive head of the bank. I think we are now far enough away from the colonial days to adapt for the head of the bank the title governor, which is the title normally used in the great majority of several banks all over the world.

The hon. Mr. Osogo and a number of other hon. Members either expressed the hope that the central bank would lend money to individuals or that the Government would later set up its own commercial bank. This Bill rightly, does not give the central bank the power to operate in the commercial field, and the question of the Government setting up its own commercial bank will be considered once the central bank is firmly established. Mr. Osogo also objected to clause 5 which provides that in the time of national emergency the head office of the bank may be moved. This clause, we hope, will never have to be taken advantage of. But, Sir, it was thought advisable to cover all possibilities and in the unlikely event of the country being involved in a war it is obvious that circumstances might arise when it would be temporarily necessary to move the headquarters of the bank. The same hon. Member and other hon. Members questioned whether it was right to bar Members of Parliament from being appointed to the board of the bank. The majority of hon. Members did, I think, feel that this was the right principle, but it is however stated in the proviso to clause 14 that the President may, in exceptional cases, waive the statutory limitations on appointments to the board of the bank.

The hon. Mr. Warilithi asked why the bank was given exemption from taxation under clause 7. This is normal in central banking legislation and it is provided in the Bill that once the general reserve fund has been built up the whole of the profits of the bank should be paid over to the Government, and that pending the build-up of this reserve, one-quarter of the annual profits should go to the reserve fund and the remainder to the Government. In these circumstances there would be no point in taxing the profits of the bank.

I very much welcomed the speech by the hon. Mr. Mwai Kibaki and the eloquence with which he stressed the dangers of inflation. The hon. Mr.

[The Minister for Finance]

and the hon. Mr. Shikuku and other hon. Members referred to the difficulty which might arise after the issue of separate currencies in inter-territorial trade in particular on the border of Nyanza and Uganda. I am not able, at this stage, to say exactly what arrangements will be worked out between the central banks of the three countries to cover this, but I have every hope that it will be agreed that the three central banks will accept each other's currency at par without charge, and that if Kenya residents acquire Uganda currency in Nyanza they will be able to change it for our own currency at the nearest office of any of the commercial banks.

I think the thing to be sensible about is that we cannot control either Uganda or Tanganyika as to what they may do. What we are currently doing at the moment is to try and negotiate so that our currencies will remain at par and they will be interchangeable without charge, freely. We are negotiating on this. Beyond that I cannot promise anything more.

The hon. Mr. Anyieni and other hon. Members referred to leakages in the existing exchange control system, and hoped that any gaps in exchange control would be closed when the new central bank took over responsibility. I share his hope, but, Sir, experience has shown that it is almost impossible to stop all leaks, although I am grateful to him and to the hon. Mr. Jahazi for bringing my attention to these specific in this connexion. The hon. Mr. Anyieni stressed the need for financial organizations which would provide loans funds to Africans without charging high rates of interest and making large profits. This point was also made by the other Members. Although I do not think that this matter is strictly relevant to our debate on our new central bank, I should perhaps point out that the Government has set up organizations for lending money to farmers, businessmen and traders and also to people wanting to build their own houses and none of these organizations are operating to make a profit.

They do, however, have to charge a sufficient rate of interest to cover the interest which they have to pay on the loan fund they obtain and also to cover their administrative costs.

The same hon. Member also referred to mutilated notes and I am sure that the new central bank will take a reasonable attitude on this.

The hon. Mr. Odera-Jowi emphasized the point which other Members also made, that experienced people would be needed to run the bank. I entirely agree with him.

The hon. Mr. Jahazi suggested that rates of interest in this country were now controlled by the Bank of England. It is true that we are living at a time of high interest rates, and the Government itself is paying on locally issued loans interest of about 7 per cent. It is also true that there is some connexion between the rates of interest here and the rates of interest in other countries, but it may interest hon. Members to know that the Government is able to borrow money locally on Treasury Bills at a lower rate than the British Government can borrow in the City of London.

The hon. Mr. Shikuku raised points which I have in general dealt with already, although I am grateful to him for having pointed out an error in a reference in the Memorandum of Objects and Reasons. He rightly stated that the reference to clause 24 should have been clause 23.

The hon. Mr. Alexander seemed doubtful whether the capital of the bank of £1.3 million would be enough. The capital of the bank is intended to cover the costs of establishing the bank, including the purchase of notes and coins, and the acquisition of the necessary building and the preliminary administrative expenses of setting up the bank. I can assure him that £1.3 million will be more than adequate.

He questioned clause 20 in relation to the fixing of the par value of the Kenya shilling. This is laid down in an agreement into which we have entered with the International Monetary Fund and cannot be altered without discussion with that Fund.

He also feared that public entities, such as local authorities, might be compelled to open accounts with the central bank. This is not the intention, but it was thought proper to give the central bank the power to accept accounts from public entities.

I am grateful to him for pointing out that the reference in clause 56 to section 53, should be section 24, and I will propose the necessary amendment at the Committee stage.

The hon. Member's main point relates to the formula under which the existing assets of the currency board would be divided up. I will bear in mind the arguments which he used, but doubt whether they will prove very convincing to the Uganda and Tanzania Governments. The fact is that the existing assets of the currency board are related to the amount of currency in circulation in each country, and this is almost certain to be the basis on which the assets will be shared out. The central bank will immediately begin to acquire its share of these assets when

[Mr. Ganguta] that he is the best judge of these matters, and that he knows as a matter of fact that this chief is doing a good job. It is quite right that a chief might be doing a very good job administratively, but it is no use keeping him if he is unpopular with the people, and in any case since the Government policy is quite clear that the chiefs should be selected, why are they kept? Why are two chiefs in my constituency who killed people during the emergency still kept? Why are they still singing to the people that they will continue to rule these people?

Mr. Speaker, Sir, I do not wish to speak very much on this Motion because it is quite clear that the wish of the people is that these old colonial chiefs should be dismissed and that the people be given the right to select their own chiefs. The policy has been accepted by the Government, and all that we want to know from whoever will reply to this Motion is why has this policy not been executed and, in particular, in my own constituency, are we to continue to have these two chiefs who are completely unpopular with the people? I have no grudge against them myself, I have never had any clashes with the chiefs, but they treat our people worse than dogs, and if this is so, we should not have them at all.

Mr. Speaker, Sir, I support the Motion.

(Question proposed)

#### ADJOURNMENT

The Speaker (Mr. Slade): It is now just on time for the interruption of business, so the House is now adjourned until tomorrow, Thursday, 3rd March, at 2.30 p.m.

The House rose at twenty-eight minutes past six o'clock.

#### WRITTEN REPLIES TO QUESTIONS

Question No. 132

##### TOMATO AND PINEAPPLE CANNING FACTORY FOR HAMISI

Mr. Godia asked the Minister for Commerce, Industry and Co-operative Development when he was going to establish a tomato and pineapple canning factory in Hamisi Constituency.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): In answering this question, I would like to deal with the two crops separately.

**Pineapples.**—The Government recently concluded an agreement with California Packing Corporation of America, under the terms of which a very big expansion of pineapple production is envisaged. This corporation undertook to process eventually no less than 170,000 tons of pineapples per year. In the initial stages, however, it is expected that the canning factories will be set up in areas producing large quantities of pineapples. This is absolutely necessary if the factory scale as this, which requires high capital investment, is to be kept busy all year. Unfortunately, not enough pineapples are grown in the Hamisi Constituency to sustain a canning factory at the present time. It is therefore unlikely that a pineapple canning factory will be started there in the near future.

**Tomatoes.**—The Horticultural Development Council has been working to encourage the development of a tomato-processing industry for some time now. At the present time, Trofoods Ltd., who are manufacturers of tomato puree, are buying tomatoes from a wide area in the Western Province, including the Hamisi Constituency, for their factory at Kabazi. One of the problems encountered has been that this factory which is producing for both the domestic and export market, is only able to pay 7 cents per lb. of tomatoes to the farmers and, consequently, farmers tend to sell most of their products in the local fresh market where they can obtain higher prices.

Some companies have expressed an interest in establishing a tomato-processing factory around the Lugari area and are currently carrying out feasibility studies.

Question No. 219

##### SCHOOLS' INSPECTION REPORTS

Mr. Godia asked the Minister for Education if he would tell the House how many inspection reports had been brought into his Ministry by his officers in 1964 and 1965 from primary and secondary schools. Would also tell the House who the inspectors were and what the effects of these inspection reports had been.

The Minister for Education (Mr. Koinange): In 1964, there were 91 school inspection reports received by the Inspectorate of the Ministry of Education. In 1965, there were 141 school inspection reports received. It should be noted that:

(a) Routine inspections of primary schools are carried out by education officers and assistant education officers in local authority areas and particular inspections of primary schools by inspectors from the Ministry's headquarters

##### [The Minister for Education]

may be requested by provincial education officers from time to time. In the latter cases, the provincial inspector of schools normally carries out the inspection. Reports on primary inspections, however, are not submitted to the Ministry in Nairobi, unless there is a special reason for doing so, and such reports are not included in the figures given above.

(b) The figures given do not include inspections of individual teachers in either primary or secondary schools. This is a routine task, mainly for promotion purposes, involving specialist and provincial inspectors, and is carried out throughout the year. Opportunity is naturally taken during such visits to give advice verbally to heads of schools.

(c) The figures take no account of the huge programme of primary and secondary and teacher-training supervisory visits by the inspectors attached to the curriculum development unit for new mathematics, science, vernacular and English. Reports resulting from such visits deal with the development of subjects nationally and are so submitted in composite form with schools possibly mentioned only as illustration.

(d) The total of 232 school inspections in 1964 and 1965 comprises the following types of inspections:

- (i) Routine advisory inspections by the provincial inspector of schools, usually to assist new secondary schools.
- (ii) Specialist visits by subject inspectors from the Ministry's Inspectorate and including physical education and domestic science.
- (iii) Panel inspections by two or more inspectors for the purpose of grading the school for external examination. These cover maintained, assisted and unaided schools.
- (iv) Periodic general inspections by panels of up to six inspectors to ensure the maintenance of educational standard.
- (v) Emergency panel inspections as may be required by the provincial education officers or by the Ministry.

The inspectors taking part in the inspections during 1964 and 1965 were: J. H. Gitau (Chief Inspector of Schools), K. R. Wilson (Senior Education Officer (I)), Miss E. W. Njonjo (Domestic Science), Miss E. A. MacHugh (Domestic Science), A. S. A. Jeneby (Physical Education), A. K. Hardyman (History), W. G. Bowman (English), J. J. Omondi (Science), J. Truma (Geography), M. Malocha (Geography), H. J. Kanina (Mathematics), F. K. Kago (Swahili), J. Ougo

(Kiumu), K. Onyoni (Kakamega), D. Mwangi (Nyeri), J. G. M. Bundred (Mombasa), W. C. Dizney (Embu), B. Coffey (Nakuru), R. H. J. Thompson (Nairobi), C. C. Desai (Nairobi), G. Scholes, G. Norman, Mrs. M. Martin (Science Centre), Mrs. W. Maina (Maths Centre).

The value of the inspection reports is seen in the following:—

(a) They provide the Ministry with an overall view and assessment of secondary education in Kenya. In doing this, they furnish the factual background for the Ministry's negotiations with overseas agencies for finance, staffing, institutions, scholarships, etc.

(b) They assist in the maintenance of educational standards in established secondary schools and in the inculcation of appropriate standards in new secondary schools.

(c) They offer a sure and quick diagnosis and, often, solution of problems affecting secondary education.

(d) They familiarize schools with new and appropriate text books.

(e) They lead to the spread of modern suitable teaching methods.

(f) They have proved to be a key factor in developing greater understanding between the teachers in the field and the Ministry of Education.

Question No. 363

##### EMPLOYMENT OF GRADUATES FROM ISRAELI SCHOOL, MACHAKOS

Mr. Ngila Abok asked the Minister for Housing and Social Services if he would tell the House what plans he had for the immediate employment of the students graduating from two years' training in social work from the Kenya Israel School of Social Work, Machakos, since the Government had now taken it over. What was to be the fixed basic salary scale for employed graduates.

The Acting Minister for Housing and Social Services (Mr. Otieno): As each course held at the school nears completion date, the board of governors take steps to find employment for the non-sponsored students. Sponsored students are the responsibility of the sponsoring body.

The following courses have been organized by the school to date: first graduated September 1964; second graduated October 1965; third will complete March 1967; fourth (in service) will complete in 1968.

[Mr. Kase] from that Ministry altogether. They can go and work somewhere else digging holes in the streets, there are plenty of jobs like that, and allow more capable people to be brought into these offices.

Now, Mr. Speaker, some hon. Members might say that the delay in the President's Office, some Members might say that it was in the provincial commissioner's office or at the level of the district commissioner. But all three are to blame, Mr. Speaker. The district commissioner is to blame because he sat on a few papers. Now, if I may give an example: in the Coast Province voting was done in early March last year, in every district, and in other provinces also, but what happened was that the files from the Tana River District on chiefs were not forwarded to Mombasa, which is only 200 miles away, from March until August. What was the district commissioner doing with these files in his office?

If I may go further, I have been trying to contact the President's Office. There is a gentleman there called Mr. Omino and Mr. Ekiappa, I think, if the pronunciation is right; I have tried to contact these gentlemen, Mr. Speaker, very often. The files from the provincial commissioner reached that office in October, the provincial commissioner sat on those papers for a number of months and forwarded them to the President's Office in October; this is what happens. The Minister of State, who is not here today, whose letter I have with me in my files, said, "Mr. Kase, when you receive this letter, the said provincial commissioner should have appointed the chiefs." This was dated the 2nd November 1965. "I will go still further," Mr. Speaker, and say when were these chiefs appointed to some of these districts? The letter is dated 2nd November, when I received this letter it was said that the chiefs would have been appointed. This is a letter from the Minister of State in the President's Office, when he was the Assistant Minister.

What happened was that when this Motion came up I went on my own one week-end to the district officer who told me that he had been instructed to call those people and appoint them, so that when you bring a Motion to Parliament it is valueless. Are civil servants, Mr. Speaker, only going to work when Motions come to this Parliament? Mr. Speaker, this was the district officer at my home, he is the only district officer there so there is no question of naming him, the Government knows who he is. He says, "We have been instructed to appoint these chiefs today," and I remember that he did not get to sleep until midnight in order that the doctor could

examine them properly. So that when you bring a Motion to Parliament it will be worthless.

We now see, Mr. Speaker, that if this is the trend, that they will not act until Motions are brought into this Parliament, then this is a very sad affair. As for such civil servants, Mr. Speaker, I think the only thing is for them to go and leave other capable men to do the work.

I said, in the first instance, Mr. Speaker, that I have no quarrel with this and no personal grudge, I am capable of becoming a district commissioner the same as anyone. Some of them in fact are Standard Vs and Standard VIs; I am capable. Any hon. Member is capable of becoming a district commissioner, even a permanent secretary, for that matter.

The Minister for Home Affairs (Mr. apu Moli): You cannot become a permanent secretary.

Mr. Kase I hear the Minister for Home Affairs, Mr. Speaker, saying that I cannot become a permanent secretary. We know some people who have been district officers and who are now permanent secretaries. If I were capable of becoming a district officer, then I would be capable of becoming a permanent secretary. There is no problem about it. Some do not have better qualifications than myself.

Having made that point clear, Mr. Speaker, as to why I want them dismissed, I hope the Government will find it fit to dismiss them, because as long as they are there—I am informed that in places like the Central Province some chiefs have not yet been appointed, and also in Lamu they have not been appointed, despite the fact that some civil servants wanted to appoint them quickly before this Motion came up. I understand from Members in the Masai area that they have not been appointed. How long are people going to wait? If they are going to appoint the Tana River chiefs when I bring a Motion, how many Motions will come to this Parliament, Mr. Speaker? In every district—how many are there, forty-one—do we have time to waste on lazy civil servants? I do not think we have that time, Mr. Speaker, and if we do not have that time, I think the only thing is that when they get an order they should carry it out, otherwise, Mr. Speaker, these two hon. Ministers here and the Assistant Minister must convey to His Excellency the President the fact that his civil servants have let him down very badly. I am informed, Mr. Speaker, that in Kwana out of thirteen locations where chiefs have been appointed, six of them are not the ones who obtained majority votes. It is fortunate that the district commissioner is not mine.

An hon. Member: Keep quiet.

Mr. Kase: The hon. Member says, "Keep quiet," but I will not keep quiet.

Mr. Speaker, if we are going to have things like this happen, whom are we going to obey in this country? The President or someone else? If the President is too busy to act on this, then he has his Minister of State, Mr. Speaker, who should have acted, but if he too is not going to act, then all we say is that, although the President said this, we cannot believe him.

Mr. Speaker, these things are going to be proved untrue even where the President has gone further. If you do not want that chief, all we have to do is to say that we have no confidence in him. This thing is going to be proved untrue, because here is the beginning, Mr. Speaker, and if this is not cured in this country we are going to suffer.

Mr. Speaker, I think efficiency in the President's Office must be maintained, otherwise we lose hope; that is the key office in this country. If the President's Office has to be efficient, those civil servants who delayed it should go.

Mr. Speaker, I do not need to labour much on this because I think I have made my point very clear. With these few words, Mr. Speaker, I will wait to hit back at whoever thinks I have said things which are not factual.

I beg to move.

Mr. Gatigota: Mr. Speaker, Sir, I rise to support this Motion because we have a very big problem in Central Province over chiefs.

Mr. Speaker, Sir, after independence, there was a statement made by the Government to the effect that chiefs who were ruling this country during the colonial period should be dismissed and that the people of this country should be allowed to elect their own chiefs. In fact, at one stage, a number of chiefs were dismissed by this Government and the new ones were elected by the people. There was a promise that the remaining chiefs would also be elected by the people. In fact, it is not only a question of appointing them, it is a question of the people themselves selecting their own chiefs.

Now, up to this time, Sir, we still have some chiefs in this country who were ruling during the colonial period and who did a lot of damage to our people. I can say this, Mr. Speaker, that the feeling of the people in this country about the old chiefs is very, very strong indeed. Our people have a lot of confidence in the President and in the Government, but there are some of these things which are likely to destroy that confidence. If the Government wants to move with the people and with so much confidence, some of these matters must be looked into carefully.

The President himself has made a statement—I think he has made a statement in every meeting he goes to—that the people have a right to select chiefs, and the old colonial chiefs should be sacked. It is clear that the President has issued a statement of policy. The civil servants who are expected to execute this policy have failed to do so, and that is why I support this Motion. If the civil servants, whoever they are, cannot execute the Government policy, which is that the people should select their own chiefs, then it means that they have failed in their responsibilities and they should be sacked immediately.

In my own constituency there are four chiefs. We selected two chiefs in 1965, and two of the worst of all are still there. I have written a letter to the Administration, Kanu has written letters to the Administration, asking for the removal of these chiefs, without any good response. Mr. Speaker, Sir, if we fail to do things outside this House by negotiations with the civil servants, then it is right that we should bring this matter to the public, in this very way.

Mr. Speaker, Sir, some of the chiefs in Central Province particularly are some of those who beat people and even shot people during the emergency. The President has told us that we should forget the past and we have agreed with him, but these chiefs who beat people during the emergency, instead of forgetting the past, as our President has advised, are still singing to the people that they ruled them during the European colonial times and they will continue to rule them now. This is a very serious statement. Mr. Speaker, Sir, as a matter of fact, had it not been for the fact that the people of this country have so much confidence in our President, a revolution would have been caused by this very fact, that they are being told now by the people who used to rule them during the emergency that they will continue to rule them.

Mr. Speaker, Sir, many of the civil servants do not understand the feelings of the people and do not care for those feelings. We, as politicians, come across these people, we know their difficulties and we know their complaints and it is just fair that when we make representations our feelings should be considered carefully.

It is a pity, Sir, that the civil servants are not prepared to listen to the politicians, because this is the crux of the problem. If you make a representation to a district commissioner or a district officer and tell him that a certain chief is unpopular and you ask him to do something about enabling the people to select another chief, what he will tell you is that a politician is not supposed to interfere with the Administration and



[The Minister for Finance] the existing notes and coins are exchanged for the new Kenya notes and coins. Our new currency will, therefore, have a proper backing in external assets from the start.

The hon. Mr. Alexander also suggested that if the new East African currencies were issued, for example, when the Uganda cotton season was in full swing, Uganda would get a greater share of the assets of the currency board than if the change took place at a different time of the year. This point has also occurred to me, but I am satisfied that the danger which Mr. Alexander foresees is not really there, and will not affect our share of the assets of the currency board. It is true that if additional currency notes are issued in Uganda during the cotton season, then these notes will be backed by Sterling or local assets to which the Uganda Government will be able to lay claim. However, this will not reduce the amount of assets related to currency in circulation in Kenya, nor will it reduce what we will receive. We will also have an opportunity of earning external assets from Uganda and Tanzania if we continue to have a favourable balance of trade with our neighbours.

Finally, Mr. Speaker, the hon. Mr. Kamau urges that the bank should promote the African way of life and I can assure him that it is one of the specific objects of the bank to promote some economic development in this country.

I think that I have dealt with all the points raised which are relevant to the Bill before the House, but will be glad to provide the hon. Members with further information or to arrange for hon. Members to discuss particular points with experts in my Ministry, people who are versed in all details of this complicated matter.

Mr. Speaker, Sir, 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 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 CENTRAL BANK OF KENYA BILL

(Clauses 2, 3, 4 and 5 agreed to)

(Clauses 6, 7, 8, 9 and 10 agreed to)

(Clauses 11, 12, 13, 14 and 15 agreed to)

(Clauses 16, 17, 18, 19 and 20 agreed to)

(Clauses 21, 22, 23, 24 and 25 agreed to)

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

(Clauses 31, 32, 33, 34 and 35 agreed to)

(Clauses 36, 37, 38, 39 and 40 agreed to)

(Clauses 41, 42, 43, 44 and 45 agreed to)

(Clauses 46, 47, 48, 49 and 50 agreed to)

(Clauses 51, 52, 53, 54 and 55 agreed to)

#### Clause 56

The Minister for Finance (Mr. Gichuru) Mr. Deputy Chairman, there is a typographical error: 53 should read 54 on the second line; it should be section 54 instead of section 53.

The Deputy Chairman (Mr. Slade): I think you should strictly move a formal amendment then. Would you move that that be amended.

The Minister for Finance (Mr. Gichuru) Sir, I beg to move that in clause 56 the figure 53 should be removed and replaced by 54.

(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 56 as amended agreed to)

(Clauses 57, 58, 59 and 60 agreed to)

(Clause 61 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance (Mr. Gichuru) Mr. Deputy Chairman, I beg to move that the Committee doth report to the House its consideration of the Central Bank of Kenya Bill and its approval of the same with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

#### REPORT AND THIRD READING

#### THE CENTRAL BANK OF KENYA BILL

The Minister for Finance (Mr. Gichuru) Mr. Speaker, Sir, I beg to report that the Committee of the whole House has considered the Central Bank of Kenya Bill, and has approved it with amendment.

The Speaker (Mr. Slade): Since it is only a formal amendment we could take consideration of the Report immediately, Mr. Gichuru, if you move that the House agrees with the Committee

The Minister for Finance (Mr. Gichuru) Mr. Speaker, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Health (Mr. Otiende) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance (Mr. Gichuru) Mr. Speaker, Sir, I beg to move that the Central Bank of Kenya Bill be now read the Third Time.

The Minister for Health (Mr. Otiende) 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)

#### MOTION

#### APPOINTMENT OF CHIEFS

Mr. Kase: Mr. Speaker, Sir, I beg to move:— THAT this House, noting with deep regret the delay in the appointment of chiefs in this country, especially in the Coast Province, recommends that all civil servants responsible for such delays be dismissed forthwith.

Mr. Speaker, Sir, I would like to say, from the outset, that I have no grudge with any person as a person, with any civil servant who has delayed this. I have quarrelled, because he has failed to do his duty. You may be aware, Mr. Speaker, that in 1963 or 1964, the former Minister for Home Affairs did dismiss some chiefs in this country: that was in April 1964. We were told, Mr. Speaker, that people will vote, and when they vote the man who obtains the majority vote will become the chief. This was a very clear statement from the Minister for Home Affairs. That Minister was changed, Mr. Speaker, and the chiefs problem came under the President's Office, and the President of this country, Mr. Speaker, because I heard it with my own ears, not my own eyes, said that the one who obtained the majority vote would become the chief. Let us look at what happened.

I remember, Mr. Speaker, that those chiefs who were dismissed in 1964, in April, and up to now it is disappointing that for almost two years some locations in this country have been without a chief. What is the delay? Is it that the district commissioner or the provincial commissioner, or the permanent secretary, for that matter, does not like the men who obtain the majority votes to become chiefs? This is the whole matter which has delayed this thing, Mr. Speaker.

For two years some civil servants in this country have decided to sit on the decision of voters, for two solid years.

Mr. Speaker, they should have told us that, and I say this because I have experience, I stayed for two years without obtaining a chief in some locations in my district. Now, the district commissioner there said to me one day when I was talking to him, "Do you think that the one who gets a majority vote will make a good chief?" Mr. Speaker, if I may elaborate on the method of appointment, the district commissioner, a Member of Parliament, the Senator, Kanu officials and councillors sit together to select the best three names. Out of these three names—the district commissioner is the chairman of that committee—one gets the majority vote. But then, we understand that they go back and put forward their own recommendation to the provincial commissioner. Now, we would like to know, Mr. Speaker, whether the word of the President will be taken or not. If it is going to be taken, what should stop—the minute a man gets 2,000 votes and his opponent gets 1,999—the other man from becoming a chief?

I am informed, Mr. Speaker, that some delays came about because of the change in political parties, but is it not a fact that in the areas which were formerly Kadu or Kanu, the same people have had majority vote, the same people, there has been no change at all? If it was a political question, this party dissolved itself in 1964, what happened in the whole of the year 1965, from January to December, from January 1966 until March, where we are now? What has delayed all this? This is why I say that these civil servants have failed this country, Mr. Speaker, in every district and every location.

Now, Mr. Speaker, we think that the office of the President should be the most efficient office in Kenya, because the Head of State is supposed to function there. If all these gentlemen, who were in the President's Office, decide to delay all matters, what do we say? The other Ministries are the same. Unfortunately, it is not like that, Mr. Speaker. Here are some of the questions that we face from a few voters. The President has said the one who gets a majority vote will become a chief and we hear the district commissioner say, "Oh! No. The only one whom you voted for will not get a majority vote." So that is why the President is perhaps delaying the appointment. Now, Mr. Speaker, if our President is not going to be trusted by the civil servants the only thing is for them humbly to tender their resignation and since they have not thought it fit to comply with these regulations, Mr. Speaker, they should be dismissed

**[The Speaker]**

requires the support of 65 per cent of all voting Members of the House, that is actually eighty-four Members' votes—I think it is no use my taking the Ayes and the Noes, and we have to proceed to a Division. Therefore we will ring the Division Bell.

**(The Division Bell was rung)**

**The Speaker (Mr. Slade):** As I explained hon. Members, this particular Motion has to be supported by at least eighty-four Members to have any effect. As we only have seventy-eight Members in the House now, it would be fruitless to proceed to a Division. On other occasions when this has happened, where a special majority is required, I have postponed the Division to another occasion in the hope that we will get the minimum number into the House, regardless of how they get a vote. So, I think, in the present position, unless there is any prospect of collecting at least eighty-four Members before half past six this evening, I had better adjourn this Division until 3.30 p.m. tomorrow afternoon.

**BILL****Second Reading****THE CENTRAL BANK OF KENYA BILL**

*(Resumption of Finance on 1st March 1966)*

*(Resumption of debate interrupted on 1st March 1966)*

**The Speaker (Mr. Slade):** Mr. Gichuru was replying to this Bill.

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, the hon. Mr. Ngala and a number of other hon. Members asked what the reserves or the external assets of the central bank would be. As pointed out by the hon. Mr. Kibaki, the form in which these external reserves will be held is set out in clause 26 of the Bill, and we will not know exactly the extent of these reserves until our new currency has been issued and we have received our share of the assets of the currency board.

However, Sir, as stated in my opening speech, we will expect to receive more than one third of the existing external assets of the currency board related to notes and coins now in circulation in East Africa. The hon. Members wanted a little further information on the relationship of the Minister to the bank, and this point was touched upon by other hon. Members. The relevant clause is clause 12 (6), and it is, I think, clear from this that if the governor or the representative of the Treasury wishes to do so, he may suspend a vote of the bank and refer the

matter to the Minister for a decision. The Minister could then decide whether the vote will stand or not. He has no powers, however, to direct the board of the bank as to what to do. In practice, I have every confidence that it will not be necessary for the powers conveyed by this clause to be used.

The same hon. Member, whether seriously or not, suggested some other title than governor should be found for the executive head of the bank. I think we are now far enough away from the colonial days to adapt for the head of the bank the title governor, which is the title normally used in the great majority of several banks all over the world.

The hon. Mr. Osogo and a number of other hon. Members either expressed the hope that the central bank would lend money to individuals or that the Government would later set up its own commercial bank. This Bill rightly does not give the central bank the power to operate in the commercial field, and the question of the Government setting up its own commercial bank will be considered once the central bank is firmly established. Mr. Osogo also objected to clause 1 which provides that in the time of national emergency the head office of the bank may be moved. This clause, we hope, will never have to be taken advantage of. But, Sir, it was thought advisable to cover all possibilities and in the unlikely event of the country being involved in a war it is obvious that circumstances might arise when it would be temporarily necessary to move the headquarters of the bank. The same hon. Member and other hon. Members questioned whether it was right to bar Members of Parliament from being appointed to the board of the bank. The majority of hon. Members did, I think, feel that this was the right principle, but it is however stated in the proviso to clause 14 that the President may, in exceptional cases, waive the statutory limitations on appointments to the board of the bank.

The hon. Mr. Warithi asked why the bank was given exemption from taxation under clause 7. This is normal in central banking legislation and it is provided in the Bill that once the general reserve fund has been built up the whole of the profits of the bank should be paid over to the Government and that pending the build-up of this reserve, one-quarter of the annual profits should go to the reserve fund and the remainder to the Government. In these circumstances there would be no point in taxing the profits of the bank.

I very much welcomed the speech by the hon. Mr. Mwai Kibaki and the eloquence with which he stressed the dangers of inflation. The hon. Mr.

**[The Minister for Finance]**

Khaoya and the hon. Mr. Shikuku and other hon. Members referred to the difficulty which might arise after the issue of separate currencies in inter-territorial trade in particular on the border of Nyanza and Uganda. I am not able, at this stage, to say exactly what arrangements will be worked out between the central banks of the three countries to cover this, but I have every hope that it will be agreed that the three central banks will accept each other's currency at par without charge, and that if Kenya residents acquire Uganda currency in Nyanza they will be able to change it for our own currency at the nearest office of any of the commercial banks.

I think the thing to be sensible about is that we cannot control either Uganda or Tanganyika as to what they may do. What we are currently doing at the moment is to try and negotiate so that our currencies will remain at par and they will be interchangeable without charge, freely. We are negotiating on this. Beyond that I cannot promise anything more.

The hon. Mr. Anyieni and other hon. Members referred to leakages in the existing exchange control system, and hoped that any gaps in exchange control would be closed when the new central bank took over responsibility. I share his hope, but, Sir, experience has shown that it is almost impossible to stop all leaks, although I am grateful to him and to the hon. Mr. Jahazi for bringing my attention to these specific in this connection. The hon. Mr. Anyieni stressed the need for financial organizations which would provide loans funds to Africans without charging high rates of interest and making large profits. This point was also made by the other Members. Although I do not think that this matter is strictly relevant to our debate on our new central bank, I should perhaps point out that the Government has set up organizations for lending money to farmers, businessmen and traders and also to people wanting to build their own houses and none of these organizations are operating to make a profit.

They do, however, have to charge a sufficient rate of interest to cover the interest which they have to pay on the loan fund they obtain and also to cover their administrative costs.

The same hon. Member also referred to mutilated notes and I am sure that the new central bank will take a reasonable attitude on this.

The hon. Mr. Odero-Jowi emphasized the point which other Members also made, that experienced people would be needed to run the bank. I entirely agree with him.

The hon. Mr. Jahazi suggested that rates of interest in this country were now controlled by the Bank of England. It is true that we are living at a time of high interest rates, and the Government itself is paying on locally issued loans interest of about 7 per cent. It is also true that there is some connexion between the rates of interest here and the rates of interest in other countries, but it may interest hon. Members to know that the Government is able to borrow money locally on Treasury Bills at a lower rate than the British Government can borrow in the City of London.

The hon. Mr. Shikuku raised points which I have in general dealt with already, although I am grateful to him for having pointed out an error in a reference in the Memorandum of Objects and Reasons. He rightly stated that the reference to clause 24 should have been clause 23.

The hon. Mr. Alexander seemed doubtful whether the capital of the bank of £1.3 million would be enough. The capital of the bank is intended to cover the costs of establishing the bank, including the purchase of notes and coins, and the acquisition of the necessary building and the preliminary administrative expenses of setting up the bank. I can assure him that £1.3 million will be more than adequate.

He questioned clause 20 in relation to the fixing of the par value of the Kenya shilling. This is laid down in an agreement into which we have entered with the International Monetary Fund and cannot be altered without discussion with that Fund.

He also feared that public entities, such as local authorities, might be compelled to open accounts with the central bank. This is not the intention, but it was thought proper to give the central bank the power to accept accounts from public entities.

I am grateful to him for pointing out that the reference in clause 36 to section 53, should be section 24, and I will propose the necessary amendment at the Committee stage.

The hon. Member's main point relates to the formula under which the existing assets of the currency board would be divided up. I will bear in mind the arguments which he used, but doubt whether they will prove very convincing to the Uganda and Tanzania Governments. The fact is that the existing assets of the currency board are related to the amount of currency in circulation in each country, and this is almost certain to be the basis on which the assets will be shared out. The central bank will immediately begin to acquire its share of these assets when

**[The Attorney-General]**

President. Therefore, the head of the service must nominally be expressed; the President symbolizes the head of the Government, and therefore he symbolizes the head of the service. There is still a Public Service Commission and people will still go through the Public Service Commission for their appointments; there are public service regulations and people and their conduct will be controlled by these regulations.

Now hon. Members have expressed concern over the matter of disqualification of Members in prison for a criminal offence for more than six months. Now the hon. Member who raised this point is not here, my learned friend, the hon. Mr. Wariithi, but he mentioned that the offences which we should describe in this Constitution should be those offences which carry moral turpitude. If he had been here, I was going to assure him that the offences which are covered by this section are both grave and serious. Now the hon. Member mentioned an example of someone running someone else over with a motor vehicle. That is called, in our law, causing death by dangerous driving; but it is, nevertheless, causing death. One causes death by shooting or hitting someone on the head, and also by running them over in cars, and therefore this is a serious offence. I cannot say here that if someone knocks someone down with his car, he is not going to be sent to prison. There may be circumstances, the death may be accidental, but that is for the courts to examine.

I would also like to remove certain other legitimate fears straight away. The question of imprisonment, for instance, some of the hon. Members have mentioned that if someone has a debt he might be imprisoned. But that is not a criminal offence, it is a civil one; those of the Members who heard me explain this the other day will know that I did say that if somebody owes you money, the only way you can send him to prison is for you to pay for his keep in prison, and you can do that for no longer period than six months.

That is not the sort of offence which is meant in this section. This section here clearly covers stealing or misappropriating Government money or serious offences of that nature.

Certain criticisms were levelled against the police by the hon. Member for Butere, Mr. Shikuku, who is not here. The law keeps a comradely but watchful eye on the police. The police are the strong arm of the law but a branch of the law. I have not noticed any tendency for the police to discriminate against hon. Members, but even if they did, I or my officers have to prosecute; and I have prosecuted police officers

for misusing their powers. This we are going to watch. I am not aware that any hon. Members will ever be so serious a menace to the established order that the police, the prosecutor and the judge would be tempted to conspire to deprive them of their seats in Parliament.

An hon. Member: You don't think so?

The Attorney-General (Mr. Njonjo): I would ask the hon. Members to accept this, that if that were to be the case, there would have to be a conspiracy between the police, the Attorney-General and the High Court. And I want to tell hon. Members that if, for instance, I were to suggest to the court what sentence it was required to give, that would be a serious offence on my part, on the part of the prosecutor. As you know, with all these offences, if they are serious, the State does provide counsel for the accused person, and in other, minor offences, the accused person himself provides for his defence.

Three hon. Members have expressed fear about civil servants holding office at the pleasure of the President. This point I have already covered by saying that this, in fact, means nothing more than that the head of the Government is the symbol of our Republic.

Mr. Speaker, I do not want to repeat a number of points which have been raised, and therefore I will jump about and try and cover those points which I think are more important and relevant.

Now, Sir, I want to say something about section 19, dealing with the *Shifja* problem. I am most grateful to the hon. Member, Mr. Khalif, for what he has said about the problem that we have in the North-Eastern Province. I think this House should congratulate the forces which have been engaged for nearly two years now on a most thankless and very difficult task. The men who are at the moment in the North-Eastern Province do not like it. The conditions are very difficult. The Government is spending a lot of money—I was going to say that Government is wasting a lot of money—in keeping these people up there, and this money could be more usefully spent in developing the country, building more schools and hospitals, and improving the roads. But, Mr. Speaker, we must face it: we have a problem and the Government is determined to eliminate it.

Three hon. Members have expressed grave concern over the proposed extension of the emergency regulations to Isiolo, Marsabit, Tana River and Lamu Districts. I did discuss this problem with the Members yesterday, and I hoped that I had satisfied them, but unfortunately the hon. Mr. Khalif was not there, nor were

**[The Attorney-General]**

some other Members who expressed doubts about this. They said they had asked for the tribes to be controlled and confined within the North-Eastern Province and, instead, the area of the emergency has been extended. They wanted to know why this extension was necessary, and why the Government was not fighting and winning. One hon. Member raised a point that as shooting on sight was not allowed in the North-Eastern Province under the emergency regulations, what good would it do to extend the emergency to the area. Shooting on sight was the only cure for *Shifja*, he said. Section 19, Mr. Speaker, of the Independence Order-in-Council enables the Government by regulations to take such exceptional measures as are necessary to deal with the *Shifja* problem, but only in the North-Eastern Province. Parliament has never questioned these regulations. The Government has not given the security forces the right to shoot on sight with no justification. This is not the time to discuss those regulations in detail, but, I repeat, this House has never complained that the Government has given the security forces unnecessary liberties or licence in the North-Eastern Province. The point, now, Mr. Speaker, for this House to consider is this: war is not confined to a defined area like a football pitch, the war we are on at the moment is not like a football pitch. There are no rules for the *Shifja*. If they find they can make more trouble outside the North-Eastern Province than inside it, they will do so; and they have been doing this. The security forces are absurdly hampered by this situation; they cannot detain people, or move people, or prevent people from moving in the district bordering that province. It is not a question of stopping *Shifja* and *Shifja* supporters from doing more mischief there than they can do in the North-Eastern Province itself.

Let us, Mr. Speaker, agree on the obvious fact, that we have to meet the enemy wherever you find him. Let us congratulate the security forces that there are no *Shifja* lurking in Nairobi or in this building.

Hon. Members: Hear, hear.

The Attorney-General (Mr. Njonjo): Mr. Speaker, another point which was raised by an hon. Member was on the question of the Electoral Commission. I do not think that the hon. Member was serious, but I would like to say this: that the Electoral Commission is doing very useful work and have a very difficult task. He asks for a report by the end of this year. All I can say on this is that the Electoral Commission is a most responsible body and I am aware that it is most concerned to press on with its work.

Now, the hon. Mr. Wariithi raised a point on sections 121 and 125. Mr. Speaker, I did deal with this at great length and all I want to assure this House is that these provisions mean that the responsibility for finance is squarely in this House, and that is why—if hon. Members will remember—I withdrew the Bill because of another amendment which the Minister for Finance had agreed, as requested by this Bill. What this section means, Mr. Speaker, first of all is to simplify the Constitution and also to put it quite clearly that no money can be spent by the Government without the approval of this House.

Mr. Speaker, a point was raised on the question of trade unions and it is a pity that the Minister for Labour did not have an opportunity to say something about this. This amendment, as I explained, this is section 24, is to avoid any doubt as to whether the trade union laws relating to the registration of trade unions were consistent with this section guaranteeing freedom of association. This is not altering the law. The law on trade unions already exists and in the Trade Unions Disputes Act, 1965, the matter of registration came before Parliament again by way of a minor amendment to the Trade Union Act. Parliament passed this Act in 1965. Parliament has never criticized our trade union law on this question. Our laws on trade unions and freedom of association generally compare favourably with any others in Africa.

Hon. Members will, I am confident, agree that it is the duty of the Government, and of the Attorney-General in particular, to see to it that there is no doubt whatsoever that the Constitution and other written laws are consistent.

Mr. Speaker, I cannot hope to have given entire satisfaction to every single Member here. I hope, however, that hon. Members will remember that a demonstration of unity is of great national importance on many occasions, and this, Mr. Speaker, is one of those occasions. Our Constitution depends ultimately on its reflecting the true will of the people. So far, Parliament has been almost unanimous in favour of the Constitution—we have been building together. I repeat to all hon. Members to reflect upon the value of that unanimity in regard to the Constitution of Kenya and to vote accordingly.

Mr. Speaker, I beg to move.

**DIVISION CALLED****RULING ON DEFERMENT OF DIVISION**

The Speaker (Mr. Slade): I have to put the question that the Constitution of Kenya (Amendment) Bill be now read a Second Time. As that

Mr. Khalif: Thank you, Sir.

Also, Sir, although I agree entirely that the Somalis have been victimized, I want to say one thing, Sir. When we pass an emergency in respect of an area—for that matter, in the North-Eastern Province—these people will face the consequences in that, although there is a legal basis for an emergency, we also have to know that the police or the army personnel do sometimes take advantage of the fact that there is emergency law. I would like to say that people have been harassed, loyal people have been victimized, people have been put to unnecessary questions, because of individuals taking advantage of the law that does exist there: the emergency law.

I think, Sir, that if the Members of this House, including hon. Members on the Front Bench from the Government, were to think in terms of our people, if we were to think in terms of citizens, then I hope that hon. Members who are experienced, who have never seen the North-Eastern Province, would take it from me directly that people there—some of them, not all of them of course—are being victimized, and that some officers, either from the police or the army, are taking advantage of the emergency. If hon. Members take that from me directly, without any question, I want to impress on hon. Members that, in so far as they do realize that in the North-Eastern Province this sort of thing is happening, that people are taking advantage of emergency rule, they should not accept to extend this to other places, whereby, if you do, more citizens of Kenya will be involved. I know, as well as many hon. Members know, that there are *Shifta* in the North-Eastern Province, the same way as there are loyal people, but there are loyal people in the North-Eastern Province who are being victimized, who—

The Speaker (Mr. Slade): You have made all this quite clear, too, Mr. Khalif. It is a good point, but you are going back to it again.

Mr. Khalif: No, no. I want to—

The Speaker (Mr. Slade): Do not say, "No, no" to me, please.

Mr. Khalif: No, Sir. I am making a comparison from—

The Speaker (Mr. Slade): You have done it; move on to another point. It is all right, you are making good points, but do not begin to repeat them. Get on to another point now.

Mr. Khalif: Thank you, Sir.

I beg to support.

Mr. Pandya: Mr. Speaker, Sir, I will be very brief because I know much has already been

said by several Members, and I hope the hon. Members will be a little more tolerant to me than they have been on another occasion.

I would like, Mr. Speaker, to support the Bill generally, but I have one or two comments to make on certain of the provisions of this Bill.

If I may refer to section 6 (1), I would like to support the Government in the fact that it should not be a matter of entitlement for any Commonwealth citizen to be registered, but that it should be a matter of discretion for the Minister. I think so particularly as no other Commonwealth country gives Kenya citizens this automatic right and it is quite natural that these rights should be reciprocal. We should make this change and, in any case, those people who decided to register as citizens within the last two years, had the opportunity to do so and have done so already. But as the Constitution stands at the moment, it seems to me, Mr. Speaker, that people under this section would still be entitled to be registered as citizens and I was a little concerned because I heard that the Government has given instructions to the Immigration Department not to accept any more applications for registration. I would like to know from the hon. Attorney-General, when he replies whether this is the case.

If I may move, Sir, to section 6 (2), here I have some reservations for I feel, on two points, that this is a matter where the people who are affected ought to be entitled to be registered as citizens. Firstly, Sir, one of the requirements for a person to be registered as a citizen has been his physical presence in the country. But I know of many cases of students who have been abroad for three, four, five years, and you cannot really expect them, Mr. Speaker, to come back to the country just to register as citizens and then go back and prosecute their studies. I know this from personal experience when I was in the United States and Canada last year; so many students did tell me that they were so keen to register as citizens but they found that their physical presence was required in Kenya.

Another matter, Sir, that I feel a little disturbed about is in its application to the minors. I know the minors are not entitled to register applications on their own behalf, and that their parents would be the proper persons to do so; and I feel that when these minors come of age, they ought to be entitled to be registered, instead of giving discretion to the Minister. These are some of the points which the Attorney-General may care to consider.

I entirely agree with him that there are certain cases where, if physical presence was not absolutely essential, this privilege could be abused; but

[Mr. Pandya]

I am not suggesting changing this; what I am suggesting is that clause 6 (2) be retained in its present form.

I will not say much on section 41, but I would just like to say that I support other hon. Members who say that this clause is absolutely necessary. I do not think we can exist in this country on fear and suspicion, always creating arguments about what may happen. It is important that we have this clause in the Constitution.

If I may just briefly turn to section 42. I have yet to know of any independent country where a Member of Parliament has to obtain permission from the Speaker. The hon. Minister for Economic Planning and Development when he was speaking referred to this, and on another section, said that this is the usual practice in Commonwealth parliaments; I stand to be corrected, but I do not believe that this is the usual practice, as far as this section is concerned. I would like to know whether this is really going to be a matter of discretion for the Speaker or whether permission must be obtained and that it would be automatically given.

Finally, Sir, I want to refer to clause 6 of this Bill. I was very pleased to see that this clause provides that all the people of this country who are citizens shall be treated equally. I have time and again said in this House that we do not want any privileges for any section of the community in this country, and I am entirely in support of the Government when it says that this applies to all people, including non-designated officers who were given certain privileges in the past by a former Government and who should now be placed on an equal basis with the other Kenya citizens, they should not have any other gratuities or pension rights which are not being enjoyed today by citizens of African origin. I do want to support the Government on this and to say that it was about time this was done, on an appropriate occasion.

Lastly, I did not intend to refer to section 87 at all, but I was a little disturbed when the Assistant Minister for Agriculture said that the powers should be vested in the President so that he could remove the imbalances which people have been talking about. I thought that these imbalances had been very effectively remedied by the Public Service Commission, and I do not see that this could be an argument. I personally feel that it would be—I am not speaking of any persons or personalities—wrong, Mr. Speaker, to try to take away power from a commission and vest it in one individual. I would leave that to the sense of the hon. Mem-

bers, but I did not think that the argument put forward by my friend was really very forceful or relevant.

Mr. Speaker, I beg to support.

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, in view of the fact that this is a constitutional Bill and it seems that we shall be required to have our votes registered, and in view of the advancement of time, I would like to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): I have been refusing the closure consistently on the ground that every hon. Member has the right to express his point of view, provided that he can express something new. But at this stage I only see hon. Members rising to speak who, to the best of my knowledge, have not attended the rest of the debate. If I am right in that, I think I am right in allowing the House to entertain the closure now.

(Question, that the Mover be called upon to reply, put and agreed to.)

The Attorney-General (Mr. Njonjo): Mr. Speaker, I am most grateful to the hon. Members for the keen interest they have taken in this Bill. It has been very carefully examined by hon. Members, as befits a Bill to amend the Constitution; and quite a lot of very useful debate has taken place. In fact, the debate on the Bill has taken nearly two weeks, which shows the interest hon. Members have in this Bill.

Sir, I first of all want to say that I had a meeting with a number of the members of the Parliamentary Group yesterday, and a number of points were raised. I did agree at that meeting—and I want to say it here—that a number of points which had been raised, particularly about the absence of Members from Parliament, would be covered by the Standing Orders when the amendment is put forward. That was accepted by the Members who were at the Parliamentary Group meeting.

Now, Mr. Speaker, I would like straight away to reply to the point which has just been made by the hon. Member for Mombasa, Mr. Pandya, on section 87. I want to say quite clearly that this section does not mean that the President of the Republic of Kenya will have any power to dismiss persons in the public service. What this section, in fact, means is that during the colonial days, the service was under the Crown; the Crown was the head of the service. Now, we are not a Colonial Government; we are a republic, and the head of the Republic is the

[Mr. Warltih]

The situation. The argument given is that it may delay a very important matter to go through the House, but for the last three years there has been no case of that kind, and I think we should be quite happy if these things are explained beforehand.

The last point, Mr. Deputy Speaker, with which I feel very much concerned, is section 122. This is the one dealing with the spending of money. I remember last time that the Attorney-General was interjecting and saying that it is not what is provided, but what concerns me very much, is that here the Government is seeking power to be enabled to spend money without the permission of Parliament, and I believe Parliament is the highest authority and its main purpose is to safeguard the interests of the voters and the taxpayers. I am referring to section 122 (3) (a) and (b), where it is provided that the Minister of Finance will prepare the financial statement and, if it is found short, then he can come to the House with an Appropriation Act for money, just as we have done a few weeks ago, and in that Supplementary Estimate he can provide for what is required or what is spent. I am quite aware of what is in section 121, but section 122 is independent of what you have in section 121. I feel very strongly that if you take away the power of Parliament to control how money is to be spent and we give this provision whereby Government may spend money and then come and ask us to approve it, I think it is a very dangerous precedent.

An hon. Member: Where is it?

Mr. Warltih: It is provided in an amendment to the Constitution. Maybe you have not read it. If you have not read it, it is none of my business.

Now, Mr. Deputy Speaker, I would like to have a very convincing argument. I remember the Assistant Minister for Defence tried to explain that section 121 (1) provides that no money can be spent without an appropriation being passed in Parliament. I agree with that, but then when you come to section 122, it provides that the statement in Sessional Committee is made; it goes through the House, then a Supplementary Estimate in which you can provide for money already spent

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

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

and, therefore as I say, Mr. Speaker, I feel very strongly that the Government is trying to go a bit too far. Under section 124, it is provided under Contingencies Fund and I do not see why it is necessary to have this other provision.

Finally, Mr. Speaker, I would say that on the question of the *Shifita* menace, people in the country are getting worried as to why it has taken so long to stamp out this *Shifita* menace and I think I will support those Members who have said that the Government should come out with a comprehensive programme which will bring to an end this very expensive expenditure.

Mr. Khalif: Sir, I think I will only take two or three minutes because I do not want to repeat what other hon. Members have said.

In the first place, Sir, I am particularly interested in—I would like to emphasize this—and am against what the hon. Argwings-Kodhek has recently said. The hon. Argwings-Kodhek is, if he was answering for Government, said that Kenya is on a war basis with Somalia. As far as I am concerned or, for that matter, the Government, I do not think that Kenya is on a war basis with Somalia. I think Kenya is trying to defeat some subversive elements in the North-Eastern Province: those are the *Shifita*. The local people there are against the *Shifita*, the leaders of the local people are against the *Shifita* and we want to wipe out the *Shifita* as soon as possible. If it is possible, that at this second I am speaking we can wipe out the *Shifita*. I will be pleased about that. However, to say that we are on a war basis with Somalia is completely incorrect. I would like to say—and I think, very sincerely, that this is the attitude of the Government—that Kenya is not on a war basis with Somalia.

We know, Sir, that the people who are helping the *Shifita* are the Republic of Somalia. We know that the Republic of Somalia supplies ammunition and weapons to the *Shifita*, and the *Shifita* are given direct orders from the Republic of Somalia to come and fight our security forces in Kenya. We know that the *Shifita* are given those orders from the Somali Republic—from Mogadishu—to come and harass the local people in the North-Eastern Province.

Mr. E. D. Godana: On a point of order, Mr. Speaker, I would like to know this from the hon. Member who is speaking. He alleged that the Somalia Government provides the *Shifita* with firearms and ammunition. Has he any proof to this effect?

The Speaker (Mr. Slade): You can ask that, yes, though it has already been said by an Assistant Minister, as you know. That is all right. Have you any ground for saying that, Mr. Khalif?

Mr. Khalif: Still, Sir, I have the proof. I represent a constituency in the North-Eastern Province—that is, Wajir North—and in my area I know *Shifita* groups, which I can mention by

[Mr. Khalif]

name, who operate on that side of the border, and they get their ammunition and weapons from Mogadishu.

The Speaker (Mr. Slade): What you are being asked is how you know that.

Mr. Khalif: I know it, Sir, because so many weapons have been confiscated by our security forces, which have been identified to have come from Somalia.

Sir, we know that the Somali Republic does sympathize with subversive elements in the North-Eastern Province—the former Northern Frontier District—that is, the *Shifita*. We know, equally, that these people never would have launched subversive activities against Kenya if it were not for the Somali Republic. However, Sir, that does not make Kenya to be on a war basis with Somalia, because, Sir—

Hon. Members: What basis are we on?

Mr. Khalif: Our basis, as far as the *Shifita* activities are concerned, is that we are engaged against subversive elements—

The Speaker (Mr. Slade): I think you have made the point now, Mr. Khalif. You are not repeating what anybody else has said, but you are repeating yourself.

Mr. Khalif: Thank you very much, Sir.

Still, I have another point to make, in that, as far as Wajir, Garissa and Mandera are concerned, I hope that all hon. Members do know that there has been a state of emergency in existence. I supported Mzee Jomo Kenyatta when he moved a Motion on 25th February—the day I was sworn in as a new Member—saying that the emergency should be extended for three months in the North-Eastern Province. I agree entirely, Sir, that there should be an emergency, because without an emergency the people there would not have powers to do so many operations.

But, Sir, as far as Marsabit, Isiolo and, for that matter, Tana River are concerned, I think this is absolutely unnecessary. As regards Marsabit, that is about 600 miles; it is about 675 miles as far as Isiolo is concerned. I do not know what Lamu is, because it is in the Coast Province. However, let me say this, Sir. Marsabit and Isiolo in particular—let me exclude Lamu because I do not have much knowledge of Lamu—but I will include Moyale as an area to which the emergency should not be extended, because, Sir, we have Boran in Marsabit; we have Burgi in Marsabit, and they are not *Shifita*. We also have Rendille in Marsabit who are not *Shifita*. In Moyale, most of the local inhabitants are originally from Ethiopia. They have a

natural hatred for Somali which renders them anti-*Shifita*. Also in Isiolo, we have the Meru people who, by virtue of their past activities in Mau Mau, are completely opposed to *Shifita*. We also have the Boran and a very few Somalis—a portion of 5 per cent of Somalis—in Isiolo.

Therefore, I think the inhabitants in these two districts which form also part of Moyale, which is a former district, which had a district status before Majimbo—

Mr. Makori-Imbho: On a point of order, Mr. Speaker, is the hon. Member speaking on *Shifita* only or generally on the Bill, because we do not want to hear reports on *Shifita* and *Shifita* purely—

The Speaker (Mr. Slade): Order! Order! He is speaking on the Bill, the Third Schedule of the Bill.

Do continue, Mr. Khalif.

Mr. Khalif: Mr. Speaker, before I started speaking on the Bill, I said I did not want to repeat everything I thought about the Bill, which has been said by other Members. All I had to say was something new and something I have here.

I would like to continue, Sir, I was speaking about Isiolo. As far as Isiolo is concerned, the inhabitants there—whether Boran or Meru or the small percentage of Somalis which came to Isiolo a long time ago, even before 1915—are against the *Shifita*. I would like, Sir, the hon. Members on the Government Benches to agree with me entirely that there is no reason whatsoever to extend the emergency powers on people who are not either subversive or, for that matter, who do not sympathize with *Shifita* activities. I am a Somali, and I agree entirely that the Somali-predominant areas should suffer the consequences, because they are the people—my own people, of which my constituency is a part—who started this trouble, who started to become subversive. I agree with the Government entirely that it should exercise its emergency powers, in so far as my area is concerned: that is, in the Somali-predominant areas. But as regards areas where there are people like Boran who have never had anything to do with *Shifita*, areas where there are people like Rendille who have never had anything to do with *Shifita*, areas where there are people like Burgi who are more Ethiopian than Somali, you should not victimize these people for nothing.

Sir, I have a point here, a very basic one. Also, Sir—

The Speaker (Mr. Slade): I think you have made it very clear, Mr. Khalif.

[Mr. Seroney]

sometimes makes me wonder whether it is worthwhile having such a House as this, or having a House at all.

Mr. Deputy Speaker, Sir, we are supposed to be elected to represent what we consider to be the best interests of our people and to use our judgment as far as any issue is concerned, but here we are having a tradition being established which, the way I see things, is going to end up by the Lower House of Kenya being another Reichstag. By this I mean, Mr. Deputy Speaker, that we go through all the paraphernalia of elections, we have a very large House of 117 constituency Members and yet they seem to be so willing to come here and be rubber-stamps for the Government.

Mr. Deputy Speaker, Sir, this is the fifth amendment to a Constitution with which we started our *Madaraka*. The first one having been done just before independence. And as I said when we were considering that procedural Motion, we keep on amending this Constitution in little doses and sometimes I begin to wonder whether Members know what it is they are amending or how many Members really know the shape in which our Constitution is today. We have a peculiar procedure now of amending the Constitution by Schedules. As I said this was the fifth amendment and I do not know how many other amendments the Government is thinking up and what the end of them all will be.

The first series of amendments were directed against what used to be called *Majimbo* because the Government did not want any restriction to its authority, but then they were not content with that and they have kept on amending this Constitution and maybe they have some other new amendments hatched up with which they are still hoping to get by. What I said earlier, Mr. Deputy Speaker, and I still say now to the President and to the Attorney-General, for heaven's sake produce the existing Kenya Constitution now so that Members can know what Constitution they have.

An hon. Member: Have you got a copy?

Mr. Seroney: The hon. Member asks me whether I have a copy or not, but he should be sensible enough to know what I am talking about. We have our Constitution in bits and pieces, here and there. All I am asking is that our Constitution should be put together, should be codified into one document, that we do not have to refer to an Order-in-Council there: an Independence Act here, and Constitution No. 1, No. 2, No. 3, and the present one. Let us have this Constitution codified so that anyone in the street can go to

the Government Printer and they will say, "All right, this is the Constitution that we now have, how far have we got?"

Mr. Deputy Speaker, Sir, it is a pity that we have a provision that requires us to either support in total or reject in total a Bill without suggesting any amendments. I think that when the Government thinks up the next series of amendments that provision should be amended, because I think it is unfair to have to reject, as I am going to do, this Bill because there are some things in it with which I agree, but then since we cannot amend this Constitution, then I am forced to reject it in total, but I would only beg the Government not to rely on producing a package deal and telling Members "You must pass this or reject it all". When we are faced with such a position the reaction then is, of course, to reject the whole thing, otherwise that provision should be amended so that next time a Bill proposing amendments will be subject to any amendments which Members of this House can suggest. As it is now we cannot do it: I am sorry about that, but that is really the first amendment which should exercise the mind of my friend the Attorney-General, so I would ask him to withdraw this particular Bill and then to introduce another one, and the first provision to be amended should be that package deal business, but before doing that he should also produce the actual Constitution as it is so that Members can know what they are supposed to be tinkering with.

With those few remarks, Mr. Deputy Speaker, I oppose the Bill.

Mr. Warlith: Mr. Deputy Speaker, Sir, I do not intend to speak at length on this Bill. Mr. Deputy Speaker, Sir, I would like to say at the outset that we all respect our Constitution. It is no doubt the highest law in the land and we know how important it is, but what we have noticed in Africa, one could only say that the importance of the Constitution depends upon the Government of the day being prepared to implement and honour that Constitution. We have seen several Constitutions, being flouted in the course of a few months, but then we still believe that the Constitution is the supreme power of the land and I think that is why Members have shown a very great interest in amendments to this Constitution.

Now, much has been said on the amendment which referred to the Members themselves and, as I understand it personally, I would say it is because of what has happened to some of the Members of this House, that is why Members have shown great concern. Taking the section

[Mr. Warlith]

dealing with imprisonment and also with the absence from eight sittings, under normal circumstances I do not think that anyone would be very worried, but what has happened will make some Members feel that this might be meant for some other purposes. I would like to make one point here very clear, when the Attorney-General was speaking and also the Minister for Economic Planning and Development, we were made to believe that this Bill is intended to keep away criminals from this House and also not pay people's salaries who are in prison. I beg to differ very strongly with that view. The Bill provides that if one is only imprisoned for more than six months and I do not think that it is fair for anyone to suggest that one is a bigger criminal because he is put in for seven months and the other man is a lesser criminal because he is put in for five months. Both are equally criminal, it is a question of degree.

On the question of salary we are not told that if you are put in for five months you will not be paid for that period. At least it has not been brought to my notice. So, if the Government is concerned with the length of the period a Member has to stay in prison, and for the sake of argument says that he will not be serving his constituents, this one could be quite acceptable, in that if you are put in for more than six months, you will stay away and you cannot represent your people. Naturally, one would feel that it is proper that we should have another Member. But when we are told it is to keep away criminals and in order to keep people in prison, this argument does not sound very convincing to me. In any case, Mr. Deputy Speaker, I do not want to repeat the argument put forward by the other hon. Members, but I would have expected the Attorney-General or the Government to provide a clause whereby not any type of criminal conviction, put in that way—I am quite aware that civil matters do not come into this, because for civil cases you cannot go to prison for more than, at most, two months, in fact it is provided for in the Act—but I would have expected that there are certain criminal cases where they do not make a person unsuitable to be a Member of this House. Suppose, for instance, you meet with a motor accident and you cause death. If you are imprisoned does that make you, because you have caused death when you are driving a vehicle, unsuitable to be a Member of this House? In other words, what I am trying to drive at, is that there should be something like what we call moral turpitude, as far as the members of the legal profession are concerned. There should be a situation where, although

someone might go to prison, that going to prison by itself, should not make him lose his seat, because it may be a type of offence which has no criminality in it. So this is what I personally would have considered more fitting, in fact the Attorney-General is quite aware and even we, Members of the legal profession are also aware that you may be sent to prison, but unless the offence makes you unsuitable to be a member of the honourable legal profession, you do not necessarily lose your certificate. Therefore, I personally would have expected the Government to come forward with something of that nature which would exclude certain types of criminal offences that have nothing to do with your criminal mindedness, etc.

On this one I would like the Attorney-General to explain to me, because there is one Member of this House in prison and he was imprisoned before this law came into effect, as to whether this Bill is going to be applicable to him, and also possibly the hon. Senator, who is not a Member of this House. Then there is the question of those, because this section comes under the disqualification, who can be a Member of the National Assembly, what about those who were imprisoned before it came to the House? When the House dissolved and they want to stand for election again, would that be a disqualification? Because this section 41 is under the head of disqualification or who cannot be a Member of the National Assembly. Anyway I see my learned friend shaking his head, no doubt he will explain.

Now to go further, Mr. Deputy Speaker, I do not want to dwell on the question of getting permission from the Speaker. I know that much has been said and I will support what other Members have said that it is not necessary to have this permission from the Speaker. I would say personally that what should be provided is that if a Member is going away for a long period, he should be allowed to have someone to stand in his place so that the people are represented, but all this question of getting permission and all the rest of it I feel it is most unnecessary and it just treats Members of Parliament more or less like schoolboys.

Section 56 (2)—I support the view that the Speaker should not have a casting vote. In the present Constitution the position has been that if there is equality of votes that Motion is withdrawn and can be brought at a later stage, and we have not been told any reason why this amendment is necessary. During our last years in this House there has been no case where it was found necessary; there was equality of votes and the Speaker was found, probably to come and save

The Speaker (Mr. Slade): No, I do not think this particular one is. I have not heard anyone arguing that it is bad luck for that Senator to have had that sentence.

Mr. Gichoya: Mr. Speaker, Sir, that hon. Senator was put in for just merely, perhaps, self-defence, or he lost his temper, and then consequently he had to lose his position as a Senator. I believe, Mr. Speaker, Sir, if he is allowed to stand, in other words if we do not allow this disqualification, he will be eligible, even if he is still in prison to stand as a candidate for the senatorship of that particular district. Mr. Speaker, it is unnecessary for the Government always to, consider the implications of certain imprisonments. If the Government had been considerate on that particular point, I believe that the sentence ought just to have been a mere strong warning to the hon. Senator that he should not repeat what he did, and then he would not have been faced with a situation whereby a district is having no one to represent it in the Senate.

Now, Mr. Speaker, the other point which I wanted to mention is in connexion with human beings being as they are, ways of getting political opponents out of the political field can be as many as guaranteed by this amendment. It is easier to make up a case, fabricate a story completely and get an hon. Member out who has been, perhaps, opposing certain individuals

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

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

in the Government. The moment we allow that, and as soon as it is done and the man is in, the Attorney-General will go straight to the Chamber and order the general election for that particular constituency. Which again, Mr. Deputy Speaker, will mean another person, perhaps favourable to certain quarters, will take up that position. These are my misgivings, Mr. Deputy Speaker, on this particular amendment. He cannot be returned since he is not allowed to stand when he is still in prison as a candidate to be nominated. This is the implication.

The other thing, Mr. Deputy Speaker, which I wanted to say is this. Section 42, we are told that hon. Members must seek permission from the Speaker. It is not that they must indicate to the Speaker that they are leaving, it is a question of obtaining permission, documentary evidence, that he has allowed you to go. One can then go in peace stating that he has been given permission. Now, why should we be forced or compelled to go and obtain permission

like children from the Speaker? A man who was Mr. Deputy Speaker, as Members of this House have already elected as an impartial person, or character within our community.

Mr. Khalif: On a point of order, Sir, having been here during most of the time of this debate, I think what the hon. Member is pointing out is just gross repetition. Some hon. Members—

The Deputy Speaker (Dr. De Souza): Yes, I agree with you, Mr. Gichoya, I think that point has been made before.

Mr. Gichoya: On a point of order, Sir, I would like your guidance on this. The words here are "having obtained permission", is it not that you write to the Speaker and that is that, is that not the interpretation?

Mr. amp Sol: On a point of order, Mr. Deputy Speaker, is it not in order, Mr. Deputy Speaker, for Members to speak, even things which other Members have spoken about? Because this is a Constitution which is very important, is it in order for Members to stop other hon. Members expanding on the reasons for a particular thing?

The Deputy Speaker (Dr. De Souza): No, I am afraid hon. Members are allowed, to begin with a certain amount of repetition, but once a debate gets, as I believe this one is, into its fourth day, then I think persistent repetition must be stopped, otherwise we will never come to the end of any particular debate.

In this particular case, as far as I am aware, this particular point has been made by several speakers before, but I think Mr. Gichoya can touch on it; but not go on elaborating and expanding on it for a great length. I think we must be a little patient, I agree with you that this is a very important debate, and I, personally, am very reluctant to reduce, as it were, the freedom of speech too much, but I must ask hon. Members on the other hand to abide by the rules against repetition.

Mr. Khalif: On a point of order, Mr. Deputy Speaker, in view of the fact that that hon. Mr. Slade has just said here on the Chair, that when an hon. Member wants to support something said by another hon. Member previously, all he has to do is to say that he supports what another hon. Member said. In view of the fact that there are hon. Members here in this Chamber now, who want to touch upon things which are completely new, would it not be in order, Sir, that the Speaker in the Chair, does make it a point to cut off without a point of order being raised by another hon. Member, any person who is repeating?

The Deputy Speaker (Dr. De Souza): That is correct. The Speaker can and should do so, but on the other hand, as I said, unless I find that a person is in fact repeating tediously on matters that other people have already raised, I certainly would not like to interrupt an hon. Member.

Mr. Gichoya: Thank you, Mr. Deputy Speaker, it was made clear first by the hon. Member for Trans Nzoia, the reasons which led to the Colonial Government imposing a restriction—the procedure of the Legislative Council—and now, as I see, Mr. Deputy Speaker, we are now accepting what our elected Members then had rejected. That is, we must have attendance, nobody should sit outside for more than eighty days. Now, Mr. Deputy Speaker, somebody did argue here, a Minister, that we are supposed to be in this House, if we are Members of this House, Mr. Deputy Speaker, I say this, to work for the public does not necessarily mean coming to this House. Also, I heard hon. Mr. Mboya stating that some Members come to this House, they do not speak but they do a lot. Now, if actually coming here, to be present in the House, means doing the constituency job, I entirely disagree with this. There is a lot to be done in the villages at times. One might stay at home for, more than two weeks, still working for his own constituents, and instead of being humiliated by having to report, as if he were under probation, Mr. Deputy Speaker, it would have been far better to have a kind of Standing Order, but not a Constitution, because to amend this Constitution, Mr. Deputy Speaker, will also entail other expenses by the Kenya Government in order to remove this at one stage of time. I do not agree, Mr. Deputy Speaker, with those people who are supporting the idea that an hon. Member of Parliament must come and report to the Speaker, I want to go away for a week or two.

Mr. Khalif: On a point of order, Mr. Deputy Speaker, I do not want to be a nuisance, but surely what the hon. Member is saying is gross repetition. For example—

The Deputy Speaker (Dr. De Souza): Order! Mr. Khalif, I think there is no necessity for you to stand up every time and decide that it is repetition. I think hon. Members have the right to speak, and I, personally, have not heard this particular point before, it may have been made but I think a person is allowed to speak.

Mr. Mbogoh: On a point of order, Mr. Deputy Speaker, what provision is there in our Standing Orders when a Member pretends to be cleverer than the Speaker?

The Deputy Speaker (Dr. De Souza): I do not think that we want to be very strict on that, but

I do ask Mr. Khalif, let the Speaker decide and I think hon. Members should be allowed a little freedom to speak. If you are going to stand up every time and say that every point has been made before, he will never finish.

Mr. Gichoya: Mr. Deputy Speaker, Sir, I believe the hon. Member, this is my own personal opinion, that he is drunk.

Mr. Khalif: On a point of order, Sir—

The Deputy Speaker (Dr. De Souza): Yes, you are quite right, Mr. Khalif. Mr. Gichoya, please withdraw that remark and apologize. I certainly do not want any personal remarks, insulting remarks, or rude remarks in this House, it is quite unfortunate. Please apologize and withdraw.

Mr. Gichoya: I withdraw.

Mr. Khalif: Unfortunate, very, very unfortunate.

Mr. Gichoya: Mr. Deputy Speaker, Sir, it is as unfortunate as his own activities in this House today.

Mr. Deputy Speaker, the other point I wanted to raise is this. We would like to have our Speaker as an independent personality, but when our Speaker has been given the right to have the casting vote, it means, Mr. Deputy Speaker, Sir, that the Speaker must also be involved in taking sides. Whereas, in actual fact, he should not do so. I feel very strongly that our Speaker should not have a casting vote, but he must remain independent as we have been having the independent Speaker. If there comes a time when people differ on certain issues, and the Speaker takes one side, then people will say, "Well, our Speaker is no longer independent". That is my fear. The whole document, as it is, ought to have been drawn up by the people themselves, but not by the office of the Attorney-General, which does not take into consideration the feelings of the politicians.

Mr. Deputy Speaker, Sir, could you please tell the hon. Khalif to at least be reasonable.

The Deputy Speaker (Dr. De Souza): I am sure he will be reasonable, carry on, Mr. Gichoya.

Mr. Gichoya: Thank you. I will reiterate strongly that you will cry.

Mr. Deputy Speaker, Sir, with those few words I beg to oppose the amendments.

Mr. Sedney: Mr. Deputy Speaker, the facility with which Government gets all kinds of legislation through this House, with pliant Backbenchers, Ministers and Assistant Ministers,

[The Assistant Minister for Agriculture and Animal Husbandry]

Constitution appeared vague. The legal draftsman found that unless these words were added to that particular section, it might not mean the Minister for Finance, but the hon. Member for Butere, doing what that section wants the Minister to do. This proves that the hon. Member for Butere had not done his homework as he had promised he had done.

Mr. Speaker, I am, in fact, replying to hon. Members who made their speeches in reply to the various points raised. I am not only replying to the points made by the hon. Member for Butere.

I now come to the point made by the hon. Member for Turkana, Mr. Ekitella. He said if he was sick it would not be possible for him to report, or to convey the information that he was sick to the Speaker. With due respect I would like to say that there is no place in Kenya today where the district commissioner is not on the telephone. There is no place where the police have no very high-frequency radio to connect one place with the other. I know the geography of this place and I have travelled in all provinces. Now, if the hon. Mr. Ekitella was sick and he sent his brother on foot or on camel back to the district commissioner's office, information would reach Nairobi within two days and not two weeks as the hon. Member stated.

Another point that was raised, Mr. Speaker, was the case of kidnapping. This was a very interesting point, but what I have to say here is that kidnapping can be done by anybody, even one's own wife. She can lock him in the house if she does not want him to come to Parliament. She can lock him in for a full week or a fortnight. We hope, of course, that this is not going to happen. However, it is not true that only youth wingers can do this. Other people can kidnap just as well. Members' own wives could kidnap them and keep them out of this House for two weeks.

Mr. Shikuku: On a point of order, is the Assistant Minister not underrating the integrity of the hon. Members' wives? Can he substantiate that a wife can detain an hon. Member?

The Speaker (Mr. Slade): Really, Mr. Shikuku! Will you please continue, Mr. Osogo. Please do not interrupt on such matters again, Mr. Shikuku.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, fraudulent points of order are probably made to impress some other people in the House or the galleries.

The last point I was going to make, Sir, is the section, on which the hon. Member for Nyaugo stressed very much, which allows the civil servants to be employed at the pleasure of the President. I do not want to repeat again what my colleagues have said about this, but what I have to say is that I do not know what is wrong with that particular section.

Mr. Maisori-Itumbo: On a point of order, Mr. Speaker, since yesterday you ruled that repetition was not allowed, can we be told whether the Assistant Minister is replying for the Government? I ask this because he is trying to reply to every Member's speech. We are tired of hearing these repetitions.

The Speaker (Mr. Slade): Order! Order! Answering what another Member has said is not necessarily repetition if you answer with a new argument. Mr. Osogo, I can see, has been producing new arguments against other arguments we have heard many times. He is in order.

Mr. Odunya: On a point of order, Mr. Speaker, actually what the Member wants to know is whether the Member speaking is doing so on behalf of the Government. He would like the hon. Member to clarify this. He is asking this because when the person who is going to reply on behalf of the Government stands up to do so he will repeat the same points.

The Speaker (Mr. Slade): I am sorry, Mr. Maisori-Itumbo, I thought you were making the point of repetition. You want to know if Mr. Osogo is speaking for himself or for Government. You are quite right to ask that; I could not hear very well.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, when I speak as Member for Samia Buniyala I always declare so; if I do not declare, then the House should know that I am speaking as Assistant Minister. In this case I am speaking as an Assistant Minister.

Mr. Speaker, I was making my last point, and I was arguing the point of civil servants being in employment at the pleasure of the President. My argument is very simple. Why do Members quarrel with this?

Mr. Speaker, Sir—

Mr. Shikuku: On a point of order, Mr. Speaker, in view of the fact that the Assistant Minister has now declared he is speaking as a member of the Government, then will we again have another person from the Government speaking on behalf of the Government, and replying to the points raised by the hon. Members?

The Speaker (Mr. Slade): Yes, I expect so. Mr. Shikuku: Again?

The Speaker (Mr. Slade): Yes, why not?

I hope your next point of order will be a lot better, Mr. Shikuku. We have had two very feeble ones so far.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): It is interesting to see that hon. Members do not know how Government machinery works. The hon. Attorney-General has taken his notes, he is going to speak. I took these notes as an individual Member for the Government and I am trying to challenge what the hon. Members have put forward in their speeches.

I was actually on my last point and this was the point made by many other Members. However, I took notes from what the hon. Okuto Bala said. I was asking why we should quarrel with this point. Hon. Members have always declared that they would like to see the imbalance that they think exists rectified. What is wrong, if I become President, which I will not become, to try to rectify the imbalance which exists? If this section is there, then I think, hon. Members should thank the Attorney-General that it will allow the President who comes into power to try to rectify the imbalance they are all complaining about. So, I do not see why this particular argument was advanced by Members who always complain here.

With these few remarks, Mr. Speaker, I beg to support this Bill very strongly.

Mr. Godia: On a point of order, Mr. Speaker, having heard the argument from both sides, am I justified in moving that the Mover be now called upon to reply?

The Speaker (Mr. Slade): No, for reasons I have given not long ago. I think hon. Members must be patient. Those who have had their speeches must be patient and willing to hear others who have not yet spoken, as long as they have something new to say.

Mr. Gitchoya: Mr. Speaker, Sir, I am happy to have this chance of saying a few words on this document.

I think I will start with more or less the last point that was made by the hon. Assistant Minister; I have certain reservations over it.

Firstly, our Head of State today is also Head of Government. He is not a constitutional figurehead whereby everything is done in the name of the President. Here, he is a semi-executive authority. I say he is a semi-executive authority because ours is not like the American

Constitution whereby the President is elected directly as a person and he constitutes his own Government as a person. Here, our President has a different set-up.

Secondly, he is not in the same line as the Queen of England who is a reigning monarch, he is a by-product of a political party. This is exactly the position we have here, Mr. Speaker.

Of course, today we have a one-party system, but the moment we have—since the Constitution does not forbid another political party, or two or three political parties emerging—more than one political party, then whoever will be the President, Mr. Speaker, if he is given the power to establish or abolish office, it will mean that he can create as many offices as his party—Mr. Speaker, let me make it clear. I know we have a very good President, Mzee Kenyatta. We know him, but we may not know who will be the next President. Whether that man will be so ambitious as to try to have everything for himself, this is where the fear is, Mr. Speaker.

The Speaker (Mr. Slade): Yes, but I think it has already been expressed in this debate.

Mr. Gitchoya: My own feeling over it is that let us leave the Civil Service Commission with its own independent role, and let us leave our President in a very clean position whereby nobody can say he created a position to fit So-and-so or fit So-and-so. This is what my feelings are on that.

Now taking the first ones whereby one serving any sentence of imprisonment will not be allowed to contest a seat. Mr. Speaker, here it is somebody being prevented from taking part in national politics, because he is already in prison. I take a case, Mr. Speaker, of the former President of Ghana, Kwame Nkrumah.

The Speaker (Mr. Slade): Other people have taken that case.

Mr. Gitchoya: Thank you, Mr. Speaker, if that has been said that is well and good. We have here, Mr. Speaker, a case of say the former Senator, I still maintain he is a Senator, for Nanyuki-Lalipia, who through a small thing is now in for eighteen months. Mr. Speaker, I say it is a small thing because it was just through someone losing his temper and after losing his temper he started fighting with another person, this, Mr. Speaker, is a common thing with human society, and more so in African society.

Mr. Khalil: On a point of order, Mr. Speaker, is not what the hon. Member is saying now repetition of what other hon. Members have said, Sir?



[Mr. Maitori-Itumbo] before, we believe in imprisonment, assassination and poverty. Mr. Speaker, Sir, a Member may be inside merely because he has a civil debt. He may be inside for any reason. Mr. Speaker, Sir, we do not have enough money to employ drivers. I am a driver myself. Mr. Speaker, Sir, I am not trying to create a precedence where people may suspect that I am a criminal, I am not and I have never, for your information, Mr. Speaker, Sir, been in court, not even a local African court. I have never been in court. But, Mr. Speaker, Sir, since I became a driver, every time I send my fine in whether it is Sh. 30 or Sh. 50 because I happen to be doing over fifty miles per hour. Mr. Speaker, Sir, you can be put in prison for anything at all, even if you are not a criminal. Our Government, Mr. Speaker, Sir, is composed of many Members who are prison graduates, Mr. Speaker, Sir, who knows what will happen tomorrow, maybe it is a Minister or even the Attorney-General himself, who is now trying to impose this Bill upon us to get it passed through this House, who will be the next person to be committed because the law is above everyone? Mr. Speaker, Sir, I feel that to appeal that this is a very, very critical and dangerous Bill and therefore we should not pass it without having expressed our minds and thought twice before we vote for this Bill to go through.

Mr. Speaker, Sir, the other point which I would like to raise is with regard to the question of eight days. Mr. Speaker, Sir, yesterday I told the Attorney-General at the Parliamentary Committee that my constituency is in that corner of Tanzania. Mr. Speaker, Sir, communications are very poor, between here and my constituency. There are no telephones, good roads, buses or anything. Mr. Speaker, Sir, for example, during the Long Rains, from March onwards, the rivers overflow, and one can hardly move for almost a month.

The Speaker (Mr. Slade): Mr. Maitori-Itumbo, you have not said anything original yet. That point which you are making now was made exactly similar by Members from the Tana River. We cannot have this repetition of argument at this stage of the debate. Please say something new, or cut it very short.

Mr. Maitori-Itumbo: Thank you very much, Mr. Speaker Sir. I have made my point.

Finally, Mr. Speaker, Sir, I would like to say, although I have said it before, that I will think before I give my vote to the Government. But, Sir, I strongly feel that this is unfair because I do not feel that a Bill like this should be manoeuvred. I am not the Chairman of anything, any statutory board and I am not an Assistant

Minister, and I am not dreaming of becoming one of these. But, Sir, I support the Government 100 per cent simply, because I do not have any other ideology to support. Otherwise, Sir, I could stand in a certain group and oppose this Bill strongly.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I do not intend to be very long in my speech, but I have a few observations to make on points which were raised by some hon. Members in trying to clarify them. Mr. Speaker, Sir, many hon. Members who have spoken on this Bill have tried to give the wrong impression of this Bill. They have tried to indicate to us, this House, that this Bill has nothing that will benefit the poor man. Mr. Speaker, Sir, it was the hon. Member for Butere who indicated to the public that this Bill has nothing that will benefit the poor man. Mr. Speaker, Sir, it is upon each of us to think whether this is true or not because in this Bill we are going to eliminate any person who is in prison from earning public money, and here again, Mr. Speaker, Sir, the hon. Member—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to try and misrepresent what I said? He is talking of my having said that this Bill has nothing to do with the poor man and that he is trying to justify his argument by saying that someone who is in prison should not earn a living, when I said in my speech that no one should earn a living when he is in prison. Is he in order to insinuate that I said that someone should earn a living while in prison?

The Speaker (Mr. Slade): I do not think he has done yet. But what he is doing is repeating what everybody else has said. So do not let us have it. Mr. Osogo. We have had this argument to and fro half a dozen times.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, what I was trying to do was to challenge the fact that it is not true that this Bill will not profit the poor man. This is what I was trying to argue.

The Speaker (Mr. Slade): But in the course of doing so, please do not repeat what we have had six or more times.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): No, Sir, Mr. Speaker, Sir, it is true, and I also feel that it is true that we are going to save money when this Bill is passed. The poor people are going to profit because the nation is going to save money when this Bill is passed.

#### [The Assistant Minister for Agriculture and Animal Husbandry]

Another point I would like to make is this, Mr. Speaker, Sir. An impression has been given that when a Member is imprisoned he will not be entitled to re-election in this House. This, Mr. Speaker, Sir, was repeated by a number of hon. Members and I would like to tell them that this is not true. When a Member has been imprisoned he is still eligible to fight in the elections. The Bill we are now discussing does not eliminate a Member to stand to be re-elected. Here again, Mr. Speaker, Sir, you have been accused, as the Speaker, for not being able to decide who should represent Butere, for example.

Now, it is not true that you are going to determine this. What is true is that when a Member loses his seat through the faults tabled in this Bill, he is eligible to go back for re-election. He can still be elected and come back to this House. This is what the point is. So, let us not mislead the public, telling them that the Speaker of the House is empowered to eliminate a Member, to determine who should represent which constituency. This is not true. When a Member stands for re-election he can be re-elected to this House and come here and represent his people. However, to argue, Mr. Speaker, that any Member who goes to prison should continue to represent his people, deprive his people of representation, is quite unfair indeed.

Mr. Khalif: On a point of order, Mr. Speaker, is that not also a repetition from Government circles?

The Speaker (Mr. Slade): No, I do not think so. Explanation of the exact effect of these provisions that Mr. Osogo is giving has not been given many times. I do not think so.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, I tried to be here during the debate on this Bill and I did try to be sure that whatever my colleagues in the Government have said I will not repeat.

Mr. Speaker, we are also asked by hon. Members in this House how many times His Excellency the President is going to write a letter to the Speaker asking for permission to be absent. Now, on the one hand, Mr. Speaker, the Government is asked why His Excellency the President does not present himself in this House. Now, here is a Bill inviting His Excellency the President to appear in this House as often as possible, yet hon. Members are trying to oppose this. They

have said many times that they would like to see His Excellency the President among us here as an elected Member.

Another point that was raised was by the hon. Member for Butere again, on Supplementary Estimates. He stressed very much on the word "spent" but, with due respect, Mr. Speaker, if there is something that needs urgency, if there is something that needs to be constructed, or there is a project that is being carried out in, say, Butere—the hon. Member's own constituency—and the Government finds that the money that was allocated to it, the money that was voted to it in the Estimates, cannot complete that project, then what is wrong for the Government to allocate a little more money to finish this project if we have to wait for the Parliament to meet, maybe the people in that particular area will have lost the service of that particular project. I have, Sir, in mind, for example, the construction of a hospital. If it is very necessary that when the building of a hospital is completed an X-ray plant is put in that area for the serious cases that might be brought to this hospital, if we have to wait until the House meets and the Supplementary Estimate is passed—for the information of the House Supplementary Estimates are not passed on one item only, there must be several—then hon. Members will come here and shout that we have not completed that particular project. Mr. Speaker, money is always spent on very necessary things, maybe without the permission of this House. This is not done so that there is anything that could be done to avert the spending of money. Not at all. It only happens in very, very rare cases where spending of this money is necessary for the completion of projects. So, the word "spent" as it appears in section 122 is necessary to be included. The hon. Member should know this, otherwise it is going to be very dangerous because it is possible that some projects are going to be left half-way, incomplete.

Mr. Speaker, the hon. Member for Butere said that he had made a thorough study and had really done his homework. He referred us to section 125 and wondered why we were amending it. I would point out to the hon. Member that he missed the important point, that there were two words added to the new Bill as compared to the old Constitution. These words are "he is" and they appear in section 125. If the hon. Member has the Bill in front of him he should check up. With your permission, Sir, the hon. Member said this particular section was unnecessary. However, if he looks in the fourth line of the new amendment Bill he will find that the words "he is" are added because without these words the old

[Mr. Khalif]

would it not also be in order that Members from different provinces are given a chance, because in so far as the North-Eastern Province—

The Speaker (Mr. Slade): Order! Order! Mr. Khalif, I have said to the House frequently, and on several occasions in the last week, I think, that hon. Members who think that they should have a turn in a debate cannot claim it on a point of order. We would never get on if hon. Members were rising on points of order to say, "It is my turn." Please have a little patience. And I warn hon. Members that they do not gain precedence in a debate by this sort of thing.

Mr. Kibuga: Mr. Speaker, Sir, having attended the Parliamentary Group meeting which was called by the Attorney-General and the other Ministers, and having agreed that the points which were not clear were covered, I wish to support this Bill very much.

Mr. Speaker, Sir, previously there was some criticism of this Bill over the question of hon. Members being disqualified from sitting in this House after being absent for two consecutive weeks. But, Mr. Speaker, Sir, in this House we have been claiming from time to time that the Ministers, and even the civil servants in their offices should always be in their offices so that they can attend to the duties of the Republic. I see no reason why we as hon. Members in this House—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, isn't the hon. Member telling us the old stories the other Members have told us? Is he in order to repeat to us—

The Speaker (Mr. Slade): I did not hear a repetition there. I thought it was a new argument as far as my recollection goes.

Mr. Shikuku: Oh, yes.

Mr. Kibuga: Mr. Speaker, Sir, I am only saying that we as hon. Members should be honourable and should be the first lot to set an example, and if one feels that he has to be away from the country for more than two to three weeks, then he should either give up his seat or remain in this House. After all, I do not understand where the hon. Member who would stay away for two weeks would be staying, or what he would tell the constituents whom he represents. Again, Mr. Speaker, Sir, some hon. Members were suggesting that rather than ask permission from the Speaker of the House it would be merely necessary to inform the Speaker. Then, if we are only to inform the Speaker that we are going, what would be the use of this? Would the Speaker take care of us, is he looking after our security?

If we want all the other people in the country to ask permission we should as well ask permission and go with the permission of the Speaker, who is always under the control of the hon. Members.

Mr. Speaker, Sir, the other point presented by quite a number of hon. Members was the question of somebody who has been in prison for some six months, and then still wishes to retain a seat here. The people in the constituency need to be represented and it is most unfair to say that somebody goes in for six or seven months and there is nobody to represent them. Again—

Mr. Shikuku: Mr. Speaker, I rise again on a point of order. Is the hon. Member now again not telling us the same story we have been told by previous speakers? Is he in order to repeat—

The Speaker (Mr. Slade): Yes, I think so now, Mr. Kibuga, we are going over old ground.

Mr. Kibuga: I see that the hon. Member would like me to pass over this very quickly and I will do so. I will merely say that, Sir, we as hon. Members will see that we help our people to be represented. I merely say that if an office boy who is imprisoned for one week automatically loses his job, we should also be treated in a more careful way.

Mr. Mutiso: On a point of order, Mr. Speaker, Sir, in view of the continuous repetition by the hon. Member, may I call upon the Mover to reply?

The Speaker (Mr. Slade): We have had a long debate on this, but it is a matter of supreme importance. There may be hon. Members who have some completely new point of view to present. I must give a chance, I think, to them, so I must cut hon. Members short on anything like repetition. I think if you have nothing new to say, Mr. Kibuga, you ought to stop.

Mr. Kibuga: Mr. Speaker, Sir, I would now like to talk about the National Youth Service. I think it is very important that this Bill also include that the National Youth Service be included in the forces, so that they will not go on strike like any other trade union organizations, which would be allowed. Normally, Sir, the trade unions in the country are allowed to go on strike, but if we are to allow the National Youth Service to go on strike, there might come a time when the country might find itself in trouble. Sir, these youths are being trained as soldiers, to do different jobs as it is necessary that they should serve the country and therefore should be included in the same forces, the army, the police and the rest.

[Mr. Kibuga]

Mr. Speaker, Sir, I would just like to mention in passing that I support the idea of the Constitution that there should not be automatic citizenship for a resident—from an African country or from another Commonwealth country who has been a resident in Kenya for five years. Previously, Sir, it was necessary that if he wished to become a citizen, he automatically did not need to fill in any forms. It is important that the Minister should be allowed to approve or reject, because then the House will have the chance of questioning the Minister. But, Sir, if somebody can automatically become a citizen, then he may choose to become a citizen of Uganda, Kenya or Ghana or even Canada for that matter. We need to admit the people as citizens of this country who are going to be loyal and who are loyal, to this country and who are sincere in their need to become a citizen of this country. Therefore, Sir, it is important that we have such a thing.

Mr. Speaker, Sir, I would have suggested, if it had been possible in the case of Members being absent, that there should be a clause in the Constitution or in the Standing Orders whereby somebody would be allowed to choose a substitute to represent him in his absence, perhaps while he is out of the country.

Mr. Speaker, Sir, I very much welcome the idea that under this Constitution the powers given to the security forces in the North-Eastern Province will also be extended to the provinces nearby. The Somalis who are the *Shifita* in the North-Eastern Province, moved to the Eastern Province and even to the Central Province and Coast Province, and recently there has been a lot of complaints especially from the Members representing the Coast, the Lamu area, who have complained that the *Shifita* are being allowed to move freely and that the Government is not dealing with them. We need to give the security forces enough powers to be able to control the *Shifita*.

In finishing, Mr. Speaker, Sir, I would like to say that for the whole of last year we have been amending small bits of our Constitution. We hope that immediately this Bill is passed we shall get copies of our Constitution because sometimes we forget some of the things written in the Constitution and therefore it is necessary that the Attorney-General and his staff see to it that they produce enough copies of the Constitution so that we can have an idea by what Constitution we are being governed.

Mr. Speaker, Sir, I now would like to say that I am very thankful for this Constitution and that

there should be no fear over this Constitution and we should be united as one party on passing it.

Mr. Maitoi-Imbo: Thank you very much, Mr. Speaker, Sir. Mr. Speaker, Sir, I feel that I must register my feelings and my views on this very important Bill. Mr. Speaker, Sir, we politicians believe in three major beliefs. Firstly, assassination, secondly, imprisonment, and thirdly, Mr. Speaker, Sir, poverty. Therefore, Mr. Speaker, Sir, a Bill like this which is to be passed in this honourable House simply because we are being manoeuvred and being persuaded, and not being given a chance to express our feelings and our minds is wrong, because I feel that it is very important that every Member be given a chance to register his views, although later I will give the Government my vote. I want, although I am being heckled, it to be known that I am a strong Government supporter, but, Sir, before I support the Government on such a Bill, it is my right to express my mind and register my views in the House. Mr. Speaker, Sir, I feel that a Bill like this, where the President has the right to make the final decision to say that So-and-so is to remain an hon. Member of this House, then I feel that I must oppose that particular clause, because it is my constituency who employs me to come here, and who makes me stay in this House. Mr. Speaker, Sir, nobody knows whether in 1968 most of us here will be able to come back into this House, because it is only those people in my constituency who have the final say as to whether I am to come back or not, and it is only then, when the President has the right either of appointing me as a chairman or a Minister which is a job I do not dream about, but, Sir, not at all at any time even if the Attorney-General comes and sits in my seat should I feel that I should say that the President should have the right to make all the decisions on a Member as to whether he will remain in the House as a Member or not. I think that is completely unfair.

Mr. Speaker, Sir, to amend a Constitution is very expensive as far as my knowledge is concerned, especially like the one we are now proposing to amend and pass through this honourable House. Therefore, Sir, I feel that it is a very, very expensive thing to be done in the Republic of Kenya. Mr. Speaker, Sir, it needs a majority of 65 per cent, which I think is highly unlikely to be obtained today. It may take us days before we get this percentage.

Mr. Speaker, Sir, the other clause which I would like to point out to the House is this. It is with regard to the question of six months' imprisonment. Mr. Speaker, Sir, as I have said

[The Minister of State, President's Office] Council was incorrect. This truth is that the clerk to the county council was suspended but was later allowed to resume his duties. Therefore, at the time I dealt with this question, it was incorrect to inform the House that the clerk was still under suspension. I do, therefore, Mr. Speaker, wish to apologize, first, to the hon. Member for Korossi, and, secondly, to the House, and do thank the hon. Member for Korossi for drawing my attention to this error.

Mr. Shikuku: On a point of order, Mr. Speaker, while I appreciate, of course, what the Minister has told the House, what happens in future or at times when Members here insist on the correct information, informing the Minister, and then a Minister insists that what he says is correct? I was wondering how we could go back and check all these replies so that we have such apologies.

The Speaker (Mr. Slade): Order! I think here that Mr. Shikuku is raising once again a question I have answered so very many times, that if hon. Members hear something said in this House, whether by a Minister or any other Member, that they believe to be incorrect, and if they can prove afterwards that he is incorrect, they can require the Member concerned, Minister or otherwise, to come and acknowledge it to this House, just as Mr. Nyamweya, of his own accord, has done on this occasion. If they do not get that satisfaction from the Member concerned, they have to report it to the Speaker.

#### WITHDRAWAL OF ADJOURNMENT MOTION

The Speaker (Mr. Slade): Now I think, as regards the proposal to raise a matter on the adjournment today, Mr. Muliro would like to explain why he does not now wish to pursue that matter.

Mr. Muliro: Mr. Speaker, Sir, at the time I raised this question on adjournment, the Minister was not attending the regular sittings of the House, but, since that time, the Minister has been present all the time, therefore I do not see the necessity of raising this matter now.

#### PERSONAL STATEMENT

##### UNQUALIFIED WITHDRAWAL OF ALLEGATION

The Speaker (Mr. Slade): Order! There was a matter which Mr. Oduya promised—at the request of Mr. Mboya—to substantiate, relating to a statement he made in a debate a few days ago. I understand that Mr. Oduya is ready to substantiate now, and I would ask him to do so.

Mr. Oduya: Mr. Speaker, Sir, I have checked the statements where I thought the Minister had mentioned this. But, you know, he is a politician but I found that he might have corrected it, so I beg to withdraw.

The Speaker (Mr. Slade): Order! I do not quite understand why you are withdrawing. Is it that you cannot substantiate? I would like to hear quite clearly.

Mr. Oduya: Yes, I withdraw, but—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I resent the implication that the hon. Member suggests that I have perhaps corrected the statement. When he made his statement in the House, he told the House that there was a record in the HANSARD of a debate which took place many months ago. Now he suggests, as he withdraws, that being a politician I may have corrected the statement. I resent the implication. Either he withdraws or he says that there has been some correction to the HANSARD which he can prove to the House.

An hon. Member: That is not a point of order.

The Speaker (Mr. Slade): Order! It is a perfectly good point of order. I was going to say the same if Mr. Mboya had not been ahead of me, that as I have said before, when hon. Members fail to substantiate and therefore have to withdraw what they have said, they withdraw completely without qualification, and they do not tack on something which takes away all the merit of the withdrawal. So, Mr. Oduya, you will now tell the House that you withdraw without any qualification whatsoever, please.

Mr. Oduya: Mr. Speaker, Sir, I thought you heard me withdraw and, therefore, the question of qualification was not there.

The Speaker (Mr. Slade): Order! I do not quite know whether you are now saying that you withdraw without qualification, but you did withdraw with qualification, which was that you believed that the thing had been said but that it had been erased from HANSARD. That is what I want you to drop. You do drop that, do you not?

Mr. Oduya: I have withdrawn that, Sir, without any qualification and, as I told you, there is no qualification.

#### POINT OF ORDER

##### RULING ON SUBSTANTIATION

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, Sir, I would like some guidance on this question.

An hon. Member: On a point of order—

The Speaker (Mr. Slade): Order! There is a point of order here now.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, in a number of debates now some Members have particularly chosen to make allegations against either Ministers or other Members in the House and when called upon to substantiate on the spot they have sought excuses in order to be able to do so later, only to be told after weeks that they could not find the substantiation. In the meantime, publicity has been given to the allegations and the public has been misinformed or misdirected to believe that these allegations had some foundation. During the debate, these allegations have been made as debating points, or to win debating points in the House and, if this becomes a habit, just how far are Members genuine with these withdrawals or substantiations?

The Speaker (Mr. Slade): Order! I have been thinking about this same problem. There are occasions when hon. Members really believe the truth of what they are saying but yet have not the evidence to hand, so they must be allowed a little time in which to show the evidence on which they rely. But it is a serious thing when, having said that he believes that he can substantiate, and after a delay of several days, the Member acknowledges that he cannot substantiate, and the damage has been done meanwhile. I think that we shall have to say for the future that hon. Members are expected—if they cannot substantiate immediately—to withdraw unless they are really sure that they can substantiate at a later date and, if they fail to substantiate at a later date, they will be required to give the House a very handsome apology; and if it happens too often, the House might take an even more serious view.

Mr. Khalif: On a point of order, Mr. Speaker, you may also agree with me, Sir, that there are instances where some hon. Members are very sincere in respect of something they allege and when they are asked to substantiate they may go back to the record and find that there is no record in respect of what they alleged in the House in so far as substantiation is concerned. In this particular case, Sir, because they are sincere as far as some Members are concerned—there is a political manoeuvre—

The Speaker (Mr. Slade): Order! I have nothing to add to what I have said, and I do not think you have any contribution to make either. Will you sit down? Mr. Khalif? Will you sit down? Will you sit down, or leave the Chamber?

#### BILL

##### Second Reading

#### THE CONSTITUTION OF KENYA

##### (AMENDMENT) BILL

(The Attorney-General on 22nd February 1966)

(Resumption of debate interrupted on 24th February 1966)

The Speaker (Mr. Slade): Mr. Makone was in the course of speaking on this Bill. Do you have any more to say, Mr. Makone?

Mr. Makone: Mr. Speaker, I was speaking when the House adjourned and I think I was at the end of my speech, but I want to make one more point, Sir.

Mr. Speaker, when I was speaking I tried very much to defend the word "honourable" which was being driven away by the Attorney-General in a way of having to ask permission of the Speaker, therefore giving the Speaker an unnecessary job. I said that the hon. Members have different duties in this House and outside. I was saying that in this particular country, particularly in Kenya where we have people looking to us for leadership and guidance on various activities, we should choose a time to be here or not to be here and, in that way, we should not give the Speaker the responsibility of granting such permission for being with our people when our people require us to be with them.

Mr. Speaker, another point I was making was the involvement of the Speaker in the voting system. When, during the Parliamentary Group meeting, the Attorney-General clarified the position to us, he said that it was not very usual in this Chamber—in other words, it is not always the case that we differ fifty-fifty and in this case, Sir, I do not think it is necessary that the Speaker should be involved in this and quite a lot of other things were squared during the Parliamentary Group meeting. Mr. Speaker, in this case I wish to change my mind and support the Bill.

The Speaker (Mr. Slade): Now, before inviting any hon. Member to speak I would remind hon. Members of what I said near the end of this debate the other day, that we have had many repetitions of arguments on the same points. I do not want to stop hon. Members making their contributions on this very important Bill so long as they do not repeat old arguments. It is all right for them to say they agree with other hon. Members on a particular point, but not to go all over the same arguments again, and I will be strict on that.

Mr. Khalif: On a point of order, Sir, as all hon. Members would like to adhere to your ruling in so far as repetition is concerned, but then, Sir,

[Mr. Ngala-Abok]

had not been provided for in South Nyanza in 1965/66, according to the reply given to the hon. Member himself to a similar question last year by his predecessor.

The Speaker (Mr. Slade): Who answers for the Ministry of Home Affairs?

This is not very satisfactory.

Mr. Ngala-Abok: On a point of order, since it seems that there is nobody from the Ministry who is ready to answer this question, can I conclude from information I have received—

The Speaker (Mr. Slade): I do not think you need worry any more, Mr. Ngala-Abok.

Mr. arap Moi, a question affecting your Ministry was just being asked, Question 361.

The Minister for Home Affairs (Mr. arap Moi): I would like to apologize, Sir, I was busy with the normal Governmental work.

Mr. Speaker, Sir, I beg to reply. If I could begin with the second part of the question, exhaustive investigation has established that the reply attributed to my predecessor was never given in this House. What he did say was that the establishment of a police divisional headquarters at Homa Bay and the posting there of an assistant superintendent of police would be kept under constant review and would, at any rate, be undertaken in accordance with the Development Plan.

However, I am now glad to say that the Government has recently given this matter accelerated consideration and the establishment of a divisional headquarters at Homa Bay has been accorded a high priority. As usual, our great problem is money and as soon as it becomes available, these plans will be realized. In connexion with this, Sir, I would like to report that the security situation in South Nyanza has been considerably improved recently through the establishment of police posts and patrol bases along the Kenya/Tanzania border.

Mr. Ngala-Abok: Arising from the Minister's reply, that this matter is being given high priority, depending on the availability of money, will the Minister tell the House what this money is going to be needed for if the provincial commissioner is already prepared to give housing accommodation to an assistant superintendent of police, if one is posted to the district?

Mr. arap Moi: Mr. Speaker, Sir, we would like an officer posted to the area to have better housing and also we would like accommodation for the officers who will support this superintendent. Not only would an assistant superintendent be

posted to Homa Bay, there would also be other staff, including secretaries and other supporting staff.

Mr. Ngala-Abok: Mr. Speaker, with all due sympathy for what the Minister is saying, if I produced a HANSARD where I was pointing that the Estimates of 1965/66 would take into account this particular post being introduced at Homa Bay, could the Minister agree to post an assistant superintendent there tomorrow?

Mr. arap Moi: I am really in sympathy with the hon. Member, Sir, and he should appreciate what I have just said, in that acknowledgment is being carried out and I take a keen interest in this particular area, because it is a very important one.

Mr. Shiluku: Mr. Speaker, Sir, arising from the keen interest of the Minister for Home Affairs, would the Minister assure this House now that in the 1966/67 Estimates the police post at Homa Bay will be included? We do not need secretaries first, we need policemen; secretaries do not arrest thieves.

Mr. arap Moi: Mr. Speaker, it is included in the Development Plan, and I have said that this area is one of the important ones as far as the security of the State is concerned.

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

#### QUESTION BY PRIVATE NOTICE

##### PASSENGER TRAIN TIMETABLE

Mr. Ndile: Mr. Speaker, Sir, in view of the great country-wide inconvenience likely to be caused by the new passenger train timetable with effect from 1st March 1966, whereby certain railway stations would be omitted from the normal stopping list, would the Minister for Works, Communications and Power approach the authority concerned to revise their decision, and let trains run in the normal way?

The Speaker (Mr. Slade): I think it is a question of trains stopping in the normal way, rather than running. But I think you get the meaning of the question, Mr. Mwanjumba.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, with great respect to the hon. Member, may I begin by saying that I think he is, on this occasion, crying before he is hurt, for I simply cannot agree that any country-wide inconvenience is about to be caused, as suggested by the question. In fact, I believe that the exact converse is the case, and

[The Minister for Works, Communications and Power]

perhaps the hon. Members will bear with me if a somewhat lengthy answer is necessary in order to set everyone's mind at rest.

I appreciate that the new East African Railways and Harbours' timetable, which came into effect only yesterday, introduces a number of radical changes, but these are designed to meet, not ignore, as the hon. Member would have us suppose, the wishes of the majority of the travelling public. The revised arrangements are the outcome of a painstaking and comprehensive survey conducted by the railway authorities, firstly, into the reason for the steady decline in the number of passengers making use of their services, and, secondly, to decide what can be done to combat the oft-repeated charge that the trains are too slow.

This inquiry has revealed some interesting changes in the pattern of railway travel and has high-lighted the fact that the bus services, which operate roughly parallel to the railway lines, have, in recent years, as has happened before in so many other countries, captured the greater part of the short-distance passenger business. This is a fact of life which must now be taken increasingly into account; that the revenue that accrues from travel between wayside stations is but a tiny proportion of the total. It is earned, furthermore, at the expense of the long-distance travellers who, for years past, have never ceased to complain at the slowness of the services.

The short-distance passenger traffic has, I am afraid, in the main, been lost to the bus operators, but the long-distance traffic between the principal centres of population certainly has not. And I share the railways' view that, on purely commercial grounds, as well as from the point of view of the interest of the majority of railway users, it is only right to put the interests of the greater number of passengers first. In fact, the new timetable reduces by no less than four hours the journey time for a third-class passenger between Kampala and Nairobi and by two hours the journey between Nairobi and Mombasa.

In short, it is necessary to recognise that the interests of the short and long-distance travellers must inevitably conflict and that, in any country where the distances to be covered are as great as in East Africa, the railways should not be criticized for taking the steps they have done in order to bring their services more into line with present needs.

Finally, Mr. Speaker, I do not want to take up too much of the time of this House, but I

would like to say again, with the greatest respect to the hon. Member concerned, that I think he should at least give the revised timetable a trial. I am satisfied that the railways' only concern is to serve the majority of their customers as best they can, and I am equally sure that should the assessment of what is for the best require further adjustment, in the light of experience, the general manager will be only too willing to listen to any complaints and do his best to meet them within the overall interests of the community as a whole.

Mr. Ndile: Would the Minister concerned tell the House what alternatives the railway authority has found for short distances? How are the passengers or the people who run on the short distances going to be catered for? What is the alternative?

Mr. Mwanjumba: Mr. Speaker, there is an alternative and this is road transport. Bus operators have been encouraged as much as possible on these roads, and this is why, because of the buses, that passengers on short distances have now deserted the railway service.

The Speaker (Mr. Slade): We must go on. Mr. Nyamweya, you have a statement to make.

#### MINISTERIAL STATEMENT

##### CIVIL SERVANTS ON LOCAL AUTHORITIES

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, on 17th February 1966, the hon. Member for Korossi, Mr. Rurumban, asked the following Question No. 307:

"Will the Minister tell the House why the Government ruling banning civil servants from sitting on local authorities was not affected in Samburu District?"

In the course of my reply, I said, among other things: "The Samburu County Council has been in a terrible financial muddle recently, resulting in the suspension of its chief officers. The council has now a new treasurer and the clerk is still under suspension." Later, after Question Time that day, the hon. Member from Korossi drew my attention to the fact that the clerk of the Samburu County Council was not suspended and was still carrying out his normal duties as the clerk to the council. I then caused inquiries to be made as to whether my reply to the House, so far as it related to the position of the clerk of the Samburu County Council, was correct.

I have now found out that the hon. Member for Korossi was right when he pointed out that my reference to the clerk of the Samburu County

The Speaker (Mr. Slade): You had better be very careful, Mr. Khalif. I should advise you to sit down; I advise you to sit down.

Next question.

#### Question No. 377

##### CO-OPERATIVE SOCIETIES' LAND-ROVERS

Mr. Nyaberi asked the Minister for Works, Communications and Power whether, in view of the traffic laws, he would tell the House the business and the number of persons to be carried in the farmers' co-operative societies' Land-Rovers in Kisii District.

The Minister for Works, Communications and Power (Mr. Mwenyumba): Mr. Speaker, Sir, I beg to reply. There is no restriction to the type of business or the number of persons that may be carried by the farmers' co-operative societies' Land-Rovers in Kisii District, provided they fulfil the requirements of the Traffic Act and Transport Licensing Act.

But for each particular vehicle, the number of persons it may carry and the type of business for which it is registered are shown on the registration book of each vehicle. This is arrived at after the vehicle has been inspected and will vary according to the type of the body fitted.

Mr. Nyaberi: Mr. Speaker, Sir, in view of the fact that the farmers' co-operative societies in Kisii buy these Land-Rovers with the understanding that they will be carrying committee men to go and bring money for farmers, and in view of the fact that in one month one might find that three to four cases have been filed against these Land-Rovers, will the Minister then state what are the conditions put to those societies before they purchase the Land-Rovers?

Mr. Mwenyumba: Mr. Speaker, I have already said that the number of persons to be carried by each Land-Rover is shown in the registration book and if the Kisii Co-operative Society farmers deliberately break the law, they have to be prosecuted; I am sorry. If they want the vehicles inspected, they can be sent to the inspection centres in Kisumu.

#### Question No. 378

##### UNALLOCATED LAND AND HOUSES ON SETTLEMENT SCHEMES

Mr. Nyaberi asked the Minister for Lands and Settlement if he would tell the House the defined future purposes of the land and houses at present still unallocated to the people on the settlement schemes.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The Department of Settlement allocates as

much land as possible in settlement schemes to individual settlers. A minimum amount of land and as few houses as possible are retained for use by Government officers for staff housing and offices and for sale to co-operative societies for use by those societies for offices, dairies, stores, dipping, pyrethrum drying, etc.

As and when the Department of Settlement finally withdraws from a scheme, then all surplus houses and land will be offered for sale to applicants.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he tell this House in what manner the Government will meet the loan repayment for such houses and the land adjacent to those houses?

Mr. Gachago: Mr. Speaker, Sir, the Government will get loan repayments in the normal way, once such houses are allocated and sold to individuals.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell this House what his Ministry is going to do for the squatters who are given a chance to go and live on these 100-acre plots, when the houses have not been allotted to the people?

Mr. Gachago: Mr. Speaker, I am afraid I can not hear that.

The Speaker (Mr. Slade): Yes, I am afraid you will have to speak up; the amplification is not very good from that corner.

Mr. Kamuren: Mr. Speaker, Sir, my question is this. Will the Assistant Minister tell the House what his Ministry is going to do about the 100-acre plots allotted to the applicants who are going to take over when these 100-acre plots are given to illegal squatters?

Mr. Gachago: Mr. Speaker, Sir, I am not aware of a case where 100-acre plots are being allocated to illegal squatters by my Ministry.

Mr. Makone: Mr. Speaker, Sir, the question before the Minister is: What is the Minister doing with the houses, for example, in the Soik Settlement Scheme which are vacant and which have no 100 acres round them? Is the cost of these vacant houses included in the loan repayment from the farmers?

Mr. Gachago: Mr. Speaker, Sir, I do not understand this question because houses which are vacant are automatically not allocated, and I cannot understand what the hon. Member means.

The Speaker (Mr. Slade): I think the question is: how is the Government going to get its money back on these buildings? It is confused with loans.

Mr. Gachago: Well, Sir, it is a pity that the hon. Member has to expect the Speaker to ask the question for him.

The Government will start getting its repayment as soon as these houses are allocated, otherwise I cannot understand how the hon. Member expects the Government to start recovering this money for the sale of these houses, if the houses have not been sold.

Mr. Makone: On a point of order, Mr. Speaker, in view of the fact that the primary purpose of the question was to seek information from the Minister, are you, Mr. Speaker, satisfied that my question has been answered?

The Speaker (Mr. Slade): Order! Mr. Makone, I do not have to be satisfied that your question has been answered.

Mr. Kibuga: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, could he tell us what he could do about such a situation where there is a house and all the land surrounding that house is sold. People may not wish to buy such a house when there is no land nearby. What arrangements is the Ministry going to make to enable this house to have land so that somebody would wish to buy it?

Mr. Gachago: Well, Sir, although I think that question is slightly out of the way, at the moment, my Ministry is considering ways and means of allocating some land to those houses which were left during the "crash" programme of settlement schemes. The Ministry would like to allocate enough land to them so that they could be sold. It may be by means of finding alternative land and settlement opportunity for those who are settled around such houses, or by some other method. But at the moment, Sir, we are considering ways and means of solving that problem which is a serious one.

Mr. Nyaberi: Mr. Speaker, arising from the unsatisfactory answer by the Assistant Minister, will he tell this House whether the acreages to be given to these houses will be uniform or just as the Ministry may wish?

Mr. Gachago: Mr. Speaker, Sir, allocation of land cannot be uniform, because it depends on the type of land being allocated. But I can assure this House that the policy of the Government is to allocate a minimum of 100 acres to a house so that it can be economical for the person purchasing that land to repay loans allocated to him, and so that it can be economic for such a person to pay for the house by means of exploiting the land around the house.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

##### UNSATISFACTORY REPLY TO QUESTION NO. 376: UNALLOCATED LAND AND HOUSES ON SETTLEMENT SCHEMES

Mr. Makone: Mr. Speaker, on a point of order, in view of the very unsatisfactory reply of the Minister, I beg to raise this on adjournment.

The Speaker (Mr. Slade): Mr. Nyaberi has the first right to raise it on adjournment. But if you do not mind Mr. Makone raising it?

Mr. Nyaberi: On a point of order, Mr. Speaker, I wanted to raise this matter, Sir.

The Speaker (Mr. Slade): Yes, well, it is your right to do so. Give me written notice, Mr. Nyaberi.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 386 (a)

##### WATER SUPPLIES AT AWASI

Mr. Bala asked the Minister for Natural Resources and Tourism if he would consider reconstructing the spring at Awasi at the same spot where the Mowlem Construction Company had had a water spring in 1960, but because of lack of funds, the public had not been able to buy their equipment and that water supply had had to be abandoned.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. It is not the Government's policy to carry out works on minor water supply projects in any district. This is the responsibility of the county councils; in this case the Kisumu County Council.

My Ministry is, however, ready to help the county council by providing technical advice and by supervising the construction work, and if necessary, by providing financial aid, subject to the availability of funds.

I would like to inform the hon. Member that the right channel for requesting my Ministry's help is through the Kisumu County Council; the Nyanza Provincial Water Committee, who will, in turn, contact the Water Development Department. The latter will be ready to carry out a survey and produce an estimate of cost, which would then be discussed by the interested parties including the people of Awasi, who should be prepared to assist.

##### Question No. 381

##### ASSISTANT SUPERINTENDENT OF POLICE FOR SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Home Affairs if he could tell the House why a post for an assistant superintendent of police

The Speaker (Mr. Slade): You had better be very careful, Mr. Khalif. I should advise you to sit down; I advise you to sit down.

Next question.

#### Question No. 377

##### CO-OPERATIVE SOCIETIES' LAND-ROVERS

Mr. Nyaberi asked the Minister for Works, Communications and Power whether, in view of the traffic laws, he would tell the House the business and the number of persons to be carried in the farmers' co-operative societies' Land-Rovers in Kisii District.

The Minister for Works, Communications and Power (Mr. Mwenyumba): Mr. Speaker, Sir, I beg to reply. There is no restriction to the type of business or the number of persons that may be carried by the farmers' co-operative societies' Land-Rovers in Kisii District, provided they fulfil the requirements of the Traffic Act and Transport Licensing Act.

But for each particular vehicle, the number of persons it may carry and the type of business for which it is registered are shown on the registration book of each vehicle. This is arrived at after the vehicle has been inspected and will vary according to the type of the body fitted.

Mr. Nyaberi: Mr. Speaker, Sir, in view of the fact that the farmers' co-operative societies in Kisii buy these Land-Rovers with the understanding that they will be carrying committee men to go and bring money for farmers, and in view of the fact that in one month one might find that three to four cases have been filed against these Land-Rovers, will the Minister then state what are the conditions put to those societies before they purchase the Land-Rovers?

Mr. Mwenyumba: Mr. Speaker, I have already said that the number of persons to be carried by each Land-Rover is shown in the registration book and if the Kisii Co-operative Society farmers deliberately break the law, they have to be prosecuted; I am sorry. If they want the vehicles inspected, they can be sent to the inspection centres in Kisumu.

#### Question No. 376

##### UNALLOCATED LAND AND HOUSES ON SETTLEMENT SCHEMES

Mr. Nyaberi asked the Minister for Lands and Settlement if he would tell the House the defined future purposes of the land and houses at present still unallocated to the people on the settlement schemes.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The Department of Settlement allocates as

much land as possible in settlement schemes to individual settlers. A minimum amount of land and, as few houses as possible are retained for use by Government officers for staff housing and offices and for sale to co-operative societies for use by those societies for offices, dairies, stores, dipping, pyrethrum drying, etc.

As and when the Department of Settlement finally withdraws from a scheme, then all surplus houses and land will be offered for sale to applicants.

Mr. Nyaberi: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he tell this House in what manner the Government will meet the loan repayment for such houses and the land adjacent to those houses?

Mr. Gachago: Mr. Speaker, Sir, the Government will get loan repayments in the normal way, once such houses are allocated and sold to individuals.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell this House what his Ministry is going to do for the squatters who are given a chance to go and live on these 100-acre plots, when the houses have not been allotted to the people?

Mr. Gachago: Mr. Speaker, Sir, I am afraid I can not hear that.

The Speaker (Mr. Slade): Yes, I am afraid you will have to speak up; the amplification is not very good from that corner.

Mr. Kamuren: Mr. Speaker, Sir, my question is this. Will the Assistant Minister tell the House what his Ministry is going to do about the 100-acre plots allotted to the applicants who are going to take over when these 100-acre plots are given to illegal squatters?

Mr. Gachago: Mr. Speaker, Sir, I am not aware of a case where 100-acre plots are being allocated to illegal squatters by my Ministry.

Mr. Makone: Mr. Speaker, Sir, the question before the Minister is: What is the Minister doing with the houses, for example, in the Soik Settlement Scheme which are vacant and which have no 100 acres round them? Is the cost of these vacant houses included in the loan repayment from the farmers?

Mr. Gachago: Mr. Speaker, Sir, I do not understand this question because houses which are vacant are automatically not allocated, and I cannot understand what the hon. Member meant.

The Speaker (Mr. Slade): I think the question is: how is the Government going to get its money back on these buildings? It is confused with loans.

Mr. Gachago: Well, Sir, it is a pity that the hon. Member has to expect the Speaker to ask the question for him.

The Government will start getting its repayment as soon as these houses are allocated, otherwise I cannot understand how the hon. Member expects the Government to start recovering this money for the sale of these houses, if the houses have not been sold.

Mr. Makone: On a point of order, Mr. Speaker, in view of the fact that the primary purpose of the question was to seek information from the Minister, are you, Mr. Speaker, satisfied that my question has been answered?

The Speaker (Mr. Slade): Order! Mr. Makone, I do not have to be satisfied that your question has been answered.

Mr. Kibuga: Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, could he tell us what he could do about such a situation where there is a house and all the land surrounding that house is sold. People may not wish to buy such a house when there is no land nearby. What arrangements is the Ministry going to make to enable this house to have land so that somebody would wish to buy it?

Mr. Gachago: Well, Sir, although I think that question is slightly out of the way, at the moment, my Ministry is considering ways and means of allocating some land to those houses which were left during the 'crash' programme of settlement schemes. The Ministry would like to allocate enough land to them so that they could be sold. It may be by means of finding alternative land and settlement opportunity for those who are settled around such houses, or by some other method. But at the moment, Sir, we are considering ways and means of solving that problem which is a serious one.

Mr. Nyaberi: Mr. Speaker, arising from the unsatisfactory answer by the Assistant Minister, will he tell this House whether the acreages to be given to these houses will be uniform or just as the Ministry may wish?

Mr. Gachago: Mr. Speaker, Sir, allocation of land cannot be uniform, because it depends on the type of land being allocated. But I can assure this House that the policy of the Government is to allocate a minimum of 100 acres to a house so that it can be economical for the person purchasing that land to repay loans allocated to him, and so that it can be economic for such a person to pay for the house by means of exploiting the land around the house.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

##### UNSATISFACTORY REPLY TO QUESTION No. 376: UNALLOCATED LAND AND HOUSES ON SETTLEMENT SCHEMES

Mr. Makone: Mr. Speaker, on a point of order, in view of the very unsatisfactory reply of the Minister, I beg to raise this on adjournment.

The Speaker (Mr. Slade): Mr. Nyaberi has the first right to raise it on adjournment. But if you do not mind Mr. Makone raising it?

Mr. Nyaberi: On a point of order, Mr. Speaker, I wanted to raise this matter, Sir.

The Speaker (Mr. Slade): Yes, well, it is your right to do so. Give me written notice, Mr. Nyaberi.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 386 (a)

##### WATER SUPPLIES AT AWASI

Mr. Bala asked the Minister for Natural Resources and Tourism if he would consider reconstructing the spring at Awasi at the same spot where the Mowlem Construction Company had had a water spring in 1960, but because of lack of funds, the public had not been able to buy their equipment and that water supply had had to be abandoned.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. It is not the Government's policy to carry out works on minor water supply projects in any district. This is the responsibility of the county councils; in this case the Kisumu County Council, and not ready to reconstruct.

My Ministry is, however, ready to help the county council by providing technical advice and by supervising the construction work, and if necessary, by providing financial aid, subject to the availability of funds.

I would like to inform the hon. Member that the right channel for requesting my Ministry's help is through the Kisumu County Council, the Nyanza Provincial Water Committee, who will, in turn, contact the Water Development Department. The latter will be ready to carry out a survey and produce an estimate of cost which would then be discussed by the interested parties including the people of Awasi, who should be prepared to assist.

##### Question No. 361

##### ASSISTANT SUPERINTENDENT OF POLICE FOR SOUTH NYANZA

Mr. Ngũgĩ-Abok asked the Minister for Home Affairs if he could tell the House why a post for an assistant superintendent of police

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): Mr. Speaker, Sir, I beg to reply. The Government fully realizes the importance of the handicraft industry in Kenya and has, at the moment, obtained the services of a United Nations expert to study the whole question of handicraft industry in the whole country. He will then make a report to the Government which will be studied in order to see how the industry can be helped to expand through Government assistance. Until this study has been completed and considered by the Government, it is not possible to make a commitment about establishing a wood-carving school in the Machakos District. If the Government does decide to set up a wood-carving school, the request by the Member for Machakos will be kept in mind.

Mr. Ndile: Mr. Speaker, Sir, would the Assistant Minister try to tell the House what the questioner seeks and what the question is seeking, in other words, Sir, what are the plans which the Government has for the improvement of wood carving in order to perfect the wood-carving industry in the Machakos District?

Mr. Oloitiptip: Mr. Speaker, Sir, I think I have said this enough times. The question says, "Would the Minister consider establishing a wood-carving school at Wamunyu." That is what the question says, and I have replied that the Government is carrying out a study now and, as soon as this report is out, we are going to consider where to put these schools. They will not only be in Machakos but in other places as well. We will put them wherever possible.

#### Question No. 303

##### ROAD CONSTRUCTION BY PRIVATE CONTRACTORS

Mr. Bahala asked the Minister for Works, Communications and Power whether the Government favoured the construction of roads being undertaken by private contractors.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. The Government favours carrying out a large part of road construction with its own forces in the Ministry of Works, Communications and Power, the National Youth Service, and a few other Government Departments like Forest Department. It also favours utilizing the resources of competent local authorities, the Kenya National Parks, and similar bodies, to the limit of their capacity.

Fortunately, it is anticipated that road construction work in the next few years will be more than sufficient to utilize our existing resources to the

full, and it is intended to let the surplus of work out to tender, on the basis of open competitive tendering. This is the most satisfactory course, both because it would be dangerous to try to extend our present efforts without sufficient qualified engineers and trained technicians, and also because various of the international financing agencies who provide road construction funds either wish to see the competitiveness of road construction costs tested in the open market or make it a condition of their loans that work shall be carried out by internationally tendered contracts.

Mr. Bahala: Mr. Speaker, Sir, can the Minister tell this House how much does a mile of road construction cost the Government and how much does it cost to engage a private contractor?

Mr. Mwanjumba: Mr. Speaker, Sir, I cannot give that information because it depends on the type of road, and so on. I mean, the cost is different in different types of soil, and so forth. I cannot give that information right now.

Mr. Bahala: Mr. Speaker, Sir, could the Minister tell this House whether road construction by Government is much cheaper or much dearer than by a private contractor?

Mr. Mwanjumba: In some cases, Mr. Speaker, it has been cheaper to construct a road by Government construction units, while, in other cases, it has also been cheaper to construct roads by private contractor.

Mr. Anyieni: Mr. Speaker, Sir, the Minister has just said that the Government is in favour of Government construction units working on these roads. Would the Minister tell us, from 1964 to 1965, how many miles of road have been constructed by the Government and how many miles of road constructed by private contractors?

Mr. Mwanjumba: I do not think I could give that information right now because I have to refer to the files and so on. However, quickly speaking, we have a number of roads being constructed by Government construction units, such as the Mombasa/Nairobi Road and the Kisumu/Kisiani Road, as well as a number of other roads which were constructed by local authorities here and there.

If the hon. Member wants the exact mileage constructed by the Government I could give him this information later on.

Mr. Somo: Mr. Speaker, Sir, arising from the previous reply by the Minister, could he tell this House, as he has said that constructing a road by Government is sometimes cheaper while at other

[Mr. Somo]: ...times it is cheaper to do this by private construction companies, in which way it is cheaper for the Government and in which way it is cheaper for the private contractor?

Mr. Mwanjumba: I do not know what the hon. Member means by, "in which way". I have said that in some cases it is cheaper to construct a road with Government construction units and sometimes it is cheaper to do so with private contractors. I cannot draw a line and say that it is always cheaper to have this work done by Government.

The Speaker (Mr. Slade): The question was, I think, Mr. Mwanjumba, what factors make the one thing cheaper in the one case and the other cheaper in the other.

Mr. Mwanjumba: Mr. Speaker, Sir, perhaps you have been very kind to help the hon. Member to clarify his question.

There are many factors to be considered in constructing a road, the nature of the area through which it will pass, whether it is hilly, whether it is rocky, and so forth. We have to have consultants, sometimes engineers to do this kind of work. Also, we must know what type of machinery has to be used on that kind of road. Sometimes, the Government does not have all the machinery that they want, or enough engineers or technicians that are required to supervise the road construction. That is why, sometimes, it is cheaper to do the work with private contractors.

Mr. Kall: Since the Minister has promised to come with mileage and inform the House, would he also come along with the costs.

Mr. Mwanjumba: Mr. Speaker, I cannot come with the amount of money into this Chamber, but if the hon. Member wants the figures, I can give them to him. I do not have sufficient pockets in which to put the money to bring it here, but I will certainly give him the figures.

#### Question No. 356

##### MOTOR VEHICLES' ENTRY INTO KENYA FROM NEIGHBOURING COUNTRIES

Mr. urap Too asked the Minister for Works, Communications and Power if he would tell the House whether or not his Ministry had any plans for imposing restrictions on all vehicles entering the Republic of Kenya from neighbouring countries and, if so, what these plans were.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. The Ministry has not made any

plans to impose restrictions on vehicles which enter the Republic of Kenya from neighbouring countries.

Mr. urap Too: Mr. Speaker, Sir, is the Minister aware that the cars from this country, the Republic of Kenya, which go to Uganda cannot stay there for more than three months before the car plates have to be changed? If he is aware, then, cannot he do likewise here?

Mr. Mwanjumba: I am aware, Mr. Speaker, Sir, that what the hon. Member says is true, that when a vehicle goes to Uganda it is required to have a special road licence, in order to enable it to move around in Uganda. However, we are not very keen on introducing similar legislation here in Kenya, because we want to encourage the tourist industry as much as possible. Therefore, we allow vehicles from Uganda and Tanzania to enter into the Republic, provided they have valid licences from those countries.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Minister, can he not agree with me that vehicles such as lorries from Moshi and Arusha and Kampala coming freely into the country with goods that are already available here, are a serious interference with the internal trade, and does he not deem it necessary to stop the situation?

Mr. Mwanjumba: It is not true, Mr. Speaker, to say it is an interference in our workings in the country, because we have what we call the common market; that is between the three countries. Therefore, we feel that we should be able to allow free movement of vehicles between the countries of East Africa, in order to encourage that spirit of co-operation between the East African countries.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that the Uganda Government derives some money from lorries registered in Kenya, and in view of the fact that people who own cars or lorries in Kenya, when going to Uganda, have to suffer from this law, would the Minister kindly consider making this law also applicable to those people coming from Tanzania and the people coming from Uganda, in view of the fact that our tourists do not come from these areas?

Mr. Mwanjumba: Mr. Speaker, Sir, I would like to assure the hon. Member that the matter is already being considered by the Committee of Nine.

The Speaker (Mr. Slade): Next question.

Mr. Khalif: On a point of order, Mr. Speaker, Sir, I am not trying in any way to criticize the Chair, but as a matter of fact I have stood many times

[Mr. Otaweri] me that his Ministry is short of inspectors and therefore, it would be proper for the Minister to make a spot check where it is necessary to know how the field staff are doing their jobs?

Mr. Mutiso: Mr. Speaker, it is not only the Ministry of Education which is short of staff, the whole nation is short of manpower and, as I said earlier, the Ministry of Education have, at the present moment, a sufficient number of inspectors in the team who give us the reports which we require from the countryside.

Mr. Godin: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, will he tell the House how many provincial inspectors have been employed in the Ministry to see that education policies are being properly carried out.

The Speaker (Mr. Slade): I think we are getting away from the question of the Minister's visits.

Mr. Kibuga: Mr. Speaker, Sir, is the Assistant Minister for Education aware that this House and the country would wish the Minister for Education to have sufficient staff in the field for fair distribution of schools? At present, it is necessary for the Minister himself to be on the spot in every district, to know the problems as much as possible.

Mr. Mutiso: Mr. Speaker, as a matter of fact I quite agree with the views of the hon. Member and this does not mean that the Minister for Education does not acquaint himself with the distribution of schools in every district. In fact, we have reports and we know the number of secondary schools in every district which, normally before a school is established, must be sent to the Ministry for approval. Therefore, the visit of the Minister for Education in order to ascertain or acquaint himself with the distribution of schools in the country is not quite necessary.

Mr. Khalif: Mr. Speaker, Sir, whilst I agree particularly that the Minister for Education cannot visit every district, would the Assistant Minister agree with me that the lack of visits by the Minister or the Assistant Minister for Education to the North-Eastern Province does indicate that the Minister is not very capable in his Ministerial post because the North-Eastern Province contains so many districts and the lack of Ministerial visits to that province.

The Speaker (Mr. Slade): Order! Order! You are repeating yourself, Mr. Khalif. Sit down, please, and wait for the answer.

Mr. Mutiso: Mr. Speaker, I entirely disagree with the hon. Member although I could hardly follow what the main purpose of his question was.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, could we state which Government-maintained schools were visited by the Minister during 1965?

Mr. Mutiso: Mr. Speaker, Sir, on 6th January, this year, the Minister for Education made a visit.

Several hon. Members: 1965!

The Speaker (Mr. Slade): Order! Mr. Mutiso, you want to keep your answers relevant to the question.

Mr. Mutiso: Mr. Speaker, I think I could refer to that later on because I—

Mr. Ngala-Aboi: On a point of order, Mr. Speaker, Sir, is it in order that this question comes up for answer in this House and that the Minister should be excused from answering it, according to how it is asked, because, Sir, the question is asking for the names of the schools which were visited in 1964, which might have been perhaps four in Nyanza or four in the Central Province? Is it in order for the Minister to get away with it by being so vague?

The Speaker (Mr. Slade): Yes.

Mr. Mate: On a point of order, Mr. Speaker, Sir, we are a bit baffled when we talk about the Ministry of Education, to know whether it is the Minister, the chief education officer or the provincial education officer who should visit us, we would like to know who is who.

The Speaker (Mr. Slade): Order! Mr. Mate, you must be aware by now that that is a completely false point of order. The House is tired of these now, and you are ordered out of the precincts of the Assembly for the rest of today.

(Mr. Mate withdrew from the Chamber)

Mr. Ngala: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance. Mr. Speaker, Sir, I asked a question a little while ago, the reply to which I did not hear. Would it be in order for me, Sir, to ask for the repetition of the reply?

The Speaker (Mr. Slade): Yes, if you could not hear it, only you want to be fairly quick in saying that you did not hear it, you know. Can you remember the question, Mr. Mutiso?

Mr. Mutiso: Mr. Speaker, Sir, I think the hon. Member did ask which schools were visited last year by the Minister for Education and I was saying that on 11th March 1965.

Mr. Ngala: On a point of order, Mr. Speaker, Sir, obviously the Assistant Minister has forgotten what I asked. I repeat my question?

The Speaker (Mr. Slade): I think you had better, yes.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Assistant Minister, could the Assistant Minister give the House the number of Government-maintained schools visited by his Minister in 1965, whether they are primary schools or secondary schools, but Government-maintained.

Mr. Mutiso: Mr. Speaker, Sir, I think I would require notice to differentiate the number of the maintained schools which the Minister visited, but—

The Speaker (Mr. Slade): Order! Order! I cannot accept that, Mr. Mutiso, because that was actually the substance of the original question. What you did say in your first answer was that you did not think it necessary to give this information, and that is apparently your position; but it is no good saying you need notice of a question that is already there.

Do you want to say any more, Mr. Mutiso?

Mr. Mutiso: Mr. Speaker, Sir, I think I could answer that. On 11th March 1965, the Minister for Education paid a visit to the Primary School, Nairobi. On the 15th March, the same year, the Minister paid another visit to the adult literacy students of the Kakamega Division, and on 16th March, the same year, the Minister—

The Speaker (Mr. Slade): The Minister is now giving the information the House has been clamouring for; please listen to it.

Mr. Mutiso: Mr. Speaker, Sir, the Minister for Education paid a visit to the girls' school at Kajjado and also the boys' secondary school. On the 4th April, the Minister addressed at the weekend the College of Social Studies at Kikuyu in Kiambu. On the 5th April, Mr. Speaker, the Minister paid a visit again to the Primary School, Nairobi, and on the 10th April, the same year, the Minister made a speech to the Trust Secondary School at Kisumu. On the 12th April, the Minister paid a visit to the children's school, Survey Road in Killeshwa. Mr. Speaker, Sir, I have a number of other visits which the Minister made, and if it is the wish of the Members I will give it to them.

#### Question No. 353

#### KAMBA WOOD CARVERS AND TRADE IN GREAT BRITAIN

Mr. Ndle asked the Minister for Commerce, Industry and Co-operative Development if he would tell the House the number of wood carving traders from Kenya who were at present in Great Britain. Had the Ministry made any loans to help the wood-carving traders who were doing business in the United Kingdom.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloithipit): Mr. Speaker, Sir, I beg to reply. To my knowledge there are two Kenya Africans trading in wood carvings in Great Britain. These are Mr. Mwambeti Mutisiya and Mr. Masau Ndle. The latter person combines his wood-carving business with his other employment as a teacher. The Ministry of Commerce has not granted either of these two persons loans to help promote their businesses which, although they may be of benefit to Kenya, are situated in the United Kingdom. My Ministry has assisted two Kamba exporters in Nairobi with loans—namely, Mr. G. Nthenge and Mr. J. N. Mutweia.

Mr. Otaweri: Mr. Speaker, Sir, in view of the fact that most of the Government loans come from Great Britain and should not be used there, would the Assistant Minister see to it that the local traders get these loans and they are not to be sent overseas, but to be spent over here so that the export trade is expanded?

Mr. Oloithipit: Mr. Speaker, Sir, I have not said, in my reply, that we have given loans to any wood carvers in Great Britain. I said that we gave loans to two Kamba people who are locally manufacturing the carvings here.

Mr. Kali: Mr. Speaker, Sir, is the Assistant Minister aware that due to the lack of funds or capital, most of these wood carvings are being made the best use of by non-Africans, because the Africans have no funds?

The Speaker (Mr. Slade): I think that is another question altogether. We are talking about wood carvers in Great Britain.

Mr. Kibuga: Mr. Speaker, Sir, will the Assistant Minister for Commerce and Industry assure us that the loans to wood carvers will only go to those in Kenya, but not to those in Britain?

Mr. Oloithipit: Mr. Speaker, Sir, I have already said that and for the benefit of the hon. Member, provided that the local wood carvers would apply to our Ministry for such loans we are going to help them and assist them.

#### Question No. 354

#### ESTABLISHMENT OF A WOOD-CARVING SCHOOL, MACHAKOS

Mr. Ndle asked the Minister for Commerce, Industry and Co-operative Development whether he would consider establishing a school of wood carving at Wamnyu in Machakos District, to train people in the wood carving trade and to help the industry, in view of the great interest shown by the Machakos people in this type of business.



Wednesday, 2nd March 1966

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—  
Registrar-General, Annual Report, 1965.

(By the Minister for Finance (Mr. Gichuru)  
on behalf of the Attorney-General  
(Mr. Njonjo))

### NOTICES OF MOTIONS

#### AID FOR HARAMBEE SECONDARY SCHOOLS

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

THAT this House urges the Government to aid by the 1966-67 financial year all Harambee secondary schools where parents have completed construction of modern classrooms and teachers' houses.

#### SUB-DIVISION OF MERU DISTRICT

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

THAT in view of the size and administrative problems of Meru District which is so large, this House urges the Government to subdivide Meru into North Meru, Central Meru and South Meru Districts with respective district headquarters at Maua, Mitindwa and Egoli; and to introduce such legislation for amendment of the Constitution as may be necessary for that purpose.

### ORAL ANSWERS TO QUESTIONS

#### Question No. 385

#### VEHICLE MILEAGE CLAIMS BY PUBLIC SERVANTS

Mr. Bala asked the Vice-President if he could tell the House—

- when the Government fixed the last rate of payment to the public servants on motor vehicle mileage claims; and
- if the Government would increase the rate in line with the general increase of price of fuel and oil.

The Minister of State, President's Office (Mr. Nyanweya): Mr. Speaker, Sir, I beg to reply. The current rates of mileage allowance were brought into effect on the 1st April 1962. The rates were fixed after a detailed investigation into

the costs of maintaining a motor vehicle, such as depreciation, interest, licence fees, insurance, petrol, oil, spares.

The Statistical Division of the Treasury carried out a review of the operating cost per mile towards the end of 1964, and came to the conclusion that there was no justification for an increase in mileage rates.

It is appreciated that since mileage rates were last reviewed, motoring costs in respect of insurance, import duty and licence fees have risen, and this may require consideration for a proportionate increase in mileage rates. It must be borne in mind, however—so I am told, Mr. Speaker, I have no expert knowledge on this—that there has been a steady increase in efficiency of car engines which would tend to offset some of the increases in cost. I said that I do not claim expert knowledge on this.

In conclusion, Mr. Speaker, I should like to point out that the Government reviews mileage allowances when it is considered necessary. I do not know whether the hon. Member for Nyando had advance information about this, because a review is currently being done.

Mr. Bala: Mr. Speaker, while appreciating the review which is being done, public servants, especially Members of Parliament, who are public servants, find it difficult to maintain their cars because of the increase in petrol prices and also increase in taxes and insurance, so when does the Minister anticipate reviewing these allowances? Could he tell the House, when he is actually proposing to review the allowances?

Mr. Nyanweya: Mr. Speaker, if I were the hon. Member for Nyando—perhaps the hon. Members of this House would bear me out—I would not have pursued this particular question as regards the Members of the National Assembly, so far as mileage allowances are concerned.

An hon. Member: Why?

Mr. Nyanweya: The Members know why.

Mr. Jahazi: Mr. Speaker, Sir, arising from the Minister's reply, that there has been a lot of improvement in car engines, and that, therefore, the expenses incurred by motorists have been offset by this as he put it, could he tell the House whether the number of mechanics and garages has increased or decreased to back up his assumption?

Mr. Nyanweya: Mr. Speaker, there has been a steady increase of motorists in Kenya which has necessitated the increase in the number of garages!

Mr. Jamal: Mr. Speaker, Sir, arising from the Minister's reply, would he not agree with me that when the new rates were brought out in 1962, the rates were lower, in spite of the fact that the motoring costs have gone up?

Mr. Nyanweya: I do not wish to agree with the hon. Member for Kisumu Town, Sir.

#### Question No. 301

#### DECLARATION OF MOMBASA AS A FREE PORT

Mr. Balala asked the Minister for Local Government whether the Government would consider declaring Mombasa a free port.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, the question asked by the hon. Member raises a number of fundamental economic issues which require careful study. I think it is unlikely that the answer will be informative, but I have arranged for a more detailed examination of the issues to be made.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that the Minister says it will involve a lot of study, would he consider seeing to it that when the free port is created—if he comes to that conclusion at all—the interest of the African will be considered so that the number of businesses that may increase will benefit the Africans and not other people?

Mr. Gichuru: Mr. Speaker, Sir, all the issues involved will be considered.

Mr. Mbogohi: Mr. Speaker, Sir, in view of the fact that the questioner is also a Sheikh in that town, would the Minister consider making him a free man of that port?

Mr. Omari: Mr. Speaker, Sir, arising from the original reply by the Minister, that it would involve a lot of issues to be studied, how long does the Minister think he will take to get the report out?

Mr. Gichuru: Mr. Speaker, Sir, all I could say is that as soon as the report is out I will make it available to the House. I could not give you an exact date.

#### Question No. 346

#### PROTECTION OF KENYA'S AIR SPACE

Mr. Godia asked the Minister for Defence what he had done to ascertain that unfriendly countries to Kenya did not make use of our air space.

The Minister for Defence (Dr. Mungai): Mr. Speaker, Sir, however much I would like to reply to this question I feel that it is not in the interests of the nation for me to give details,

because an enemy of this nation—or a potential enemy—may come to know about it and, therefore, it is not in the interests of the country.

Mr. Jahazi: Mr. Speaker, Sir, can the Minister quote any occasion where he suspected, or saw, or learnt of any unfriendly intrusion on our air space?

Dr. Mungai: No.

#### Question No. 360

#### SCHOOL VISITS BY MINISTER FOR EDUCATION

Mr. Ngala-Abok asked the Minister for Education if he would tell the House how many schools he had visited officially, on a district basis, in 1964 and 1965, and how many districts he intended to visit this year.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The primary function of the Minister for Education is to formulate progressive, realistic and relevant educational policies, and not to inspect schools. For the purpose of inspection, I have a complement of very able officers who keep me up to date on all professional and administrative matters. However, it is important that in order that I may formulate intelligible policies, I must have adequate amount of direct contact with schools and institutions in the country as a whole, and when pressure of work at headquarters and in Parliament gets sufficiently low for me to be able to pay these visits.

I do not consider it necessary for me to give a district breakdown of my school visits. I might mention here that there are over 3,200 schools in the country, and even if I were able to visit two schools per school day it would take thirteen years to cover them all! In any case, it is not necessary for me to do this. All that is necessary is for me to visit selected schools all over the country in order, as I have said earlier, to become directly aware of the situation. I wish to assure the hon. Member that I have been doing just this and will continue to do so in the future.

Mr. Ngala-Abok: Mr. Speaker, would the Assistant Minister agree with me that, unlike other Ministers, and it is very revealing that the question also makes it clear to other Members, the Minister does not make official visits to provinces for the purpose of understanding his officers in the field and the problems as far as those provinces are concerned?

Mr. Mutiso: I do not wish to agree with the question put by the hon. Member, Mr. Speaker.

Mr. Omwiri: Mr. Speaker, Sir, the Assistant Minister referred to the inspection team being efficient. Would the Assistant Minister agree with

[Mr. Malori-Iumbo] areas will suffer. The members of this commission should be picked from different areas. If this is not done, we will have to face another trouble whereby certain schools will not be adequately staffed, while certain schools will be given more privileges.

For the reasons I have given, I would ask the Minister to look into this matter when appointing the members of the commission. They should be chosen from all parts of Kenya to be representative of all interests.

Mr. Bala: Mr. Speaker, Sir, I would like to congratulate the Minister who is a nationalist. He struggled with others to bring Kenya to independence. So, I hope that every Member here will agree with me that, given the opportunity, the Minister will carry out the educational programme in this country without discrimination. I say this because I know he is one of the few people in Kenya who struggled to bring about the independent schools.

Mr. Speaker, without taking up the time of the House, I want to congratulate the Minister and to say without reservation that all Members should thank the Minister for the announcement he made this afternoon.

Mr. Malinda: Mr. Speaker, thank you very much. I wish to add my congratulations and thanks to the Minister for the step he has taken in appointing this commission which is going to be the sole employer of teachers.

I only have one comment I wish to make: that is, that the Ministry or Minister for Education should not wait a crisis stage has been reached for him to act, because if we go back a little bit we will find that it was as a result of the crisis of the teachers going on strike that prompted the Ministry to appoint a commission of inquiry. Because of this we have the present Teachers' Commission.

Again, it has taken the Minister all this time until a Member of this House has raised the matter as a Motion on an adjournment for him to come and announce the appointment and setting up of this commission.

Mr. Speaker, I think the Ministry of Education should be more resourceful and should act when some of these matters are brought to their notice in order to alleviate any such embarrassing situations and statements such as the ones we have had here before.

I finish by once again congratulating the Minister and hoping that the salary scales will be on a par with those of other civil servants within the Kenya Government service.

The Speaker (Mr. Slade): I will put the question that the House do now adjourn.

(Question put and agreed to)

#### ADJOURNMENT

The Speaker (Mr. Slade): The House is therefore adjourned until tomorrow, Wednesday, 2nd March at 2.30 p.m.

The House rose at Seven o'clock.

#### WRITTEN REPLIES TO QUESTIONS

##### ANNUAL OUTPUT OF TRAINED TEACHERS FROM MERU

Mr. Mate asked the Minister for Education what the total output of trained teachers was per year from St. Lawrence, Egoji and Meru Teachers Training Colleges. What was the breakdown by tribes of the students at both colleges by February 1966.

The Minister for Education (Mr. Koinange): The teachers output of St. Lawrence, Egoji, and Meru Teacher-Training Colleges in 1965 and 1966 is as shown hereunder:

	Output in 1965-1966	
	1966 (Actual)	1966 (Forecast)
St. Lawrence, Egoji	49	75
Meru	77	75
Total	126	150

The enrolment of students for teacher training is done on a district basis in the case of P.3 candidates and on a regional basis in the case of P.2 and P.1 students, and Kenya is divided into Eastern and Western Kenya for this purpose.

##### Enrolment of P.3 Students by Districts (Feb. 1966)

	Meru	Nyeri	Lakipia	Oi Kaljando	Isiolo/Marakwet
Meru T.T.C.	158	10	6	19	
Egoji T.T.C.	140	15	5		
TOTAL	298	25	6	24	

##### Enrolment of P.3 Students by Districts (Feb. 1966)

	Garissa	Samburu	Mandera	Wajir	Embu
Meru T.T.C.	5	8	5	15	
Egoji T.T.C.					45
TOTAL	5	8	5	15	45

As the recruitment of P.2 (Ex-Form IV) and P.1 candidates depends on the results of the Cambridge School Certificate, which have just been published for 1966, the recruitment of such candidates has not been finalized, but Egoji has already

recruited thirty-three P.2 (Ex-Form II) students from different parts of eastern Kenya.

##### Question No. 311

##### COMMUNIST TEACHING IN RUSSIA

Mr. Rarumban asked the Minister for Education if he would tell the House whether the teaching of the communist ideology was compulsory or optional for our students studying in Russia.

The Minister for Education (Mr. Koinange): I have no official records to show that our students are taught the communist ideology voluntarily or compulsorily anywhere in the communist countries.

[Mr. Godia]

not take on some of these senior education officers who are retiring and get them to help formulate the new policy for education so that the country would feel satisfied? Mr. Speaker, Sir, if the Minister would go into this question and try to consider making a decision himself—even independently and without basing his decision on what a civil servant has said—this would help the country a great deal because I do not exactly trust what some of these civil servants say.

Now, the country has embarked on a number of schemes to try to advance secondary education, but the civil servants within the Ministry of Education laugh at the people. They say that they are doing nothing. Now, they do not want to come along with the people, they do not want to appreciate the efforts of the people, they do not want to realise that the people are working hard and so they need education.

The Speaker (Mr. Slade): Order! We must keep on the point of the one employer for the teachers.

Mr. Godia: Mr. Speaker, Sir, I commented on the points, because I wanted to elaborate a bit, but the whole thing stands that the teachers want the Ministry of Education to be the one employer and I do hope, Sir, that the Minister will consider this matter and see fit to make a decision, if possible independently. The teachers, I am sure, would be satisfied and any strikes which are threatened from time to time would not be there. Therefore, we call upon the Minister really to consider this matter seriously to save the country, and to save everybody.

Mr. Speaker, Sir, I beg to support.

The Minister for Education (Mr. Kolnange): Mr. Speaker, Sir, first of all I want to take this opportunity of thanking Members for their real, true and sincere interest, not only in education but also in the welfare of teachers and the stability of the country.

The second point is that I would like to thank them because I have been actually kept busy by them in their respective constituencies when they have been involved in Harambee and other schools.

Now, coming to the question of one employer, I must say, Mr. Speaker, that this question has been a very, very difficult one because the major part has been trying to get the security of the teachers, (a) from the salary point of view and of their welfare so that they could feel secure and teach our people with clear minds. Having done that, I have to approach various departments because since the early days the schools

were in the hands of the missionaries and other independent bodies who have been conducting schools, too, and we are most grateful to those people. This has not been only one-way traffic. Mr. Speaker, it has been negotiations in both ways: what the teachers want and what the Government wants on behalf of our country. I am very happy to make this statement to which I hope everybody here will listen and take a very careful analysis of what is written here.

Following the agreement between the Government and the Kenya National Union of Teachers signed on the 14th October 1965, in which the Government accepted the principle of one employer for teachers, it has now been agreed between the union and the Government that a statutory body to be known as the Teachers Service Commission will be created to employ all teachers in the public teaching service of Kenya. The commission will also exercise all the functions of any employer such as appointment, promotion, termination of appointment, and negotiation on terms and conditions of service with the teachers' union.

The implementation of this agreement will be effected as from the date of the necessary legislation which has to be effected.

This was agreed this afternoon by Government and the Union, and signed by both.

That, without taking up any further time Mr. Speaker, is the answer.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I rise to welcome the statement from the Minister for Education very strongly, and also to hope that the date for commencement of this agreement is not going to be very far off from today.

The point I would like to make, Sir, is that when it comes to appointing this commission, it should truly be an impartial commission that will take care of all the teachers of all grades and make sure that from now on we shall have a satisfied teaching service in this country.

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

Mr. Kase: Mr. Speaker, Sir, I think that the quarrel of hon. Members with the Minister has now almost faded away. However, I would like to warn the Minister that we have noticed, as former teachers, that teachers of various colours have differing terms of service. We have heard that this Government has agreed that this commission will have all the teachers under them and will look after the welfare of the teachers. So, we hope that there will be no discrimination of any kind.

[Mr. Kase]

I would like to give one example here. Having gone for training for two years after school certificate, as an African, you find that a European who does not even have a school certificate gets double the salary of the African. Now, we hope that when this commission comes into being it will not delay until 1971 to put this thing into practice. It should begin tomorrow if possible.

We hope that when this commission comes into effect it will remove properly this discriminatory idea from the teaching service because once it starts this, Mr. Speaker, the African section will not be happy. Therefore, this is what will lead them to strike.

Since the Government has accepted "one employer" I would like to suggest one other thing, the question that teachers on one grade should not have different terms of service. Now, Mr. Speaker, this—

The Speaker (Mr. Slade): Mr. Kase, we must keep to the subject of the one employer, you know. Terms and conditions of service are a very much wider subject than raised by this Motion.

Mr. Kase: Mr. Speaker, since the Minister has taken a decision, we hope we shall not have to keep him busy again.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitipli): Mr. Speaker, Sir, since I can see that most of the Members wish to speak on this announcement made by the Minister for Education I will not be long. I stand here on behalf of my constituents and on behalf of the people of Kenya to thank the Minister for the step he has taken. I also wish to thank the Government. Now, I feel that the heavy burden has been released from the teachers today. Therefore, I hope that all the teachers in the country will be happy that they will start to teach the children properly. We expect to have good results from the children and from the teachers.

Thank you, Mr. Speaker.

Mr. Wardihl: Mr. Speaker, Sir, I think we are all very happy with what the Minister has announced on behalf of the Government. Although this has taken a long time, now, however, at long last he has taken a decision which is welcome.

Now, he tied up the announcement with the passing of certain legislation. I would only ask him to use his position as a Minister to see that this Bill is brought to this House as soon as possible, because you may have the announcement by the Government yet the Bill may be delayed

in the drafting stage before it comes to the House, and, hence, what we have heard today may not materialize for a long time.

Finally, Mr. Speaker, I would ask the Minister, that the Teachers' Commission, being the sole employer, that the terms of service of the teachers should be made comparable to other civil servants. We have heard many cases of people resigning from the teaching service, and being employed by the same Government in other departments, simply because their terms of salaries were very low.

So, I think in this Bill it should be provided that the teachers' salaries be equal to those that could be earned in any other department.

Mr. Ngala-Abok: Mr. Speaker, Sir, I have only one point to mention in thanking the Government for what we have heard today. For the last two weeks this particular Ministry has been working towards making an announcement which is going to be for the benefit of the country.

Mr. Speaker, you remember when I moved a Motion on the adjournment on adult literacy and adult education, the Ministry came out with a very straightforward answer. Now the country understands very well that it is a part of the Government's policy to offer Sh. 50 to people who want to teach after the normal working hours. This is very encouraging. We also welcome the announcement that there is going to be set up a body to carry out adult education throughout the nation.

So, I thank the Ministry very much and wish that every time Members question this particular Ministry, which is so important, the Ministry would take things seriously and make announcements that will help the country to move forward.

Mr. arap Ely: Mr. Speaker, Sir, I stand to speak as an honorary member of the Kenya National Union of Teachers. At one time, Sir, I was secretary to the Kericho Branch of the Kenya National Union of Teachers. All the time the union was fighting with the Ministry to try to get one employer.

Therefore, Mr. Speaker, at this juncture I wish wholeheartedly to thank the Ministry for the move it has taken and I hope that the new body which is to be created will do its work very effectively and successfully.

Mr. Minsori-Inumbo: Mr. Speaker, on behalf of my people of Kuria I want to thank the Minister for Education but I would also like to give a warning here. When appointing this commission it must be seen to it that this commission is representative of everybody. We fear the domination of some areas over others. In this way, some

[Mr. Malinda]

would it be in order for you to extend for five minutes, so that the Minister can reply to the question?

The Speaker (Mr. Slade): Order! I will allow a little longer, if we have no further interruptions by points of order.

The Minister for Education (Mr. Koinange): This arrangement will actually be beneficial to the girls' education in the area, of combining both the boarding and day students. This arrangement is combining that and, from the financial point of view, we have done what we set out to do. The same type of situation exists, Mr. Speaker, Sir, not only in Tumutumu and Malango, but also in Kabale, Asombi and Lugulu, and when we have that we are not actually making the girls, in this particular place, suffer in any way. At the same time, Mr. Speaker, Sir, the girls' day streams are being introduced at three mixed day schools, which means in the same way as in Ofafa in this area in the town, Makuyu Day School and Esamuli, the same day schools have actually been applied elsewhere.

According to the Ministry's record, Machakos Girls' School now have about seven classes—three Form I, two Form II, one Form III and one Form IV—within the enrolment of 230 pupils, of whom thirty-five are Form I day pupils. It has been arranged that some of the girls do sleep outside, and, as I have just said, Mr. Speaker, Sir, those are the day-school pupils who do not want to lose the opportunity of going to school; when the opportunity for going to classes is available, they prefer to remain there. If, however, Mr. Speaker, there are some who are actually sleeping on the floor, it means that the beds which should have been brought have not been purchased at this moment, but the money for purchasing the beds for those girls will come from the money of the board of governors and will not involve, actually, the Ministry of Education.

Now, the project referred to of the Agency for International Development has been favoured, the school is taken as one of the group that is accepted for the assistance of the Agency for International Development. But until that help comes through, at this particular moment, similar difficulties will be experienced not just for this particular school but many schools—girls and boys alike—until this money comes through. But it is not a question of pressure directly put on the Machakos Girls' School at all.

While the tuition and boarding accommodation of the Machakos Girls' School is marginally adapted for the present seven classes, it is clearly

insufficient for the eventual twelve classes that will be covered for 220 boarders. The Ministry of Education at this particular moment is working faithfully, realistically and in a practical way to see that not only this particular school—but also other girls' schools—are assisted, but we are not as according to the Motion, doing this deliberately to Machakos Girls' School at all.

#### OTION FOR THE ADJOURNMENT

##### ONE EMPLOYER FOR TEACHERS

The Speaker (Mr. Slade): Order! It is now time for the interruption of business; there is a matter to be raised on the adjournment. I will call on a Minister to move that the House do now adjourn.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

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

##### (Question proposed)

Mr. Masinde: Mr. Speaker, Sir, I rise to raise this matter as a Motion on adjournment, as a result of an unsatisfactory reply to Question No. 217, which was raised by my colleague, the hon. Mr. Godia, the Member for Hamisi.

The question was a straightforward one and was put to the Minister for Education: who is the one employer of teachers? When we received the reply from the Assistant Minister, he simply said that the matter is under acute consideration and—

An hon. Member: Acute?

Mr. Masinde: That was what the Minister said. He went further to say that there is a commission which has been appointed to look into the issue, but, Mr. Speaker, as we all know—and it is in the records of the Ministry—the commission was appointed to look into the terms and conditions of service after the one employer was known, but we understand, because the commission has not been told who is that one employer, that commission is at a standstill, it is not doing anything at all.

Mr. Speaker, here we have to tell our people when we are able to do something. There was a big strike throughout the country by teachers, demanding one employer and what happened? The Ministry went out and they told the teachers, "Go back; we have agreed that you are going to get one employer." After that the Ministry decided to keep quiet. It is a number of months since we had that strike, and nothing has been done. Because of that, Mr. Speaker, we know that it is possibly in a matter of one month that we are

[Mr. Masinde] Now, Mr. Speaker, regarding this question we wanted to know the one employer for the teachers. As has been indicated by the former speakers, the teachers went on strike because they were in need of one employer. Now, that question could not be determined immediately; it was a complicated proposal to the Ministry of Education and, therefore, Sir, it is because of the determination and timing of the decision that the commission was appointed to make a recommendation as to who this employer would be. But, Mr. Speaker, the question is quite clear, the need is that the Ministry of Education should become the one employer; that is what the country needs and that is what the country is waiting to hear from the Minister. Already, Sir, a number of teachers are now under the Ministry of Education. A few other teachers are under the missions or voluntary agencies. So, the need for the teachers is that if the Ministry of Education has employed a few teachers, it should take on the rest, without leaving them to someone else. The teachers want to enjoy the same privileges as civil servants enjoy. Teachers also want to be entitled to loans, just like any other civil servant. They want to be entitled to leave and travel privileges, just like other civil servants. Because of this, Sir, you find a number of teachers leaving the teaching profession, dissatisfied. Someone with whom they were at school who joined the Civil Service feels much happier than the teacher, and therefore the teacher decides to quit teaching in order to join the Civil Service in order that he may enjoy what the other civil servants enjoy.

Sir, it is on this principle that we have, from time to time, said in this House that education is a national problem. To go further, it should come that teachers are employed directly under the Ministry of Education, just as in other departments. You get the Ministry of Agriculture which employ all their employees; even the untrained ones are employed directly by the Ministry of Agriculture. What is wrong with the Ministry of Education? Because without teachers I do not think that we can have education in this country. It is because of education that all of us are here, and three-quarters of the Members of this House were at one time teachers. I am not claiming to be, but I am a representative of everybody in this country.

Therefore, Mr. Speaker, I thought it necessary for the Minister to come with a clear answer to this question and to tell us who is the teachers' employer. Is he going to get the commission to be the employer? Or is he going to open another department within his Ministry for the teachers? Or is he going to get a syndicate of missionaries to become the one employer for the teachers? Or who is it going to be? I ask this, because some of the county councils, from time to time, have been faced with the problem of failing to pay school teachers, which is not the responsibility of the county councils at all, if we want to treat education in this country as of national importance.

Sir, it is on this principle that I think the Minister today will be able to tell us who is the one employer. If he does not tell us who this employer is, then he will be faced with the problem of going to the teachers and telling them that they either go back to school or we close down the schools and forget about education in this country, because this is what they want. The question of terms and conditions of service is secondary.

Mr. Speaker, Sir, with this, I beg to move.

Mr. Godia: Mr. Speaker, Sir, the question of education is a very important one. It affects the whole country and without education this country would not be where it is now.

Mr. Speaker, Sir, the teacher is the foundation upon whom we build the nation; without the teacher, we cannot talk about nation-building. We must begin with the teacher. That is why, Mr. Speaker, when a question comes up about education, most of the Members in this House take a very keen interest.

Now, Mr. Speaker, regarding this question we wanted to know the one employer for the teachers. As has been indicated by the former speakers, the teachers went on strike because they were in need of one employer. Now, that question could not be determined immediately; it was a complicated proposal to the Ministry of Education and, therefore, Sir, it is because of the determination and timing of the decision that the commission was appointed to make a recommendation as to who this employer would be. But, Mr. Speaker, the question is quite clear, the need is that the Ministry of Education should become the one employer; that is what the country needs and that is what the country is waiting to hear from the Minister. Already, Sir, a number of teachers are now under the Ministry of Education. A few other teachers are under the missions or voluntary agencies. So, the need for the teachers is that if the Ministry of Education has employed a few teachers, it should take on the rest, without leaving them to someone else. The teachers want to enjoy the same privileges as civil servants enjoy. Teachers also want to be entitled to loans, just like any other civil servant. They want to be entitled to leave and travel privileges, just like other civil servants. Because of this, Sir, you find a number of teachers leaving the teaching profession, dissatisfied. Someone with whom they were at school who joined the Civil Service feels much happier than the teacher, and therefore the teacher decides to quit teaching in order to join the Civil Service in order that he may enjoy what the other civil servants enjoy.

Now, Mr. Speaker, we call upon the Minister for Education to make a decision. It is true that we have a number of civil servants within the Ministry of Education who were serving the last Colonial Government, and some of these people are perhaps delaying the decision and they make us blame our kind Minister for Education for nothing. We call upon the Minister himself to find out anyone who has been using delaying tactics in his Ministry, so that the particular civil servant is sent away. If this is done, the country will be very happy. The quarrel between the Ministry of Education and the teachers would not be there and I do not see the reason why the Ministry of Education is taking such a long time to make a decision because they know the answer, and the answer must come. But, those civil servants with delaying tactics who are trying to hold back education to what it was many years ago must be given their leave. We have within this country, a number of senior education officers who are Africans; some of them have, I think, been on expatriate terms and they are being compelled to retire. But they are still eager and they are still ready to help the country. Why

Mr. Klamba: Thank you, Mr. Speaker. I do not think any hon. Member is going to question him because he is a national member. He is entitled to talk about anything he knows because he is a member of the governing board.

One thing I would like to mention here is that we have no boarders at all, but that does not mean that we do not want children from Meru to take their schooling in Machakos. The problem here is that the children want to attend these schools, but they do not live nearby and have to travel long distances, that is the main question. It is not that the Machakos people do not like the children to come to school from Meru. We would not like to say that other people cannot go to Machakos and yet it is very difficult for the children. The parents come to me and say that these schools belong to them that they built these schools with the help of the Government, but that other people coming from—

The Deputy Speaker (Dr. De Souza): Order! We are only discussing one point in this discussion, the fact that thirty-five or more girls did not have accommodation to sleep in this school. That is the only matter now being discussed.

Mr. Klamba: Thank you, Mr. Deputy Speaker. These children did not have accommodation and we have now heard that they have had to face these difficulties and the Mover did not mention that some of these children are made to travel to and from their schools and home again, because of this lack of accommodation. Sometimes they do not even have a meal there, their lunch, in the school and they have to travel to a nearby town to obtain a meal. You know what towns are like. When these beautiful young girls go to the town—

Mr. Gichoya: On a point of order, Mr. Deputy Speaker, Sir, can the Member substantiate that these beautiful girls—

The Deputy Speaker (Dr. De Souza): Do not have what? I did not hear your point of order, Mr. Gichoya.

Mr. Gichoya: Mr. Deputy Speaker, Sir, the hon. Member did say that these beautiful girls are not getting any food. I have my sister there, she is one of them, and he says that they are not getting any food, can he substantiate that?

The Deputy Speaker (Dr. De Souza): No, no. This is not a type of allegation. Mr. Gichoya, let the Member continue, that is not a point of order.

Mr. Klamba: Mr. Deputy Speaker, the parents have come to me and have said that they were willing to pay more money to the school

authorities, provided their children could be given food there. That shows that the children are not getting any lunches there and therefore they have to go to a nearby town with their money and buy food and then go back to their school. This has already been reported to me by the parents and nobody can deny that.

Mr. Deputy Speaker, Sir, I think it is only right when we come to discuss these things, that they should be taken seriously. All that we want is for the Minister to look into this and see that these children are not made to suffer hardships. Mr. Deputy Speaker, Sir, I beg to support.

(Question proposed)

The Minister for Education (Mr. Koinange): Mr. Deputy Speaker, Sir, I would like to make a very few points about the subject. Number one, I would like to say that since the Mover has stated that he was a member of the board of governors of that school, the very first thing that he should have done as a member of the board of governors, was to come to the Ministry, because it is the Ministry that appoints those board of governors, and lay these points before the Ministry for discussion.

The second point is this—

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

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

Mr. Malinda: On a point of order, Mr. Speaker, Sir, the Minister has said that one of the things that I should have done as a member of the board of governors was to go to his Ministry and iron out these difficulties. Can he substantiate that I have not done that and that I have not even gone to his own office?

The Speaker (Mr. Slade): Order! Order! As I have said on other occasions, it is hardly possible to substantiate a negative; but because of that, and because of possible ignorance, I do allow hon. Members to correct someone whom they think is wrong on a negative fact. So I will allow you, Mr. Malinda, just for a moment to say what you mean. Just a moment, Mr. Koinange, will you allow Mr. Malinda to correct you if he can.

Mr. Malinda: Mr. Speaker, Sir, when it became apparent that we were not getting the service that we ought to get from the Ministry of Education, I, accompanied by the Chairman of the Board of Governors, went to the Ministry's head office and saw a Mr. Owino—I believe he is a senior officer in the Ministry's office—he did not satisfy us. As a result, the board of governors resigned, I did not resign because I knew that there were other—

The Speaker (Mr. Slade): I do not think we are concerned with that, Mr. Malinda, only whether you went to the Ministry or not.

Mr. Malinda: Yes, I went to the Ministry and saw this Mr. Owino. Twice, Mr. Speaker, within this last month I have gone to the Minister's office. The first time he was not there so I left a message, the second time I left a written message, and on top of that, the other day when we had a Parliamentary Group meeting in Harambee House, I saw the Minister privately and talked to him. Therefore, Mr. Speaker, it is not correct for the Minister to say that I have not taken any steps to see him.

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, what he should have wanted to hear are the following facts, which I am now putting. If he came to consult the Ministry, but saw nobody as he says, he would have seen the facts that I am about to tell him about.

Instead of bringing this to the Parliament, relating to one particular school, things are done in that particular schools which are done in other girls' schools, as I will relate here.

Mr. Speaker, Sir, in 1964, Machakos Girls' School had a complete Form I to IV boarding streams of four classes. In 1965 a second boarding stream was added, which, this year, has actually progressed to Form II. In 1966, the third stream has been added, but this is a day stream, the words "day stream" are very, very important. It is a day stream, but not boarding. The school will now develop into a three-stream school with twelve classes and an enrolment of up to 420 pupils, of whom 280 will be boarders and 140 will be day pupils when all these three streams have gone forward to Form IV in 1969. Although from administrative convenience the three streams are referred to as boarding schools and one day stream, this does not mean that the day pupils are enrolled in separate classes at all. They are all enrolled together with other boarders. It implies that from 1966 two-thirds of the 105 pupils admitted each year will be boarders and one-third will be day children. Now this arrangement—

Mr. Bala: On a point of order, Mr. Speaker, Sir, this is a very serious allegation, that the Member implied that I was drunk.

An hon. Member: Send him out.

Mr. Bala: The Minister has mentioned some very vital questions, and I would like to clear this point of order, Mr. Speaker. That is the Member for Nandi South alleged that the Minister is incapable and this is a very serious

allegation which he must substantiate. How our Minister for Education is incapable. We have got to hear this. Should he not substantiate?

The Speaker (Mr. Slade): Order! I am afraid remarks of this kind are sometimes made in or outside the House about other Members of the House. Unless it was made openly enough for the House to hear it, we do not require substantiation, we just ignore it. Will you carry on, Mr. Koinange.

Mr. Bala: Mr. Speaker, Sir, on a point of order; since everybody in this row heard him—

The Speaker (Mr. Slade): Order! All right. What everybody in that row heard is not enough to interrupt business on, and I would suggest that if you dislike what you are hearing from the hon. Member, you go and sit elsewhere.

Mr. arap Choge: On a point of order, Mr. Speaker, Sir.

The Speaker (Mr. Slade): No. We are going on with business now, Mr. Choge. It is nothing to do with that.

Mr. arap Choge: It is nothing to do with the Minister at all.

The Speaker (Mr. Slade): Anything to do with what Mr. Bala has been raising?

Mr. arap Choge: No, Sir.

The Speaker (Mr. Slade): All right, what is your point?

Mr. arap Choge: Is it not your duty, Sir, as the Speaker of the House, to send out someone who is drunk and is becoming a nuisance in the House?

The Speaker (Mr. Slade): Yes; not because he is drunk, but when he becomes a nuisance.

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, this arrangement assumes that from now on sufficient girls will be qualified through preliminary examination for Form I selection, who can attend Machakos Girls' High School as day pupils, consequently it should be borne in mind—

Mr. Bala: On a point of order, Mr. Speaker, Sir, this is a very serious allegation, that the Member implied that I was drunk.

The Speaker (Mr. Slade): No. He asked a general question. I do not think you do yourself justice, Mr. Bala, by thinking that it applied to you.

Mr. Malinda: On a point of order, Mr. Speaker, Sir. In view of the fact that there have been interruptions amounting to about five minutes.

[Mr. Malinda]

Machakos, and made the necessary survey and took back the recommendations of the necessary accommodation, but the Ministry of Education ignored the school, not even in the normal run and, instead of giving the usual minimum grant that was necessary to run the school, the Ministry of Education cut down, in fact at one time they cut down over £300 which was necessary to run the school, and they delayed the issue of these funds until the reserve fund, which was held in a fixed deposit, was diminished, and the interest which had been accruing thereto was lost. Mr. Deputy Speaker, for the interest of the Attorney-General I would like him to know that I come from Machakos, and Machakos is my place and I know everything that goes on there. On top of that I belong to the board of governors of that school, and, therefore, I am speaking—

Mr. G. G. Karuki: On a point of order, Mr. Deputy Speaker, is the hon. Member speaking, speaking to the Attorney-General or to the Members of this House?

The Deputy Speaker (Dr. De Souza): No, I think he is speaking to the Members of the House, but I think he is directing his remarks towards what the Attorney-General said.

Mr. Malinda: Mr. Deputy Speaker, I am speaking here as (a) a Member of this Parliament from Machakos who has the interest of the Machakos people at heart, and (b) I am speaking as a member of the old board of governors which existed. Now, Mr. Deputy Speaker, at the board of governors' meeting held on the 20th September last year, in the presence of two provincial education officers, it was expressed that as at that date, because no funds had been made available, and no construction had been started, it was going to be impossible for the school to take in let alone run three streams in Form I, two streams, and the only possible thing was to take in girls to replace the outgoing Form IVs, which was twenty-two girls. A resolution was passed, and the Ministry of Education was informed accordingly, and the provincial education officers took back the recommendations of the board of governors, but, Mr. Deputy Speaker, and this is where my suspicions arise, I think that somebody in the Ministry of Education is trying to play down Machakos High School because, Mr. Deputy Speaker, although that recommendation was sent, the Ministry of Education did not take any steps, and the headmistress who was there, who wanted to see that these things were finalized and were put on a proper footing before 1966, when she came to the head office here on several occasions to ask what steps had been taken, and to urge the

Ministry to set aside funds if the school was expected to take in three streams, that woman, Mr. Deputy Speaker, was treated in a manner which was tantamount to sacking. She was arbitrarily transferred without the information of the governors, without even sending any information to the governors. I have seen the Minister several times on this question, because, as a result, the members of the board of governors resigned, and therefore, because there is no board of governors, and because of the new headmistress, the Ministry of Education has taken advantage of the situation to play down Machakos Girls' High School even further.

Mr. Deputy Speaker, we come now to 1966, the difficulties of dormitory accommodation, the difficulties of classroom accommodation, the Ministry of Education, knowing all these difficulties of staff accommodation, and a sanitation block. Mr. Speaker, the Ministry of Education went ahead and selected 105 girls to come to Machakos Girls' High School. This is very well. Mr. Deputy Speaker, only if there had been any suggestion from the head office as to where these girls were going to be put. One version of their argument is, Mr. Deputy Speaker, are we going to build more dormitories at the expense of classrooms? Mr. Deputy Speaker, this question does not arise, because we were assured that this year, in taking three streams the World Bank money was going to be available for these purposes, and it is only two more classrooms, two more dormitories, and extension of the dining hall, and two more sanitation blocks that are required.

Now, Mr. Deputy Speaker, of the 105 girls who were selected this year, sixty, Mr. Deputy Speaker, are supposed to be boarders. There is no accommodation for more than twenty-two girls to replace the Form IVs who went away last year, these girls, Mr. Deputy Speaker, are made to sleep on the floor with scanty bedding in very dirty and unhygienic conditions. Then they are supposed in the morning to roll up their bedding for the use of that hall as an assembly hall, and the other section of that hall is very dark and there is no ventilation and it is warm, and the other girls are supposed to sit there and attend to class work there.

Mr. Deputy Speaker, I do not want to speak for a long time because I want the Minister to tell us exactly what his plans are.

Now, Mr. Deputy Speaker, I would like to go on to the thirty-five other girls, because as I said there were 105 girls who were selected, sixty are now there, but out of the third stream, the thirty-five, only twenty-two have been able to come to Machakos. These girls do not come from around

[Mr. Malinda] the Machakos school, some of them have to come as much as 100 miles away, some of them come from Makueni, Mukaa, Mbitini, etc. and all those areas. Mr. Deputy Speaker, it does not matter whether they are Wakamba or not. The question here is if they are able to find accommodation in Machakos. The answer is that they are not able to find suitable accommodation, and, Mr. Deputy Speaker, by this they are exposed to what I would call, Mr. Deputy Speaker, the unquities of the grown-up world. Mr. Deputy Speaker, this is a very serious state of affairs which the Ministry of Education should put right.

Mr. Deputy Speaker, out of these girls who are supposed to be sleeping outside, the day scholars, some of them are sharing accommodation with employees. I received information that out of those who are there, three are leaving the school at the end of this week. Why? Because the people with whom they share accommodation are going on transfer, therefore, they have no accommodation, and, therefore, they will have to go away. Mr. Deputy Speaker, what sort of arrangement is this? The Ministry of Education says that it was an understanding that the third stream were going to be day scholars, but, Mr. Deputy Speaker, I wish to refute this most emphatically, and, in any case if they were, they ought to have been selected from around Machakos Town because I said we were told at a meeting of the board of governors, by the provincial education officers, categorically, that the third stream would be not a boarding stream. Now, Mr. Deputy Speaker, the Ministry of Education must take note that this has caused a lot of disquiet among the public around Machakos, and, Mr. Deputy Speaker, I would like to correct the accusation here which has been levelled at the Machakos people that, this one, Mr. Deputy Speaker, comes from Meru, that the people of Machakos have discriminated against the girls from Meru. The truth of the matter, Mr. Deputy Speaker, is this, that the Ministry of Education has confused the whole thing. The Ministry of Education submitted a list which, I am given to understand, contained the names of fifty-nine girls from Meru. Mr. Deputy Speaker, before the invitations were sent out, another list was sent to the school which contained the names of the girls who are now in Machakos. Therefore, this cannot be blamed on Machakos or the Wakamba; it is the fault of the Ministry of Education.

Now, Mr. Deputy Speaker, Sir, I would like to end off by calling upon the Ministry of Education to restore the confidence that Ministry has enjoyed of the people in that area, because, Sir, I understand that although this is happening

in Machakos, Machakos is not an isolated case. This is happening in most other places in the country. Therefore, Mr. Deputy Speaker, Sir, the Government and the Ministry of Education must see to it that their confidence is restored by alleviating this situation. Mr. Deputy Speaker, Sir, I would like to suggest to the Ministry of Education that an immediate remedial measure must be put in hand. If the Ministry of Education does not have enough funds to construct permanent buildings, I think it would even suffice the people at this stage, if the Ministry of Education could supply tents to be pitched in the compound of the school where the girls could go and live, or else buy prefabricated houses which could be used as classrooms or be used as dormitories.

Mr. Deputy Speaker, Sir, I think I have covered everything which I wanted the Ministry of Education to know. I would also like to say that we, in Machakos, are feeling that we have been played down, ignored and discriminated against by the actions of the Ministry of Education, by the Ministry not having restored the board of governors which is supposed to be the watchdog in the affairs of the school.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move.

Mr. Kiamba: Mr. Deputy Speaker, Sir, I beg to support this Motion very strongly. This school at Machakos is not a new place to me, because I only live about three miles from the school, and fortunately I am a member of the area. I would like to thank the hon. Member who has moved this Motion.

Mr. Bala: On a point of order, Mr. Deputy Speaker, Sir, the hon. Mr. Malinda is Specially Elected and therefore is representing this House and not representing Machakos. Now, Sir, I seek your guidance.

The Deputy Speaker (Dr. De Souza): You can make your point of order, Mr. Bala, but so far it appears quite unfounded. But there is a point of order.

Mr. Bala: Mr. Deputy Speaker, I am seeking your guidance. With all due respect to the hon. Mr. Malinda, it is proper that a person, elected by all the elected Members in this House raise a matter concerning the place where he was born, and not any place in the country?

The Deputy Speaker (Dr. De Souza): No, no. Order! Order! I think these points of order have been raised before and they are extremely frivolous. Hon. Members are aware that whether a person is a Specially Elected Member or not, he is as much a Member of this House as any other hon. Member, and I think this has been stated before. It is quite frivolous.

[Mr. Alexander] notes and coin there to be cashed in against these assets. Is this fair? Is it fair that this should, in fact, be the basis? Can I look at this problem, another way? Let us look at it in its most ridiculous way to try and show what I am attempting to explain. If, in fact, we had gone into an entirely managed currency, and if, in fact, we had never had investment backing for our currency that is if our currency had been 100 per cent established on a fiduciary basis, what then would have been the position when the settlement came? We have some example of this as at now, because there is a fiduciary issue in relation to the currency board at the moment. These are notes that have been issued by the various banks, and not notes in the currency sense, but notes in the sense of undertaking to redeem, have been issued by the various governments against advances from currency board. Now, Sir, the settlement of those, when we come to deal with this matter of winding up the currency board, will be merely the handing back of these notes in cancellation of the liability of the various countries. Now, Sir, that being so, I wish to put a point of view that this currency share out should not be on this theoretical basis that we have had described to us in authoritative articles, of an exchange against notes and coin, but that it should be on the basis of the contribution by each country to the establishment; that is the contribution in wealth, and in exchange of the establishment of the reserve fund.

Now, Sir, this would mean, in respect of two periods in our history, that there would be considerable emphasis on the part played by Kenya. I refer particularly to the period of the Second World War, 1939 to let us say, 1946. Now, Sir, quoting from a fairly authoritative book, which is called "Money and Banking in British Colonial Africa" by Newland and Roland. I do not know which edition this is but perhaps this is the kind of book that did not warrant another edition, but anyway, Sir, on page 58 it shows that the currency outstanding in 1940 was some £7 million and in 1945 there was some £28 million.

This was a jump of some £21 million in some five years. Now, Mr. Speaker, Sir, my submission is that the cause of that was largely due to the exchange generated in our country, Kenya. During that period we had, as the older Members will know, a tremendous influx of British troops here from overseas and, at the same time, we housed many hundreds and thousands of prisoners. All of this was generating currency at that time and this, I believe was the main reason for the very rapid jump in the currency in circulation

and, therefore, the increase in the reserve fund at that time.

We will find if we study the figures a not dissimilar sort of increase in the period 1950 to about 1956 which again was a period where, in our country, we had considerable foreign activity which was generating exchange.

I would, therefore, ask the Minister to dwell upon these thoughts and perhaps come to us with some basis other than just this one of the circulation in currency as being our rightful share. Of the £62 million, £63 million or £64 million in this reserve fund, I believe that perhaps a more accurate estimate of what Kenya is entitled to is something like £35 million. At the moment we have been told in this authoritative articles that we likely to get around, I think, £21,000. This is a basis of calculation that I would challenge. I believe there are other formulae that we can use to our advantage, and I would urge the Minister to consider these.

I am delighted, as I said at the beginning, that we have this particular Minister to deal with this particularly complicated subject, and I congratulate him.

Thank you, Mr. Speaker.

Mr. Kamau: Mr. Speaker, Sir, I only rise to congratulate the Minister for Finance and I would like it to be placed on record that our present Minister for Finance is the person who has tackled this very difficult kind of post in our new Government, and has tackled it very efficiently.

There is no doubt, Mr. Speaker, Sir, that at the time we achieved our independence our country was suffering economically, and we would like the Minister, at this time when we support the Bill, to note that our people are politically free but economically they are slaves. So, we hope that with his portfolio the Minister will do his best to see that the central bank is going to promote the African way of life economically and socially. If we compare Kenya with other countries today, and if we take the United States of America, we find when we visit that country that most people there are living very well, they are not living in want as we do here. This is because their Government has extended loans to almost everybody. They are given facilities for credit and, therefore, they are able to—

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, of course, I agree entirely with what the hon. Member is saying. However, I wonder whether it is now time for the Mover to be called upon to reply?

The Speaker (Mr. Slade): I think we are getting very near that time now. Mr. Kamau has, I know, been waiting a little time now for the opportunity to speak. Perhaps out of courtesy to him we should give him another two or three minutes, then I think I ought to entertain that Motion for the closure.

Mr. Kamau: Thank you very much, Mr. Speaker. I think the hon. Attorney-General was so pleased with my speech but thought that I might turn the other way round and, therefore, he wanted the Mover to be called upon to reply.

Mr. Speaker, at the moment you find economically our people, especially the businessmen, are always crying that we should be given facilities to get credit from the banks. Therefore, I think it is high time that the Minister for Finance established a commercial bank at the same time that the central bank is set up. This will facilitate and enable our people to be able to borrow money in the same way that the foreigners do.

I want here to ask the Minister—and I hope my hon. friends will bear me witness—to do his best to see that the non-citizens of this country are not given facilities when the citizens are deprived of facilities to be able to borrow money from the bank.

As the Minister is aware, if you go along the main streets, Government Road, Kenyatta Avenue, you find that it is only the foreigners who are now—

The Assistant Minister for Home Affairs (Mr. Nyagah): On a point of order, Mr. Speaker, I wonder whether the three minutes you have given Mr. Kamau are not over? Is it not time to call on the Mover to reply?

The Speaker (Mr. Slade): I think so because, as a matter of fact, Mr. Kamau has been repeating what has been said by other Members in debate, and it is not strictly relevant either to the Bill.

So, I think I must allow the House to consider the closure.

(Question put and agreed to)

The Speaker (Mr. Slade): Mr. Gichuru, we have to interrupt to take a Motion for the Adjournment in about three minutes. I do not know whether you would like to start now.

The Minister for Finance (Mr. Gichuru): Yes, Sir, I would like to.

I would like to start by saying how grateful I am that the hon. Members have taken so much interest in this Bill. As I said in my opening remarks, it was not the wish of Kenya to go it alone in this way. We have tried our very best to

keep the three territories together, have one currency, one central bank, maybe we could have devised ways and means of also having, maybe, local banks; but that was impossible. Therefore, we have been forced into this situation which, as I said, is a big challenge. We feel proud that we are in a position before long, to issue our own currency notes. I cannot say exactly when but they are in print. Our coins are being minted.

Some people did state that perhaps our notes will not be as good as the ones we have at the moment. One hon. Member even went to the extent of reminding me that when it comes to the printing of these notes, that we should ensure that we get the experts to do that. I can assure him that we are not going to print our notes in Grogan Road. In fact, they are in print at the moment. Before long they will be here. Our coins are also being minted. I am quite sure that when they come you will be very proud of them. They are good. I can say this because I have seen them.

An hon. Member: Where are they?

The Minister for Finance (Mr. Gichuru): I cannot disclose exactly where they are.

The Speaker (Mr. Slade): I think this would be a good point to break off, Mr. Gichuru.

#### MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

##### ACCOMMODATION AT MACHAKOS GIRLS' HIGH SCHOOL

The Speaker (Mr. Slade): I will now call on Mr. Malinda to move the adjournment of the House.

Mr. Malinda: Mr. Speaker, Sir, I beg to move that the House do now adjourn.

I wished to be given this opportunity to move the adjournment of the House so that I can tell the Ministry of Education of the existing deplorable accommodation in Machakos Girls' High School.

Sir, the history of the Machakos Girls' High School is as old as this country but I will not go into any details beyond the last one or two years. Sir, way back in 1964, we were given to understand that the Machakos Girls' High School would qualify for a grant from the World Bank if it ran triple-stream in Form I. But the first step was to have a double-stream in 1964, progressively coming to 1965, and by 1966 we would have a triple-stream where by that time, we should be able to have had the funds from the World Bank to construct the additional necessary accommodation. Mr. Deputy Speaker, a Member of the Ministry of Works came, and visited

Mr. Alexander: Mr. Speaker, I notice with interest that the honorary member for the ordinary man has promoted himself, because last week he was the honorary member for the poor man. I am certainly encouraged to know that I have such an able spokesman in this House. It is interesting to note that he is prepared to discuss on every conceivable subject that comes before us, I think this proves to us once again that perhaps a Jack of all trades is master of none.

Mr. Speaker, our Minister for Finance has in the last few years certainly dealt with more intricate and complex financial matters and problems than Finance Ministers over the whole history of our country, and this certainly is the most intricate of all subjects and he to be congratulated that during the term of his office he has taken on the burden of dealing with this matter, a matter which has a great deal of mystique attached to it, a subject that largely has a language of its own and which bankers do not really want anybody else to understand because, if we did understand, then, of course, we would start to put some of them out of business. So, I do feel for the Minister in this matter and appreciate very greatly the way in which he has tried to tackle this very, very elusive problem of central banking.

May I turn to clause 8 which says that the authorized capital of the bank shall be £1½ million? It is there stated as shillings. It is interesting—as a diversion here for a moment, Mr. Speaker—that later on the Bill does talk about the Kenya £, and I do hope from now on that we will begin to quote our figures in £s because this has been really the financial language for very many years. This attempt to keep accounts in shillings is really outdated and this Bill shows it, when in clause 8 they start talking about Sh. 26 million, and if you put that into figures it is a lot of figures that nobody can really ever absorb at one glance. I would urge upon the Minister that whilst dealing with this subject he takes a final plunge at this question of the use of the monetary unit and brings in regulations that require that we deal with everything from now on in £s and shillings and not just in shillings.

Well, Mr. Speaker, going on and dealing with this clause 8 and the authorized capital of £1.3 million and linking it for the moment with clause 59 which refers to the transfer of the assets of the East African Currency Board, I would like the Minister to tell us how in this transitional period £1½—because that as I see it is the only capital that the bank will have at this point—is going to deal with the backing of the currency that will immediately be put into circulation as Kenya £s and shillings. I can well see that gra-

dually, as we move over the transition and by our hands on these assets of the central bank that the situation will sort itself out, but I imagine that this transitional period outside, particularly international bankers dealing with this will want to know our immediate backing for the Kenya currency that we put into circulation as distinct from the East African currency that we will continue to use. I will come back to clause 59 later on, which is the key of much of what I have to say.

Now, Mr. Speaker, if I may deal with clause 20 which states that the par value of the Kenya shilling in terms of gold shall be determined by the President. I always understood of international banking that provided we were in a freely moving international market that it would be the international business itself that would decide the par value of our Kenya £s. Perhaps the Minister could elaborate a bit on this and tell us exactly how the President gets brought into this, because it must surely be decided by supply and demand in relation to our own currency.

Turning to clause 21 it says that all monetary obligations or transactions entered into or made in Kenya shall be deemed to be expressed and recorded, and shall be settled in Kenya currency unless otherwise provided. Can we be assured that that "unless otherwise provided by law or agreed upon by the parties" will not deny our country freedom of movement within reasonable exchange control limits of money exchange with countries overseas? This, I think, is going to be watched very closely by would-be investors, in fact, by existing investors in this country because one of the big fears that is always expressed—I imagine the Minister has to listen to this every day of his life and those of us that are concerned with business are continually having to try and answer this question—is the extent to which foreign money coming into this country might be frozen. Here, I think this is a good opportunity for the Minister, when replying, to again repeat what he said that there will be no attempt through the legislation in this Bill to tamper with the understandings and the agreements on which overseas investors have brought their much-wanted capital to this country, and those that will be doing so in the future. This is the very greatest deterrent today in our country, to overseas investment and if the Minister can answer this very emphatically today when he deals with this in his reply, it will be of very great help to the inflow of capital that we require so desperately in this country. We will be a capital importing country for the rest of the lives of everybody in this House and make no mistake about it: Canada with a long history behind it, &

[Mr. Alexander] very wealthy country, has only in recent years become a real exporter of capital, and that hon. Members will show you the task that we are up against, and so we must make sure that there is nothing that we do or say to discourage anybody from bringing the sort of capital that we want in this country to develop it more quickly.

Now, Mr. Speaker, Sir, I would like to deal with clause 44. It says in subclause (2), "The Bank may also perform the functions of fiscal agent and banker for any other public entity in accordance with . . .". Now, Sir, what is defined in the Bill is what is meant by public entity, means the Government, the organization, the authority—any local authority—or any public body specified by the Minister. Now, Sir, this means, for instance, in respect of one important institution in our country, that is local government, it looks as though the intention is for the whole of local government in this country to transfer its business to the central bank. It looks, as I read into this, as though the inference is that all quasi-Government bodies and statutory boards will be expected, or be directed, to do business, or to be clients, of the central bank.

Now, Mr. Speaker, Sir, is this really desirable? Is it wise that at this stage we should move all of this business away from the normal commercial banks in this country, who, over a history of some 60 or 70 years, have done a very fine job of work? I believe, Sir, that there has been a relationship built up between the commercial banks and the Government institutions; I think I will call them that, or rather public entities, as the Bill calls them, but there has been a record of achievement of trust and good will built up over very many years between the commercial banks and these public entities, and I would therefore ask the Minister to seriously consider whether it is wise for this business to be moved. I think, Sir, it would be of some reassurance to the commercial banks and let me say straight away, Mr. Speaker, Sir, that I have had no discussions with any commercial bank on this, this is my own personal thoughts. In fact, Sir, I owe the commercial banks myself far too much money ever to dare to go near them, because if they see me coming they want all my assets and they frighten me, so you can be sure that I do not talk to them very much. But, Sir, I do think that it would be wise to reconsider this matter.

Turning now to clause 56 of the Bill, Sir, where it says, "The Minister may, in addition to the audit carried out under section 53 . . .". Now, Sir, I think if you read section 53, you will see that it does not refer to this matter at all. But

Sir, section 54 refers to this matter. Perhaps the Minister has already picked up this point, but Sir, in fact, section 54 is the clause which deals with the annual reports and the appointment of auditors. Perhaps this is just a drafting error which the Minister may care to put right.

Now, Sir, I would like to turn to clause 59 which is the clause of which I wish particularly to seek enlightenment and clarification about. This is the clause which says, "Kenya's share of the assets of the East African Currency Board shall be transferred to the bank as and when those assets become available and the bank shall have the sole right to receive those assets." There is nothing in this Bill that tells us what formula is to be adopted by our Government in laying its hands on the assets that are justly ours lying in the currency board. This is going to become a very vital subject in the years ahead of us and deliberately I say years, Mr. Speaker, Sir, because Aden that opted out of the East African Currency Board has not yet had a settlement, and I think this goes back three years already, and that was just a little minor participant in the East African Currency Board, so heaven knows what the settlement is going to be like when it comes to the three territories, Kenya, Uganda and Tanzania.

How long does the Minister think it will take to establish what is our right, and how, and on what basis, does the Minister believe that we will be able to negotiate? Now, Sir, I have seen it stated by the experts and particularly by that well known and I think he is referred to as the correspondent well versed in banking affairs, who writes in the middle page of our leading newspaper whose name is none other, or no less a person than Mr. J. B. Loynes who has been adviser to our currency board for many years. I think he has written, and certainly other financial experts have written, to say that this settlement will be on the basis of the currency notes and coin in circulation in the three territories to be cashed against the investments at that time.

Now, Mr. Speaker, Sir, we are not talking about chicken feed here. We are talking of big money. We are talking of a total of something like £63 million or £65 million. I am not quite sure what the figure is today, but for purposes of discussion, let us call it £60 million to £65 million, are the assets to be carved up between the three territories. Now, Sir, just let us imagine a situation, if this theory is right, that the notes and coin in circulation in the territory, that is the East African notes and coins, at the time of the settlement will be the basis of sharing out. If this happens at the time when the Uganda cotton crop, for example, is being brought in, we will find a great deal of



[Mr. Shikuku] take this money of yours, because I will not be able to change it. I have no passport." How will this work?

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

[The Speaker (Mr. Slade) resumed the Chair] I would like the Minister, when he replies, to tell us how this will work as far as the ordinary man is concerned. How will the ordinary man be able to change his money to enable him to buy an article from Tanzania or from Uganda. The same problem applies to the Tanzania Government and to the Uganda Government.

That is why I say that it is unfortunate that this should have happened because our leaders were not considerate enough in their decisions; they forgot the ordinary man who made them what they are.

Another point with regard to the central bank is this. It has been explained by the Minister that this bank will have nothing to do with the lending of money or loans to the people in this country; it will be just a central bank to control the currency in this country, and it will work in co-operation with the other banks here. But I do not then know how we are going to profit from this. Could the Minister also tell us how we are going to gain, if we want some more money? Because there is already some discrimination in the present banks. Is the central bank going to control these banks and drive it into their heads and make them realize that they have to give the people of Butero loans, without there being a European or somebody high up, with a lot of money? This is the sort of thing we want to know because I do not want to support something that has no value or might not have any profit for my people. My support is always with strings. Mr. Speaker, and the Minister, my friend, knows that very well.

Another issue, Mr. Speaker, is this. Having accepted this, because this is also going to take place in Uganda and so the idea of federation has gone to the dogs, I would like to know from the Minister about the value of the money. Is there going to be a central bank of East Africa whereby, if I had a ten-shilling note and I went to Tanzania, I would be able to get the same amount, or will our £ value be lower than that of Tanzania and of Uganda? We should be told how these things are going to work because we have a lot of people working in Tanzania.

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, is the hon. Member not repeating himself? He has said that about ten times.

The Speaker (Mr. Slade): I only heard half the hon. Member's speech; perhaps I did not hear the other half of the repetition. But please try not to repeat yourself, Mr. Shikuku.

Mr. Shikuku: I wish to inform you, Sir, that I have not repeated anything, and I think the Minister is completely out of order to say that I have repeated myself.

The Speaker (Mr. Slade): He is entitled to raise a point of order, but if you are not repeating, carry on, Mr. Shikuku.

Mr. Shikuku: I am not out of order. I mean, he is inaccurate in his point of order.

The Speaker (Mr. Slade): Yes, all right, please go on.

Mr. Shikuku: I am trying to find things out. Nobody has touched on the question of the value of the money in East African countries, so I would like to know from the Minister how this is going to work.

At the same time; if I may put him in order, Mr. Speaker, I would point out that if you look at the Bill, as it is, in the Memorandum of Objects and Reasons, on page 43, there is an error, and the Minister should know that. He should have seen it before he brought this Bill here. If you refer to clause 24, that is, on page 43 of the Bill, it says, "Clause 24 provides that currency issued by the East African Currency Board shall be exchanged for Kenya currency by the bank until the Minister otherwise determines." I have just quoted from clause 24, or its purpose, as it is on page 43. But if you look on page 43, I have quoted this for the information of the Minister, but I do not think he has found it. That is, on page 43, what I have quoted as being under clause 24; and on page 32 of the same Bill, under clause 24, you will find that it is a completely different thing.

If I may quote, it says: "Exchange of mutilated notes and coins, etc. That should come under the Memorandum of Objects and Reasons clause 23, but that is not even quoted. That is a big mistake. If I may quote clause 24, on page 32 of the Bill, it is this:

"The bank shall not be obliged to exchange any note or coin which is mutilated, defaced, soiled or otherwise defective, and the conditions subject to which the bank may as a matter of grace exchange any such note or coin shall be within the absolute direction of the bank."

That has nothing to do with the quotation in the Memorandum of Objects and Reasons on page 43, where clause 24 is quoted. It should actually

[Mr. Shikuku] be clause 23. So there is a big mistake here and it is a very misleading one, too. Even clause 23 is not quoted.

The Speaker (Mr. Slade): I think you have made your point quite clear, Mr. Shikuku.

Mr. Shikuku: Mr. Speaker, the Assistant Minister was not quite clear, so I had to repeat it.

Mr. Speaker, another issue here is the question of the money. It is not stated in this Bill how we are going to control the flow of foreign money into this country with regard to goods or staff we get from foreign countries in our own currency. For example, we now have this problem of maize from the United States—I am quoting some examples—where, instead of purchasing the maize with our own money—we do actually pay for the maize with our own money, but that money, instead of our giving it to the United States, is given to the United States bank account here, it is not sent to the United States. And I feel that the longer we go on doing this and the more money accrues to the United States account in Kenya, it will grow to such an extent that one day we might find that there is a lot of money in this country, which is not our money, although it is in our own currency.

You see? I am not a very good accountant or currency fellow, but I am of the opinion that if we do not take care of that, we might find that the amount in our own currency which belongs to someone other than ourselves might be more than our own currency here, and one day, if we quarrel with that someone, he might say, "Look, boys, if you do not behave yourselves, I am taking my money out", and then we will be left with nothing. I do not know how the Minister intends to take care of that.

I would like to return to the question of the establishment of the bank because in clause 4 it says,

"The principal objects of the bank shall be to regulate the issue of notes and coins, to assist in the development and maintenance of a sound monetary, credit and banking system in Kenya conducive to the orderly and balanced economic development of the country and the external stability of the currency, and to serve as banker and financial adviser to the Government."

Mr. Speaker, I would like to be assured, before I support this Bill, that we are going to have banks all over the country, branches of this central bank all over the country, so that we can take care of our exchange from close range. Take, for example, the people who are living in Turkana and Samburu, who have no banks. I

wonder whether these people will have to travel all the way. They will be travelling on foot or by Land-Rover of some sort to go right down to Nakuru; I think that would probably be the nearest bank.

Mr. Speaker, Sir, this is so now because they can walk across the border, if I may tell my hon. Member, to Uganda and get their cattle sold without any difficulties, but now they will not do this because their money will be different from the Uganda money. I am very glad to see the Attorney-General nodding in agreement. This is the point I am trying to make, I am taking care of the ordinary man; I do not worry about those people with big cars like the hon. Minister, and the hon. Assistant Minister and the hon. Shikuku and the hon. Members who can travel, but these people would have a lot of trouble in getting their money changed in order to cross. So, I was wondering what the Minister intended, whether he intends establishing banks all over this country to make it easy for the ordinary men and women to have their money changed, and also whether they would have to get passports to cross to Uganda and Tanzania to change their money. That is their problem. I wonder how much it is going to cost this Government and the Tanzania Government and the Uganda Government. That was another point which I wanted to raise.

For the rest, Mr. Speaker, I have no particular quarrel with the Bill, but the quarrel I have—if I may summarize—is that I do support it, but I must declare that I am very hurt because I know for certain that the federation is dead. This is not through the fault of the ordinary man, but through the fault of the leaders at the top who, in my opinion, are selfish. Mr. Speaker, when the hon. Member for I do not know where talks of the ordinary man, I am here to speak on behalf of the ordinary man because he is the man who is going to suffer. If these leaders are selfish they are not serving the ordinary man at all, and I hope, Sir, the day will come when the top layer in Kenya, the top layer in Tanzania and the top layer in Uganda will disappear and we shall re-establish the federation and the present currency issue will be out and the ordinary people would enjoy themselves. So far they are ignorant and top people can get away with it, but I do not think they will remain ignorant for ever and a day. Being a young man, Mr. Speaker, I can only hope—and I do not think that I am hoping against hope—that a day will come when we shall again establish a federation when the selfish people have disappeared.

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

[Mr. Jahazi]

completion of their transaction they show little money, they have their own brother or somebody who sells this stuff at very high prices and keeps the money there. This is the biggest trick which these people are doing, by showing very wrong returns.

Our Ministry of Finance, the way it is operating now, has not expanded in such a way that it has inspectors and people to check on such fellows who are cheating the Government. So people find loopholes in the exchange control through these, very underhand dealings, and I hope that when the bank is established, there will be a special department with all officers who are used to this type of cheating because, Mr. Deputy Speaker, we cannot pretend that the central bank will be managed by Africans. Anyone who will try to insist that it should be manned by local people is only trying to dig a hole for this bank to fall in, because we do not have expert people who can detect all these discrepancies.

Therefore, the Minister should not fear this House or anybody as regards the staffing of this bank, because once he does so, he may find that the same people who are criticizing him over staffing this bank will criticize him over the failure of the bank, and they will be more vocal on this tune. Therefore, Mr. Deputy Speaker, I would like the Minister to consider this point seriously.

There is another thing I want to mention, Mr. Deputy Speaker. At the moment, nobody seems to be charged with handling foreign currencies. In other countries, Mr. Deputy Speaker, that we have been to, you do not find any Tom, Dick or Harry or any shopkeeper handling or accepting foreign currencies, but in Kenya anyone can set up a shop and start dealing in foreign currencies. For instance, we have a lot of naval ships visiting Mombasa—American and all that—and these people come with Sterling, and you find that there are so many people who have established a special business to change this money, and they have devalued unofficially our shillings. Since the passing of the Exchange Control Bill, in Mombasa there are some unscrupulous fellows who will give you Sh. 25 for £1 Sterling.

The market is going on now because nobody checks them and exchange is very—I know a couple of fellows who are doing this job and it is very prosperous. Because we do not have a bank which regulates this, we find that most of these people are carrying on and nobody seems to care whether they have a licence or not.

I hope that it will be the purpose of this bank to see to it that not a single shopkeeper will be allowed to deal with foreign exchange, unless

he is appointed by the bank, because most of our currency goes out through that way, since most of them do not need to go to the bank and say, "I'm going to London, I want to change my money." Of course, he can go and get the ordinary amount stipulated by the law, which says that nobody should leave with such-and-such an amount, but on him he has a lot of black-market money which he changed through such activities, so that he does not care a damn whether there is exchange regulation or not. I hope that this bank also will have a department which will deal—this applies especially to Mombasa, where a lot of foreign currencies are just flowing in and may be the Government is not getting anything out of it through exchange.

Mr. Deputy Speaker, Sir, many Members have asked the Minister to look into the possibility of this bank establishing—whether in the future or very near future—a commercial branch which will deal with ordinary local transactions, like local borrowing, housing financing, so that the Government takes full responsibility for these very needful projects because now, Mr. Deputy Speaker, however the Government may try to join the United Dominions Corporation or the Commonwealth Development Corporation and other profit-making bodies, it will not satisfy the people. I say that because these bodies are there for profit only, they are not there for charity. Any project that involves helping people first and profit afterwards will not be considered as a viable project by these people. That is why you see that they are in for very quick money, and it will not be possible for the Government to realize its economic plans in the period they have set, because there will be no money available from these international companies, however much the Government may like to co-operate with them.

But if this bank has a commercial section and control on the money in the country, I hope that an opportunity will arise, whereby the Minister will, when he sees how the bank looks after its inception, open a commercial branch of the bank to deal with this problem which is facing the Government today, because the problem is Government's. The people want loans, they do not know where the Government will get money, but they still press for loans. "The Minister should give us loans." However much the Minister may explain to people, if there is no loan, the people want to be able to understand the reason why there is no money available for loans.

Another point, Mr. Deputy Speaker, is this: I hope this bank—as has been stipulated here—will have a say in the interest people are paying on

[Mr. Jahazi]

loans because now, Mr. Deputy Speaker, as you know, we depend on the Bank of England's rate of exchange. Money in London may be tight here— I may be corrected, because we are not all finance people, we are just laymen, but whatever we contribute we manage to get here and there. As I understand that the rate of interest is still controlled by the Bank of England, whenever there is tight money there, they can raise it or lower it and you do not have much say.

At the moment, we have plenty of money since the inception of exchange control regulations because many people were caught with money in their hands, they do not know where to take it and there is plenty of money in the savings and bank accounts of the local commercial banks. I hope that we can use this money and it is high time that our local banks here lowered the rates of interest. I do not know who regulates these rates of interest. The private moneylender has his own, the commercial banks have their own, and other various institutions have their own rates; they just dictate whatever rates they think are suitable. Although there is plenty of money available, the rates are still very, very high. So I hope that this bank will step in and see that rates of interest will not be high unnecessarily. The Government should be able to control this and no one should be able to set higher rates above that the Government has set.

The last point I want to make, Mr. Deputy Speaker, is that many Members of Parliament would like to feel big and important as a result of sitting on this body, but the more we keep this body out of politics, the better. This is a body of brains, it is not a body of politics, and it is not a question of just because you are a Member of Parliament, it means that you qualify to be a banker or be able to contribute anything to this bank. But if there is any Member of Parliament who is conversant with the aspect of banking and who would be very profitable in this institution, the Minister should not overlook him. However, I hope that a Member of Parliament, any other civil servant or anybody else will not throw his weight around, just to say that because he is So-and-so, he should be in this bank: Because this body will be young and we do not know how it will look or function, we should leave it to the experts to start it and rear it until it is able to walk or run; and then Members of Parliament can have a place in it, whereby they can attend to the interests of their people, the electorate, as a whole. Otherwise, Mr. Deputy Speaker, the Minister should use his discretion to choose the best people for this job.

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

Mr. Salkani: Mr. Deputy Speaker, I wish to join my colleagues in congratulating the Minister on having brought this Bill to this House, the aims of the Bill will be of benefit to this country. But I have some observations to make in this connection.

The reason for the Bill is quite obvious, but it is rather absurd that the question of the East African Federation—the introduction of this Bill means that there is no greater proof or evidence, which could be produced in any court of law or before any authority, such as this House, which could be brought to prove that that federation is now null and void. Mr. Deputy Speaker, I do not blame the Minister for Finance for having brought this death blow to the hopes of an East African Federation, but I wish to blame all the heads of State of the three territories for having been very selfish in their attitude. I have tried to read this Bill but I do not see how, after getting central banks in Kenya, Uganda and Tanzania, the ordinary man is going to be able to change his money.

I know, Sir—and you have travelled as I have done—that if you go to any foreign country, you must have a passport in order to change your money, and I challenge any hon. Member who has toured or who has been out of this country to deny that. Now it is not even provided in this Bill how we are going to supply all the ordinary men with passports. First all, the passport office is only in Nairobi; it is not even in Kakamega; it is not even in Bungoma.

You talk of Mombasa, but I do not come from Mombasa, Sir, for the information of the Assistant Minister: I am from Butere and Mombasa is in a different direction altogether. Geography is very important in this issue. If I were allowed, Sir, I would draw a map to show how far I am from Mombasa; if it is a question of going there to get a passport. Of course, I have one; I do not need one, but the Butere people do not have passports.

Now the difficulty is that we people who live on the border will find it very, very difficult to have our money changed. For the Minister and myself, it is easy; we can fly to Uganda, fly to Tanzania, with our passports and get the money changed. But what happens to the ordinary man trading on the shores of Lake Victoria, selling fish? Mr. Onyango comes with his boat from Kisumu up to Jinja and there he meets Kalibala from Uganda, who wants his fish. Then Kalibala says, "Look, I have Uganda's money; here it is." And Onyango says, "Look, my friend, I cannot

**[The Assistant Minister for Labour]**

have special responsibility. They have special responsibility as the guardians of economic growth and economic growth in these countries, and because there are certain developing countries which have gathered a lot of experience on these lines, I would also like to suggest that we look around for one of the developing countries with a good background in the running of central banks, so that they can train some of our people.

Mr. Speaker, Sir, we are now going to set up a central bank out of a background which we must understand properly. We have had common currency throughout East Africa. We have a common market and out of this common market we are going to set up central banks for Tanzania, for Uganda and for ourselves. Now there is a tricky situation here. It will have to be

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

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

worked out very carefully before we set up these banks, because at the moment I think a certain amount of currency is circulating in Uganda and a certain amount also in Tanzania and here too. In order to give these central banks a good start we must know exactly what the ratios are, so that we start with the right amount of money circulating here which will not land us with price problems. Furthermore, the East African Common Market itself creates a little problem for these central banks when they will be set. Because we have a common market, labour moves freely across the borders and business goes on freely across the borders, and this question of setting up the central banks so that they begin operating with the right amount of credit in circulation, will have to be examined very carefully. Here I would like to suggest that these banks, our own central bank when it is set up, will need a very solid statistical service. Without this, the bank will not know exactly what to do in order to salvage the economic situation. I see here, Sir, that in the Memorandum of Objects and Reasons, by clause 4 of the Bill the bank will be responsible for the issue of notes and coins, the object of the bank will also include the influencing and controlling of monetary and banking systems in a manner designed to promote the orderly and balanced economic development in the country. This is very important, and here I would like to suggest that that before the central bank is set up, we should get together with all the commercial banks which have been operating around here, all these banks which have accumulated a lot of experience in banking in East Africa, so that we can gain something from

them. Furthermore, it will not be easy for a new central bank to control effectively all these commercial banks which have been operating for a long time. This is why I am suggesting that we need a lot of experienced people to begin running this bank and I think it will be worth any price that we can pay for it, but let us get one of the most experienced people, because otherwise the operations of the central bank, as a last resort, as a banker for the Government, as a means for controlling the commercial banks, all these functions of the central bank might be frustrated by more experienced commercial banks.

Mr. Speaker, Sir, I think it is time that our Government began following on various devices of monetary policy to help the economy to grow. I think for this reason it is most welcome that we are going to set up a central bank, because without a central bank our monetary policies cannot be determined by ourselves, we cannot control them as best as we want, and what is the use of political independence when our monetary system and our monetary policies are still being influenced from outside? For this reason alone I welcome the setting up of this central bank.

I hope that the central bank will also help to influence the fiscal policy of the country.

Mr. Deputy Speaker, Sir, our central bank, I hope, will do its work efficiently. You see, we are in a common market and, as I can see it, in our common market we have so many feelings. Sometimes in order to maintain this common market we give a lot to the other East African countries. But I hope that this central bank will be run by hard-headed men who want Kenya to go ahead, and I personally would give them all the amount of support if they do all that is necessary to stabilize and strengthen our economy. I am not suggesting that we should shut our eyes and do things that will harm our neighbours. No, I am only saying that the central bank should do the best it can for this country.

Mr. Deputy Speaker, Sir, another thing about the background to the setting up of these central banks is this: we have a lot of Kenya people working in Tanzania and Uganda and I hope that the question of exchange between the East African countries will be an easy one, otherwise the common market itself will be ruined and I hope that the setting up of these central banks will not impair the amount and volume of trade that goes on between the East African countries. After all, we have a common market and naturally the ideal thing would have been for the common market to have one central bank, but since it is not so easy to realize this at the moment, we are quite content, and this is the best that we can

**[The Assistant Minister for Labour]**

do to have our own central banks. But I think arrangements must be made somewhere so that there is another institution which can facilitate the exchange of currencies which can help to clean up foreign exchange difficulties between the three countries. I should hate to see our foreign exchange relations with Uganda or Tanzania become as difficult as those that exist between our country and some other foreign countries.

Mr. Deputy Speaker, Sir, I think this Bill just gives us what we have been waiting for for a long time and it deserves support from all of us. Thank you.

Mr. Jahazi: Mr. Deputy Speaker, Sir, I too would like to add my contribution and congratulations to the Minister for having come out with a Bill that very few will find fault with, if any.

Mr. Deputy Speaker, Sir, we all know generally that the purpose of a central bank is specified and it is that their operation is more on the top than on the ground. Mr. Deputy Speaker, Sir, I would like the Minister to consider that in a developing country like Kenya the role of a central bank should be two-fold, whereby it is not only seen in the sky but it should also deal with the common man and citizen, because we all know that in countries like England, they have various banks, and they are very satisfied with the banking system there. The central bank there is independent of all commercial activities and also, I understand, that the Bank of England has some sort of commercial dealings with the common man. Some people can open saving accounts, although not in the general term, but still it is not as closed to the common man as we are made to think. Therefore, Mr. Deputy Speaker, Sir, there is a great need for the central bank that we are now creating to have some sort of dealing with the common African who is trying to develop his business, his savings and everything, so that we should not pretend to be as advanced as the people who stick to the principle of a central bank, because as you see in this country we need two banks. First of all we need a national bank and also a central bank. A national bank which is registered and established here and it is for this country, not the type of banks we have—commercial banks—because Mr. Deputy Speaker, commercial banks are here to make profits. Their institution is built on profit making and they cannot consider operating on a semi-charity level. Mr. Deputy Speaker, as you know, Members have expressed the difficulties which the ordinary business man, the ordinary farmer, the ordinary citizen of this country find in getting a loan and

there is no facility whatsoever from the Government for giving commercial loans as other countries readily get these loans from commercial banks. The African is in difficulty in that because there are no facilities of that nature.

Therefore, although we cannot force it on the Minister to create all these things at once, we have to experiment first with the central bank as it is presently intended to be instituted and see how it will function, and then see how much we can spread or expand, I hope that whenever an opportunity arises to expand, the Minister will consider also giving service to the lower level, to the ordinary person, in some form of accepting deposits of some nature and also advancing or guaranteeing some loans, although it is not the purpose of the ordinary central bank.

Mr. Deputy Speaker, Sir, this bank comes at a time when we have instituted exchange control but where the Minister and his Ministry had a lot of difficulty to depend on other people to carry out this control. Now, Mr. Deputy Speaker, all that the Minister can do beside his normal checking, is to depend on the returns from the commercial banks, saying that so much has gone out, so much is still in the country and no amount is allowed to go before he is informed. But we know that bankers are not angels, some are unscrupulous, and if they are made to believe that by passing a transaction underground they will make more money—and their purpose is to make profit—no banker will hesitate to make a few pounds to show bigger returns and profit per year, if they could cheat the Government once or twice, whenever an opportunity arises.

Therefore, Mr. Deputy Speaker, it is imperative that when this bank is instituted, the first thing will be to tighten exchange control regulations, because, Mr. Deputy Speaker, now we see that many people have devised ways and means of exporting money overseas. You find that firms which are very reputable and deal with business worth millions of £s per year have started going into smaller businesses. I have seen firms starting to export coconuts to London, to India, and also big firms exporting vegetables. You may think that there is nothing wrong with that but through this my own investigation—and, as you know, these big fishes are always competing with each other, and there are leakages, that so-and-so is doing this—I find that there are so many big Asian firms exporting vegetables and fruit to London, and the amount of their sale price to London is shown as very, very little, while, when the stuff reaches there, they get a lot of money. They show on their entry here that the cargo will cost very little money, so when they make a return of the

[Mr. Anyien] other channels. If you find our money in India, it should be with full Government knowledge, and I hope that from now on, when we demand the restrictions and so on, the Minister will say there is a leakage through Uganda, or there is a leakage through Kenya. As the other hon. Members have said, we do not want this bank to give us unnecessary difficulties. It is very well known; that maybe when one is tired of Nairobi politics, you want to drive to Moshi and have a weekend rest there, or to Kampala, and I hope that this bank will not make it very difficult for one to drive to our bordering territories for a weekend. Mr. Speaker, I hope that this will not be a means of some other people using us so that if they visit Kampala they carry a lot of Kenya money, and dish it out through Kampala. I hope also, that the Government will, although there is no federation, carry on discussions with the other two East African Governments to make sure that while they are stopping people from taking out money from Uganda for example, taking money out from Tanzania, those who are stopping that money in these countries will also help to stop any Kenya money from going out through those countries, and I think we can also do the same for them.

Mr. Speaker, the Minister has just spoken about reserves. We would like to know where these reserves are. I understand, maybe I am wrong and if so I stand for correction, that our reserves are in London. I think we must be very careful how we do this, because suppose we did not have very good relations with Britain, Britain could decide to take all our money, and we should have no money, and if we have no money I think there will be trouble here because we would not be able to pay our people. I must also thank the Minister for bringing this Bill for one other reason. In the Congo, one day, when Lumumba was the Prime Minister, he woke up in the morning and went to the bank to ask these people to give him some money, the Government money, and these people told him that there was no money. As the Prime Minister he had nothing to do, but I hope that since this is going to be a Government bank such difficulties will not arise.

Mr. Speaker, page 25 of the Bill, clause 6, speaks of agents. Now here with all due respect to any Minister who may be appointed by the Minister for Finance, I think that it would be better if there was more than one Minister to decide who is going to be the agent. Mr. Speaker, this is to protect the Minister so that nobody can this Minister appointed Mr. X or such and such a bank to become the agents because they bribed him. I think there should be a panel of Ministers,

let us say, maybe, the Minister for Finance, the Minister for Economic Planning, the Minister for Commerce and Industry, and the Minister for Agriculture and so on; so that there are several people involved. I think to appoint agents to handle the money should not be the responsibility of one Minister, though I know the whole thing that the Ministers do is collective responsibility. We have examples where this collective responsibility has not worked. For that reason, I would rather suggest that next time the Minister proposes to amend this Bill, it should be amended so that, for example, the Cabinet can decide who is going to be the agent, so that one man is not blamed for giving the agencies to some people as we know the question of an agency for maize is now creating a lot of trouble, and I think maize is less precious than money. I think we should make sure that whoever is going to be given the agency is properly selected by more than one person.

Now, Mr. Speaker, page 32, clause 24, speaks of the mutilated notes. Now, it says the bank is not bound, not obliged to change these mutilated notes. I think that the present practice should be continued. That is if you go to the bank, and the note you have is torn, but if you can collect the four corners together, you are getting a new note. If it is going to become difficult like that, the Minister knows very well that it is very easy to get a note, a child may tear it thinking that it is only paper, sometimes you leave your money in a pocket, you come to Parliament, your wife washes the shirt, and the money gets washed at the same time. So I think even here, Mr. Speaker, I think the Minister should not make it too difficult for somebody to change this money. I am not saying Mr. Speaker, that if you go with two corners then you should be given a new note, because that would be dangerous. The other person could also bring the other two corners and also be given a new note. It should be necessary to have at least three corners of the note in order to change your note, if you have all four corners why should you bring the note to the bank? Mr. Speaker, the Minister knows the conditions under which the African people live, and under which we keep our money and, as one hon. Member said, conditions sometimes do not afford much protection. We know we have a lot of rats in the countryside and we know that sometimes we fear that some people may take the money, some ladies and some old men may keep the money somewhere and the rats may eat part of that money. Mr. Speaker, these people should not be refused the right to change the money. I think the present system should be allowed to continue

[Mr. Anyien] and I hope that the Minister will not refuse this, because even his own mother or his grandmother may have this difficulty.

Mr. Speaker, I hope also that we have some banks, for example, the United Development Corporation, all the Members of Parliament have to get their loans from this company and then we multiply with all the Members the sum of Sh. 18,000 which we give to the United Development Company and I think that this profit that they get is what the Minister needs so that when we ask for services he will be able to provide them. If, Mr. Speaker, we are going to have a national bank that bank should—I do not want to be given my money by the taxpayer and then be able to make a profit on it. I think these banks, for example, should be able to give Members of Parliament and civil servants who are given loans; for example Government guarantees the repayment of my loan.

I do not see why they should guarantee the repayment of the loan. I get from a private company. I think they should give me the loan and guarantee that I will give it back and the two thousand or three thousand profit, which the private banks make, should go into the pockets of the Government to provide services which the Members of this House so much demand.

The Speaker (Mr. Slade): I think you are getting rather far from the Bill now, Mr. Anyien.

Mr. Anyien: Yes, Mr. Speaker, I am saying this in relation to what I propose that with this the Minister should set up other small banks to become agents.

Mr. Speaker, the question arises also of some people making money. The money that the Kenya Government is going to make must be such that we must be sure that it is money that cannot be easily copied by anyone, because you have some very wise people who can make this sort of money. Some of these people came to my constituency the other day and they took out money to the amount of Sh. 100,000 thereby deceiving the people that they could make notes and after two or three days the notes become white like any other paper. I think and hope that our Government will use the knowledge, the experience and the technical know-how of those who helped to make the present notes, and even make better notes than the present ones.

Mr. Speaker, I do not think that it is really necessary now to make very big notes. I reckon that certain of our notes are some of the biggest and I think they should be made a bit smaller. For instance if you have a dollar, you can have

one dollar, or one note that is worth 100 dollars which is equivalent to Sh. 700, and I think that this would give some prestige to our country. Mr. Speaker, the question of efficiency in these banks also arises. I hope that the question of efficiency will not be lowered because it is a Government bank. I hope that the Government will disprove those who say that the Government should not control such things, by making these banks very efficient. We do not want inefficiency. We do not want unnecessary Africanization which means the lowering of standards in these banks. If you have Anyien just because he is black and you put him there, and he does not know what he is doing, I do not think it is really good because in the long run you do not gain anything. So even if you have, as they say, a white man, well if he is honest and genuine, and maybe he is possibly a citizen of our country, then it will be all right if we put him there before an African is ready to do that work.

Mr. Speaker, with those few remarks I wish very vehemently to support the Minister for having this Bill to this House.

The Assistant Minister for Labour (Mr. Odior-Jowi): Mr. Speaker, Sir, I basically agree with this Bill and most of the comments which I should have liked to have made. I think have been made here and therefore I do not want to repeat anything.

Mr. Speaker, Sir, the question of efficiency has just been raised by the Member for Majoje-Bassi. Now this is very important. It is important because a central bank in a developing country like ours is one of the brain centres of development and if it is well run, things can go very well, but if it is not, a lot of things can go wrong. In this respect, Sir, I would like to suggest that the Minister of Finance, who has just introduced this Bill, should look into the question of training the personnel for this central bank.

Mr. Speaker, Sir, there are a lot of institutions around the world where training can be given to our people. I am saying this because not many of our people have had training in the running of banks and I hope that before we make a start, the Minister will see to it that we send some people to the World Bank to obtain training in the international aspects of money and money economy. I would also like to suggest that we attach some of our civil servants to the Bank of England where some of our reserves are being held and also because Britain has had a lot of experience in international monetary affairs and I think that that is the ideal place where some of our chaps should be trained. Furthermore, it is true that central banks in developing countries

**[The Assistant Minister for Economic Planning and Development]**

countries—in this case most of them owned by banks located in London—where it has proved very difficult to control the operations of these banks. Now, with the powers here to decide both the rate of interest on the terms of lending, and on the cash balances that should be maintained on the central bank, I believe we have given the central bank sufficient technical powers for them to regulate the volume of credit. What I now want to appeal for, is that the director or the governor, whatever he may be called, who will be appointed shall be given all the political backing in order to regulate the volume of credit in the country and the terms on which it is given. I believe, Mr. Speaker, that our present banks in Kenya are all too shy on giving credit; they are far, far too selective as to the types of credit that they will give, particularly to Africans. Mr. Speaker, I am sure that the time has now come when these banks ought to begin, like everybody else, to regard themselves as institutions that belong here. Whether or not their original capital subscriptions were from other countries, and in as much as we in a way allow them to continue to repatriate their dividends and capital, if they so want, I believe that for the time they are operating in this country, it is in their own interests as well as in the interests of the national economy that large deposits should not be merely allowed to accumulate in the banks when there are so many experienced business people in this nation seeking credit and they cannot get it. Mr. Speaker, it has been known in other countries that those who control the volume of credit, the terms on which money is lent, in fact, do control the volume of economic activities in general. I believe, therefore, that the responsibility we have given this central bank is going to be very great. As I have said earlier, I hope that they will be given the political backing and the political direction as to how to use these powers effectively for the benefit of development.

I only want to mention again, briefly, that the terms of lending, for instance, for construction of houses, factories, could be improved so as to encourage a new activity in that particular field.

Mr. Speaker, as I said, I very much welcome the central bank. I thank and congratulate all those who have taken a hand in drafting this legislation. It is simple, very concise and very much in the language that we all share and we all wished for.

There is a mention here that if the governor of the bank or the representative of the Treasury does not agree with the decision of the board of

directors of this bank he may suspend the vote of the board and refer the matter for a decision to the Minister; and that the decision of the Minister there shall, of course, be final as to whether what the board decided will be binding or not. I am referring here, Sir, to subsection (6) of section 12. I do not believe that we shall get into the trouble I am going to mention, but it is worth mentioning. We have had the experience of some countries in the world where the operations of the central bank have been frustrated by a continual rivalry between the governor who took his independence too seriously and the Minister for Finance charged with carrying out the Government's economic policy. Now, this clause, in other words, in our own arrangements, makes the decision of the Minister be the final one. What I am really going to appeal for is that whoever are going to be the personalities involved, is that a clause like this ought to be treated as a last resort. As I said earlier on, if the bank cannot have an independent opinion, and if the directors of the bank get an impression that whatever they decide is merely advisory and has no executive significance, then you see, they will not be able to carry out the very heavy burden that we have given to them. I am confident myself that the present Minister for Finance in his usual gentlemanly way will be able to establish a very harmonious working relationship with this bank. However, I am not questioning what has been decided here. As a matter of fact I, personally, accept that in a country like Kenya the final responsibility for the monetary and fiscal policy must clearly rest with the political head of the Treasury. All I am saying is that there is need for the working relationship and for this clause to be resorted to only in the last analysis.

Sir, I very much support.

**The Member for Elgon Central (Mr. Khaoya):** Mr. Speaker, Sir, I would like to support the Bill. In doing so I would like to remind the House that this is a matter of national pride. But then, I have to remind the House that people who stay on the border, like Bungoma where I come from, are bound to suffer by the implications of this Bill. Because of that I would like to ask the Minister when he comes to reply to outline what measures he is taking to ensure that people who stay on the borders can easily get money to cross over and buy whatever they want without any difficulty.

Mr. Speaker, Sir, I would like also to remind the Minister, that up to now the banks have been rather for the Asian and the European and that it is only now that we are going to get a bank which is really for the African Government and

**[The Member for Elgon Central]**

the country. This bank should look into it that farmers do get the full benefit of the banks as such. Up to now, we are told that when you go to the bank you have to produce security before you can be given a loan, so far most farmers are smallholders, and do not have title deeds, and for that matter they do not have any security at all. I would like to see that this bank which we are now going to have in the country should work out measures to make sure that even though we do not have the title deeds, smallholders should be able to get loans when they require them. I think to be able to do this we should encourage, and at least have a member of the co-operative movement on the management of this bank, to represent the views and the interests of the farmers.

With these few remarks, Mr. Speaker—

**The Minister for Finance (Mr. Gichuru):** On a point of clarification, Mr. Speaker, I would like to clarify the point that the new Member has just raised. The central bank will not be lending money to farmers or to anybody, it can only lend to another bank. It is up to the commercial banks to lend money, etc.

**The Member for Elgon Central (Mr. Khaoya):** Thank you very much, Mr. Speaker, I know that the present banks in the country have bases outside the country. Most of them have their headquarters in London and so on. When we have the central bank in this country I would like to see that it controls the present banks so that they can be in line with the thinking of the people in this country. For that matter, I am still insisting that the Minister and probably the management of the bank will look into it that the commercial banks in general will be controlled to such an extent that the ordinary farmer, Africans in particular, will be able to get loans when so required.

Mr. Anyien: Mr. Speaker, I wish to congratulate the Minister for having brought this Bill. I think this is one of the most important Bills which have been brought to this House. We only regret that this Bill was not brought earlier, but then, some of us, understand the problems involved in drafting a Bill like this, and the decisions the Government has to take.

Mr. Speaker, the first thing I would like to say is the point the Minister has just clarified when the hon. Member was making, I think, his maiden speech. We were very happy when we heard that the Government is going to have a central bank, and I would suggest to the Minister that while this central bank may not be able to give people loans, Government should work out

another system of making sure that they have Government agents. For example, you have the Maize and Produce Marketing Board, or the Maize Marketing Board. The Maize Marketing Board is not supposed to deal directly with maize, they are supposed to appoint agents, but through these agents also you can have another board for example, the National Agricultural Marketing Board, was appointed as the agents. That is also a Government board. So what I am suggesting to my Minister, and I hope he is listening, is that while these particular banks cannot give people loans, we would like the Minister to think of a way of having some other banks, maybe with a different name, but controlled by the Government in order that the Government and the Minister may be able to implement the economic policies which the Government has set out. Mr. Speaker, I am saying this because the foreign banks which are in this country, and which we call private banks, these are not strictly African private banks. These are foreign banks, and since they are foreign banks, you will find the Africans have a lot of difficulty in getting money out of these banks. So that this Bill may have some meaning to our people in the countryside, the Government must be able to have a say in what is happening. I believe that since the Government is going to control this bank, the Government should have the right, if there is a private bank which refuses to do something to help the Africans, this central bank should be able to tell that private bank that we are not going to give you any money, because you are not trying to help the African people, when these banks are told this I think they will try and do something. This bank would be useless if it does not transfer the right to own money from the Europeans and Asians to the Africans.

As one hon. Member has already said, if you go to the bank today the fact that you are black tells the man in the bank that he should not give you money. Maybe we Members of Parliament as we are well known, maybe we can be given some money, but there are some other people who are more worthy than ourselves, but who find it very difficult to obtain money from the banks.

Mr. Speaker, this bank should also be able to make sure that there is no money going out. There are so many ways and I think here, our Government can do well in studying those other African independent countries, who have had a lot of difficulty in stopping notorious money-mongers from taking money out of the country. Mr. Speaker, one time I went to India and I found East African money there, you could go and get it very easily. I did not know how. We do not want our money to be going out through any

**[The Assistant Minister for Economic Planning and Development]**

stable, or even more stable, than the one we have had so far. Perhaps, Sir, the point which needs to be emphasized in order to clear any doubts of any doubting Thomases is merely that we have the means, the resources, to carry out the policy of a stable currency. In other words, Sir, it is not just that it is an intention to do so, but we have the means, therefore since we have the will and the means no one should have any difficulty in accepting that the currency in the future will be stable. I say, Sir, we have the means, the resources, because, as the Minister said, when the reserves of the East African Currency Board are shared out it is quite clear that the Kenya share will be sufficient to maintain a high enough backing for the new currency. In other words, Sir, anyone who changes an East African shilling into a Kenya shilling will continue to have that shilling freely convertible into any other currency in the world. This is the most important aspect as far as international trade and as far as the commerce internally is concerned.

Mr. Speaker, Sir, I believe that this is an aspect which needs to be stressed, because there is a school of thought in this country, and I have even heard it discussed in the lobbies of this House, people believe that we can have a short cut towards the development of this country, by merely inflating the currency of the country. People who believe, in other words, Mr. Speaker, Sir, that all we have to do is to print enough notes and build the roads we want to build, the schools and everything else we want to construct in our development. This, Sir, is an illusion which appears impossible in history to nail, because all through history there have been people who believed that you could solve your economic troubles by this short cut of inflation. Now all those nations, Sir, that have attempted this have lived to regret their decision. Indeed, Mr. Speaker, Sir, the point cannot be over-emphasized that in our present development programme in this country, we rely on importing a minimum of 75 per cent of all the capital that will be required to finance that development programme.

Now, Mr. Speaker, Sir, if we are going to import that volume of capital from outside, the most important condition, if we are to attract that much credit into this country, is for the investor, whether he is a public agency, international institution or a private investor, to be assured that the value of the currency of the country into which he moves his investment is going to remain sufficiently stable over the period of his investment. Without that basic assurance, then we can take it as given that no one is going

to risk moving his capital into Kenya. It is a very important point therefore, Sir, to bear in mind that it is in our own interest to have a stable currency if we are to attract the volume of capital which we require to finance our economic development programme. Mr. Speaker, Sir, we have an additional reason for having this stable currency. As it is today we rely for earning our foreign exchange on exporting our own produce which is primarily agricultural, even if we did inflate internally I do not see seriously how it would help. It would not help us at all. Additionally, Mr. Speaker, Sir, however much we tried to inflate internally, we cannot tell other people what value to put on our currency. They will make their own judgment.

Mr. Speaker, Sir, in this regard the only point which I would like to mention to the Minister is my hope, and I know it is the hope of everyone else, that as regards East Africa we shall continue to maintain a parity between all the currencies which will be established in Kenya, Uganda and Tanzania. Without some parity of that sort, then the payments for trade between the three countries is going to be very complicated. It is going to complicate these transactions and it is going to reduce, in some way, the present flow of trade. I hope therefore that just as it is the wish of the Government of Kenya to maintain this parity, it will be the wish of the other Governments to maintain that parity so that trade may continue unimpeded as it is, and therefore those benefits of the Common Market, all of which we want to preserve, might be enjoyed. If, alternatively, there comes to be a need, Mr. Speaker, Sir, for an arrangement to be made for the payment between the three countries, then we hope that this will be a simple arrangement as is practical, otherwise, as I said, it will be very difficult to maintain a stable currency.

I notice, Mr. Speaker, under clause 22 (2) that the Minister will be the one to decide on the nomination, description, the form, the material, etc. which our notes take. My own hope is that at one time or another we shall have notes of a reasonable size and coins which are not as heavy as the ones we now have. Perhaps the time has come for us to have coins without the hole in the middle. The theory goes that the necessity for the hole in the middle was that when the currency was first introduced, the Africans were not supposed to wear trousers and did not, therefore, have anywhere to put the coins. They needed to carry them tied together on a string. Mr. Speaker, I do hope that this matter can be looked into, because although nobody usually thinks of the

**[The Assistant Minister for Economic Planning and Development]**

beauty of a note, I think it is a very important thing to have a small-sized note with a very beautiful design on it.

Mr. Speaker, the conversion of the present currency into Kenya shillings, mentioned in subsection 22 (4) has no time limit established, but I believe that it would be in the interests of the country that when the new currency is introduced, this conversion will be as speedy as possible. I hope, therefore, that when the arrangements are made for this conversion, that we should mount a good campaign to encourage people to convert as quickly possible to the Kenya shilling. In this regard I have seen described how a very large operation it was in Australia recently, when they had to change into the decimal coinage. Clearly in our own regard this will not be anything as difficult as that. However, I would wish that the matter of conversion is speeded up.

Perhaps the most important section, Mr. Speaker, deals with the external relations and with the control of credit internally. Now, as regards the external relations, I welcome very much the mention in one of the clauses, clause 26 (3), that we in Kenya want to consult with the International Monetary Fund on some of these matters as regards international reserves and liquidity. It is in the interests of the developing nations that we should strengthen the hand of these international organizations, like the International Monetary Fund. We have everything to gain by co-operating with everybody else in strengthening their hand. I hope, therefore, Sir, that the new central bank, when it is established, will maintain this close and friendly relation with the International Monetary Fund and other international agencies, and also that it might start fairly early on studies as regards international liquidity to be able to advise Government on these matters, because the central bank would be very well placed with all the powers we are giving it here to study these problems and give proper advice.

One Member, Mr. Speaker, wanted to know just how we are going to keep the external reserves. I would have thought that it is very clearly defined in clause 26. We will have it in gold and other currencies.

I want now to mention one point about the exchange control. It is true that the exchange control was introduced in this country, and it is true that it has been reasonably well administered up to now, but it is also equally true that those of us who live in Nairobi have heard of how some very ingenious people have worked out ways of by-passing this control. Some of them have been

discovered and I am glad to see that some people have been brought to court. I hope, therefore, that when the central bank is established, as this matter is very important for us to be able to control the movement of money in and out of this country, that the central bank will be given a sufficiently large and experienced staff for them to operate a reasonably fool-proof exchange control system. As it is now, we hear of too many loopholes. I will not tire the hon. Members by repeating them. I have had occasion to mention them where they should be mentioned. However, it is a terrible thing that when a control is brought about that some people can get round it.

I do hope, Mr. Speaker, as is stated in clause 34 that the banks here will, in fact, want to use the facilities of the central bank for bank clearings.

As regards the discounts which are mentioned in clause 35, the hope of each one of us is that the central bank will become, in fact, the patron for the promotion of the development of a local money market. For a long time the Nairobi money market has been growing very slowly and gradually. The existing East African Currency Board did help try to encourage the growth of this money market but because, through no fault of their own, they did not have sufficient power to do it, they could not do as much as was wanted of them. Now, as we see here, the bank will have sufficient powers to do all this discounting to determine rates of interest, to give advances both for crop finances and storage, as well as for the importation and exportation of goods, and all this, I hope, therefore, that the bank will from the very beginning make it its business to help those who are trying to promote the expansion of a local money market. Now, this is very important and I have heard some people very mistakenly, Mr. Speaker, bring in the wrong idea that we did not need this because we have stated in Sessional Paper No. 10 that we Africans are going to have an African Socialist economy. Now, we have stated in that paper that the economy will be a mixed economy. In other words, it will be a public sector and the private sector, in which case we shall continue to need a co-ordination of lending and borrowing which a money market usually does.

Mr. Speaker, I very much welcome the sections from section 38 onwards which give this bank sufficient powers to direct and, above all, to give instructions as to the terms of borrowing and lending which should be operated by the specified banks located in Kenya. We have seen this in other countries, where the local banks which are owned by parent banks in far-away

**[The Assistant Minister for Agriculture and Animal Husbandry]**

As far as the currency is concerned, Mr. Speaker, Sir, I would thank the hon. Minister for at last deciding to give us our own Kenya currency. I hope that the notes and the coins that will be made will not be as simple and as cheap as some we have seen in other countries. We would like the strength of the paper on which notes will be printed to be as tough as the notes we now have because if they are printed on light paper they will become torn by being kept by people at home. Some of these notes are kept inside pots and are sealed up with cow dung, and they might tear in the course of this storage. So, I would ask the Minister here to emphasize to the people who will print the currency that the material on which the notes will be printed should be the type of material we have at this time, and not cheap paper as I have seen in other countries.

I do not want to tire the House in saying much on this Bill, Mr. Speaker. The country has been waiting for this Bill and I am sure hon. Members will support this Bill for the establishment of our own bank in this country.

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

Mr. Warlithi: Mr. Speaker, Sir, I would like to join my colleagues in welcoming this Bill for which we have been waiting for a long time, and at the same time we might as well say that it is one of the outcomes of the failure which most of us expected to be brought about by the failure of the Federation of the East African territories. This having failed, it is quite fair that our Government and other East African Governments should start taking care of their own finances and establishing their own institutions, one of which being the central bank which is provided for in this Bill.

Mr. Speaker, Sir, it is quite true that a central bank is quite important for any country and, as the Minister said, when you go through this Bill you find that it has been prepared with all the expert advice one could get in that there is very little which one could actually criticize, except here and there where one would like to find out why these provisions have been inserted.

On section 7 perhaps the Minister would tell us why it is that it is provided that the bank shall not be liable to any taxation in respect of any income or profits. Well, maybe the Minister could tell us why this has been found to be necessary. In section 14, Mr. Speaker, Sir, which has been referred to by one Member before, one wonders why we, in this House, have been exempted, and

we believe that there are certain brains in this House which might be able to assist the Minister in forming his board of governors.

Now, Mr. Speaker, Sir, there is another point which I would like to point out and ask a question about. It is with regard to the importance of this bank, under the external regulations, Mr. Speaker, Sir, and I therefore think it would be fair for us to be told by the Minister the amount of our external assets. It has just been provided with a name, but in terms of figures or what they are, we are not aware, and therefore I think we would be quite interested in knowing what the external assets are.

Mr. Speaker, Sir, under section 30, I think I can say that we are quite happy to be able to have a bank that will control the exchange control. There has been certain difficulties with regard to the present arrangement whereby we did not have our own central bank, and therefore, I think, that after having this bank it will be easier to control the amount of money that comes in and goes out of the country. I am quite happy with this section.

Mr. Speaker, Sir, without repeating myself and what has been said, I would like to support the Bill and hope that it will enable us to control the amount of money we have in the country and to generate our economy in the field of development.

**The Assistant Minister for Economic Planning and Development (Mr. Kibaki):** Mr. Speaker, Sir, one hon. Member is saying that I am going to be long but, Sir, this is not my intention.

Mr. Anyleni: On a point of order, Mr. Speaker, Sir, it was me who whispered to my hon. friend that the Bill has been kept here for too long, and that the Assistant Minister was going to speak for too long.

**The Assistant Minister for Economic Planning and Development (Mr. Kibaki):** Mr. Speaker, Sir, I doubt if that is a point of order.

Mr. Speaker, Sir, I would like very much to congratulate the Minister for having brought forward this Bill, and I believe that all of us would like to thank those who have joined in the drafting of this Bill. Those who have read other legislation relating to the question of the central banking have been overwhelmed by the complexity of that legislation, and the fact that we have a Bill here which is simple, concise and written in a language which everybody can follow. I think this is a great credit to those who have drafted it, and we should, all of us, join in thanking them.

Mr. Speaker, Sir, I am surprised that one hon. Member stood up here and questioned whether this would be a private enterprise when he knows

**[The Assistant Minister for Economic Planning and Development]**

or ought to know, that a central bank is the most important institution of this Government for the control of not only currency, but credit and general fiscal policy. Now, Mr. Speaker, Sir, the question therefore of what doubts were in his mind we just cannot see how they arose. Perhaps, Sir, it is not appreciated by some people that currency is one of the most important services that any Government, in any country, can provide to the citizens of that country. We have seen, Mr. Speaker, Sir, empires and big nations ruined and go under merely because the Administration was unable to administer the currency and it came out of hand. Indeed, Mr. Speaker, Sir, the ordinary man and woman in this country has come to take it so much for granted that his currency is secure, that this problem never occurs to him. Now, Sir, we believe, in fact, we hope, and are almost certain, that under the new arrangement which is being brought forward, that that happy situation, where we in this nation have never had to worry about the value of our currency, will be maintained. Therefore, Mr. Speaker, Sir, for that reason I personally welcome the strict measures that have been outlined here for limiting the volume of credit that can be automatically advanced to the Government and to other institutions by the central bank. It is important, in our own interest, that the procedures for those matters should be strict so that nobody will go easily to this particular institution, it ought to be the institution to which we go to as the last resort, when we have no other ways of dealing with our matters.

Mr. Speaker, Sir, I differ entirely with those Members who have suggested that we should have any Members connected with this legislation or with this National Assembly being considered for the board of governors for this bank. One of the most important things, and one of the most important aspects of the central bank which must be guarded is that the bank should have a large measure of independence to be able to evaluate the economic conditions, to be able, on its own, to evaluate the results of Government policy, as it affects money and monetary and credit conditions, to be able freely, Mr. Speaker, Sir, to make a judgment as to what are the necessary actions are in order to direct the movement of credit and to control the volume of that credit in an economy. If a central bank, Mr. Speaker, does not have that much independence, then clearly it cannot perform the functions which it is supposed to do. Also if the central bank is not able to have independent judgment it becomes superfluous and we might just as well have everything

controlled through the Government department called the Treasury. So, Mr. Speaker, Sir, if a central bank is set up at all, it should be made sure that they have complete independence so that they can be the source of a second opinion on the feasibility and practicability of the Government economic policy. If we do not establish it as an independent centre, which can make up its own mind and form its own opinion, then it is superfluous, as I have said, and there is no need to have it. We might just as well have the one opinion of the existing Government department, the Treasury.

It is therefore, Sir, the practice all over the world that the appointments to the governorship and to the board of the central bank is done by the Head of State, and it is for that reason that these powers are vested in the President here. It is also for that reason that we do not want the governor or the deputy governor of the central bank to have other business connexions. He must be entirely a full-timer connected with the central bank so that his judgment will not be influenced by other interests. In fact, Sir, this Bill is not as strict as the Members are suggesting because it is provided that the President may, in fact, make exemptions where it is absolutely necessary. But I hope that this can be exercised with a measure of reserve.

Now, Mr. Speaker, Sir, the only other point I would like to raise with regard to this side of the matter, membership, etc., is the hope that in this one area we should at least not be pestered by the usual political arguments about who is to be appointed. I believe, Mr. Speaker, Sir, personally, that this is an area which is so important for the whole national economy that the President ought to seek advice on who should be appointed and there should be no consideration of any other irrelevant, political or personal consideration, because, Sir, the most important thing here is to have a man with stature, a man who can have independent judgment, a man who, as Governor of this Bank, will be able to stand up and speak to the Treasury, to the Ministry for Finance, and to the Government and give the proper advice. Above all, Sir, we must not forget the fact that it will be for this bank to control the operations of all the other banks in this country and this is a task which you cannot leave in untested hands; in hands of people without experience. It has to be someone who is going to be able to carry this very heavy burden.

Mr. Speaker, Sir, I would like to mention briefly with regard to Part 5, the question of the par value of the currency. I am sure that we all welcome what the Minister for Finance has said, that the intention, and, in fact, the policy of the Government, is to continue a stable currency, as

**[The Minister for Finance]**

Provision for the bank's control over credit and, in particular, over the commercial banks is provided in Part VII, clauses 34 to 43. All necessary powers are conveyed in these clauses.

With regard to the external stability of the currency, the bank will be bound to deal in foreign currencies, principally Sterling, at its par value, determined by agreement with the International Monetary Fund, thus keeping the margins of selling and buying rates within very narrow limits. Moreover, the bank is required, under clause 26, to use its best endeavours to maintain a reserve of external assets not less than the value of four months' imports.

The original reserve which the bank will take over will probably be less than this amount, but I hope that the bank will be able to achieve this extent of reserves within a reasonable period of years.

An important part of the bank's functions will be to act as bankers to the Government, and the relations between the bank and the Government, and the bank and other public bodies, are covered in Part VIII, in clauses 44 to 50. Experience in other countries has shown that a major danger to the stability of a currency arises if the borrowings of the Government from its central bank are not limited; and there is specific provision in clause 48, limiting the total amount of advances which the bank can make to the Government. In general, the Government will use these facilities mainly on a short-term basis, to cover temporary cash difficulties such as those which arise in the first six months of each financial year, owing to an excess of expenditure over revenue in that particular period, and also cash difficulties that arise on the development side, owing to the gap between expenditure on development projects and receipt of aid from the sources from which the particular project is being financed. It would be misleading for hon. Members to think that the creation of the central bank will enable the Government to have access to far more money, either for recurrent or development expenditure, than is now the case.

The provisions dealing with the appointment of the board of directors are contained in clauses 10 to 18 and care has been taken to see that there will be proper liaison and consultation between the central bank and the Treasury without depriving the central bank of its independence in its own field.

The provision for the capital of the bank is contained in clause 8 and the money, namely £1.3 million which would be issued as required

out of the Consolidated Fund, would be obtained from our share of the surplus assets of the currency board.

This Bill has been carefully prepared on the basis of the best expert advice which I would obtain. I do not think that the provisions in it are controversial and I confidently recommend it to the House.

Mr. Speaker, Sir, I beg to move.

**The Minister for Economic Planning and Development (Mr. Mboya) seconded.**

**(Question proposed)**

Mr. Ngala: Mr. Speaker, Sir, I would like to support this Bill which has been brought by the Minister because in this Bill two main provisions are very important and very impressive; that is that the Kenya currency will not be less strong than it has been up to now and will be in no way inferior.

I am very grateful to hear from the Minister that the change will not make our currency inferior in any sense and, indeed, in East Africa we shall stand superior as far as the currency aspect is concerned and, also, the international bodies concerned with currency will respect our currency. This is a very good reflection for a country which has attained independence within about two years, and for this I would like to congratulate the Minister very much for achieving and attaining this stage.

Mr. Speaker, Sir, I would like to have some explanation as to how we can draw on our international reserves and I would also like to have an indication as to what type of reserves these are because it is very important. Sometimes some African countries run bankrupt—other countries do this too—but if we know that there is something to which we can resort and where it is and who is keeping it, perhaps we may be able to make use of that reserve at certain periods.

I note that there is a chap called the "governor" of the bank and the deputy governor. Now, is the Minister returning to this colonial period and bringing back governors and deputy governors? Could not the Minister choose a better word, like the manager of the bank, or the president of the bank, or the chairman of the bank, instead of calling him the governor or the deputy governor, because we have quite a number of governors around the places and this may confuse our people?

Now, according to the explanation in the Bill this bank is a private enterprise. I would like to stand for correction here. I see the Minister shaking his head, I think he has implied that it is a

**[Mr. Ngala]**  
Government undertaking. I would like to have a further explanation on the relationship between this board and the Ministry of Finance, particularly the powers that the Minister will have over the governor or the deputy governor of the bank.

When we have our own currency I would suggest that there should be a maize cob somewhere, as well as the head of the Head of State, something which is outstanding for the economy of the country should be shown somewhere on the currency. I therefore suggest a maize cob. The Minister may be in a better position to suggest something else which is more prominent than a maize cob, but I do not think he could find any other because this is the basic food of the people and it is the most popular thing in the country judging from our experience two years ago.

Mr. Speaker, Sir, the members who would be sitting on the board—in this country we have very few people who are experienced in financial matters at the level of experts. I would like to know from the Minister how he is going to select these people, so that we can be quite sure of the safety and security of the money in the bank. If we are already losing maize we can easily lose shillings, and therefore, Mr. Speaker, Sir, with these few words I would like to support the Minister.

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo):** Mr. Speaker, Sir, I would also like to say a few words in this debate concerning this Bill.

Firstly, I would like to mention to the Minister that I do think the name he has chosen for the bank would not be a very appealing one in the ears of many people; it is rather long and I think it would have been better had he called it "The Bank of Kenya" rather than "The Central Bank of Kenya". However, we have been waiting for a very long time for a Bill like this to establish a bank for the country, which the people of this country can be proud of, rather than having foreign banks here.

I see in clause 5, Mr. Speaker, that during an emergency the President may direct that the headquarters of the bank could be moved to another place within Kenya or elsewhere. Now, this "elsewhere" is the word I do not want in this clause. Mr. Speaker, because when it is moved elsewhere it might be moved to a country which, after the emergency, might refuse to return our money to our country, or refuse to return the headquarters of the bank here. So, I would like the Minister to decide where he would want to move this bank during an emergency. It would be a good idea

if it were to be moved inside Kenya, and not outside Kenya, because we cannot always trust foreign countries as being safe with money and, in fact, Mr. Speaker, one cannot trust money in any foreign hands. I am sure that the Minister would not even trust his own money in my hands. So, Mr. Speaker, I would like the Minister to consider removing this phrase where it says "or elsewhere" in clause 5.

Whilst on clause 5, Mr. Speaker, I see that the Minister has provided that the bank would have branches in any place in Kenya which could be opened and closed by the bank. I would appeal to the Minister here, Mr. Speaker, that if possible the first bank should be situated in Busia on the border of Kenya and Uganda so that we could save money from our brethren who are now working in Uganda and who have started to bring back their money and bank it with a commercial bank that is now operating in Busia. If the Minister would consider this—I also remember having written to him regarding the establishment of an immigration office at this place—I think this kind of venture would be very useful in a place like Busia which is right on the border and, of course, I do not overlook the fact that there are other places which are on the border of either Kenya and Uganda or Kenya and Tanzania which would need a branch.

Mr. Speaker, I would like to draw attention to the constitution of the board of directors of this bank, which is in clause 14. The Minister stated that Members of this House would not qualify as members of this board. I support this idea because we find ourselves flooding most of the Government statutory boards with Members of Parliament, but then we have the question of whether we can find people outside this House who would actually be better than Members taken from this House. Here, Mr. Speaker, I see the Minister saying, "Yes", but it would become very difficult if the bank would be appointed from one province or one section of the people of this country. Allowance should be given, and when His Excellency the President is nominating these directors, they should cover the country. It may so happen that in areas like Masai the people who would probably be appointed would be the hon. Members of this House. So, consideration should be given to this. I see the hon. Mr. Araman is looking at me, and I think that if His Excellency the President considered appointing someone from the northern tip of Kenya he might turn to this House and nominate and appoint a Member of this House. So, I think that this clause is a bit harsh if it excludes Members of this House completely from being appointed as members of the board of directors.



[Mr. Mboya] a certain agreement among themselves. The conditions which governed the Egyptian Government in accepting a certain relationship with the Soviet Union are not necessarily applicable to Kenya, and we have decided, on this occasion, that we do not intend to apply the same formula. I am not saying that we will never import commodities from the Soviet Union for the purposes of credit; in fact, we are doing so now by importing sugar. But it must be such commodities as we feel able to sell and which we think can be sold quickly enough to generate sufficient currency for the programme we have in hand. But for the people who cannot wait another four years for us to sell goods this would not just be a practical approach to the problem.

Mr. Bala: Mr. Speaker, Sir, would the Minister clarify this position? How was this agreement signed on the goods to be sold in Kenya? Was it signed by a mistake, whereby the Government found that such goods which were agreed on were not to be sold in Kenya? Or was there no agreement signed between the people of Kenya and the Soviet Union to sell certain kinds of goods?

Mr. Mboya: Mr. Speaker, Sir, I have already said—and we should be fair to the Russians—that it is true that an agreement was signed in 1964 and it is true that, under the agreement, there was a stipulation that certain projects—about seven out of nine projects—would be based on this commodity credit agreement. It is also true that a schedule was attached to the agreement, indicating the kind of commodities that could be sold in Kenya. But, Mr. Speaker, it is also true that it was agreed, and stipulated in the said agreement, that these matters would be subject to individual negotiation when the time came.

When, therefore, the time came to negotiate the individual agreements, we, having examined the entire situation, found that this was not going to be a practical approach to the problem. This is why we asked—and the Russian Government agreed—if we could meet to review the agreement. As a result of that, not only the Kano Plains Irrigation Programme but a number of other schemes were all reviewed. About two or three schemes were immediately removed from the 1964 agreement, and about four or five schemes were varied, such as the one I was referring to when replying a few minutes ago.

Therefore, it is not just the Kano Irrigation Scheme but a number of other schemes which are affected by this review, and the Russian Government accepted this review.

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

### NOTICE OF MOTION FOR THE ADJOURNMENT

#### UNSATISFACTORY REPLY TO QUESTION BY PRIVATE NOTICE: KANO IRRIGATION SCHEME TALKS

Mr. Bala: On a point of order, Mr. Speaker, in view of the Government announcements on this matter and in view of the fact that the reply given by the Minister is not satisfactory, I would like to ask you to allow me to raise this matter on adjournment.

The Speaker (Mr. Slade): Hon. Members will observe that on the adjournment today Mr. Masinde is to raise the matter noted on the Order Paper.

### NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

#### ACCOMMODATION AT MACHAKOS GIRLS' HIGH SCHOOL

Mr. Malinda: On a point of order, Mr. Speaker, I wish to be given permission to move the adjournment of the House under Standing Order 14 so as to raise a matter of importance in respect of the deplorable lack of accommodation at Machakos Girls' High School.

The Speaker (Mr. Slade): As hon. Members know, I have to decide whether that is sufficiently definite and sufficiently urgent to justify this procedure, in which event it is really for the House to judge the scale of its importance. According to what Mr. Malinda has described to me, it is a very definite matter of lack of accommodation for girls at this school, the term of which, of course, has already been running. It is also apparently a very urgent matter, and so I think I must leave it to the House to judge whether it is of large enough public importance to justify this procedure, which depends on Mr. Malinda having the support of ten or more Members.

(A number of hon. Members stood in their places)

The Speaker (Mr. Slade): Yes, there are more than ten. In that case, I will allow Mr. Malinda to move the adjournment of the House at 6 p.m. today.

### POINT OF ORDER

#### RULING ON MATTERS THAT CAN BE RAISED UNDER S.O. 14

Mr. Gatuguta: On a point of order, Mr. Speaker, this is in connexion with a question that was answered by the Minister for Economic Planning and Development, Sir, since this matter is very important to us, and since many of us feel

[Mr. Gatuguta] that the Russians seem to be interested in development in one area of the country and not in others, can we raise this matter under Standing Order 14 as a matter of national importance?

The Speaker (Mr. Slade): I would want to know exactly what matter you want to raise, because it has to be a very definite matter, you know. If you can explain that, Mr. Gatuguta, I can consider it further.

Mr. Gatuguta: Mr. Speaker, Sir, since the Minister has started answering this question, he has mentioned the Kano Irrigation Scheme, which is in Nyanza. He has also mentioned the Kisumu Hospital, which is in Nyanza. There was also a question here of the Russian-sponsored textile industry, which was also to be in Nyanza. We believe that there must be many other development schemes in Nyanza.

Many of us, Sir, in this House would like to know whether the Russians have other development schemes in the Rift Valley, the Central Province and at the Coast. Why should this particularly affect Nyanza?

The Speaker (Mr. Slade): Order! That is nothing like sufficiently definite for the application of Standing Order 14.

Next Order.

### BILL

#### Second Reading

#### THE CENTRAL BANK OF KENYA BILL

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Central Bank of Kenya Bill be now read a Second Time.

In my Budget speech on 10th June, I explained that, in spite of the best efforts of this Government, it had not been possible to reach agreement on the setting up of a central bank for East Africa, and the maintenance of a common East African currency. I very much regret this outcome, but it is no good crying over spilt milk or indulging in recriminations over past events. We must face the facts as they are; and I am happy to say that I am sure that there will be full co-operation between the three East African Governments in ensuring that the change-over from one currency to three, and from one currency board to three central banks, will be carried out smoothly and successfully.

If, however, I have feelings of regret in having to introduce this Bill, I also have feelings of pride. A central bank is an important part of the financial structure of an independent country, and

we would have had one earlier if we had not sought strenuously to achieve what I still believe would have been a better result, namely a central bank for East Africa. We will all be proud when our new currency notes are issued later this year, with the head of our President on them; and I hope that it will not be very long after that we will be able to issue our own coinage. If, however, we are to be proud of our new currency, we must ensure that it retains its value within East Africa and internationally, and this Bill has been drawn up in a manner which will help to do this.

I have heard it said that the new currency will be less strong than the existing East African currency. This I must emphatically deny. About one-third of the currency in circulation in East Africa is in Kenya, and our central bank is likely to inherit rather more than one-third of the external assets of the currency board, as we have made rather less use than either Uganda or Tanzania of the present fiduciary issue. The new Kenya currency will, therefore, have at least as adequate a backing in external reserves as the currency now in circulation.

We also have the right to draw on our quota with the International Monetary Fund in case of need. Provided we continue to follow a sound financial policy, and I am sure that we will, we will have no difficulty in maintaining the value of the new Kenya currency.

I now turn to the Bill which was prepared on the basis of advice from experts of the International Monetary Fund, whose help I gratefully acknowledge. The Memorandum of Objects and Reasons sets out clearly the purpose of the various parts of the Bill; and I do not think that I need go into very great detail at this stage, although I will be glad to answer specific points of specific clauses at the Committee stage.

I would like to draw the attention of hon. Members to some of the more important features of the Bill. In principle, the objects of the bank are set out in clause 4. These are to regulate the issue of notes and coins; to assist in development and maintenance of a sound monetary credit and banking system, conducive to the orderly and balanced economic development of the country, and the external stability of the currency; and to serve as banker and financial adviser to the Government. The necessary powers to enable the bank to achieve its object in relation to currency are provided in Part IV, in clauses 19 to 25. It will be noted that, under clause 23, the existing East African Currency Board currency notes and coins will continue to be legal tender during the transitional period.

**[The Minister for Economic Planning and Development]**

and we can no longer afford to see it lie idle. The Government has, therefore, approached other countries and groups to help finance this scheme. In addition, it has now been decided to establish irrigation on a much wider scheme than initially was envisaged under the Kano Irrigation Plan. Instead, the Government now wishes to cover a total of 134,000 acres as against the previous 35,000 acres. This will be done in the West Kenya Complex and instead of just dealing with the Kano Plains, we intend now to include irrigation schemes from South Nyanza, Central Nyanza and Busia District.

I would like, Mr. Speaker, in conclusion, to assure the House that the Kenya Government is most grateful to the Government of the United Socialist Soviet Republics for the other assistance that we have received from them. A hospital is being built at Kisumu and two secondary technical schools are to be built through their assistance in addition to other assistance that we will continue to negotiate with them. I also want to emphasize that, regardless of some heckling by some Members that we might be against some people for ideological reasons, in fact we wish to continue the friendship with the Soviet Union and the people of that country on the terms already defined in our Sessional Paper: that of complete non-alignment.

**The Assistant Minister for Finance (Mr. Okelo-Odongo):** On a point of order, Mr. Speaker, I am interested in the procedure of the House. I would just like to know—I am glad that Members approve of the Minister's answer—whether the answer which the Minister has just given would not normally be given in writing, or is it all right in the procedure which we have in this House?

**The Speaker (Mr. Slade):** As I have said, unless actually direct that a question shall be for written reply and not oral reply, it is at the discretion of the Ministry as to whether they give the reply in writing or orally. The principle, as I have said before, is that if it is very long or detailed, then it should normally be given in writing. It is not a principle very easily applied to a question by private notice, because the whole point of a question by private notice is that it is a matter of some urgency, and one wants the reply urgently and an opportunity for the House to hear it. This was a long reply, but it was not a difficult reply to absorb, which is the main reason for requiring a reply in writing. It was quite easy to follow, and I would have said that one should not regret that the Minister gave it orally.

**Mr. Bala: Mr. Speaker, Sir,** arising from the Minister's reply, would the Minister inform the House which countries our Government has contacted or contracted to help the irrigation schemes, and whether the Government has actually agreed with their feasibility studies on the proposals made by these countries?

**Mr. Mboya: Mr. Speaker, Sir,** in the first place, negotiations with these other countries and groups—and I hope the hon. Member recognizes that I have said countries and groups—are progressing and I do not wish at this stage to name the countries or groups. We will do this as soon as we are ready to sign the contracts.

The answer to the second part of the question is that, in fact, the Russians were not going to start to do the schemes, they were going to start to do the feasibility study. The negotiations that we are concluding now are to enable us to have a team on the ground in the areas to be irrigated, so that the feasibility study can be started, and the second part of the team's work will be to start on a pilot scheme which, in this case, will be about 2,000 acres, that will immediately be put under irrigation. It must be noted that the 2,000 acres is four times what the Russians were going to do, which was only 500.

**Mr. Bala: Mr. Speaker, Sir,** arising from the Minister's reply, how does the Minister reconcile the statement he made in the Press and the statement he is making now, in which he says that the costs would be much cheaper comparatively when we have other countries to do the scheme, when, in fact, the Government has not had any feasibility studies up to now?

**Mr. Mboya: Mr. Speaker,** the hon. gentleman cannot have read the Press statement properly because what I said—which I still say—is that when you are going to irrigate 35,000 acres of land, you will pay much more in cost per acre than when you want to irrigate 134,000 acres of land. The average expenditure per acre is reduced and the overheads are reduced according to the size of the land that you want to irrigate. It is, therefore, going to be easier to reduce the cost per acre in this larger scheme than it would have been possible in the smaller scheme.

**Mr. Ngala-Aboki: Mr. Speaker, Sir,** this matter seems to be in abeyance and may cause suspicion, so will the Minister throw some light on whether the recent flight of the President of West Germany and a number of Ministers to these areas means that one of the possible countries is West Germany to carry out the irrigation?

**Mr. Mboya: Mr. Speaker, Sir,** first I would like to make a correction. The President of West

**[Mr. Mboya]**

Germany did not fly over the area, but the Minister for Economic Co-operation of Germany, together with the Minister for Agriculture and myself, did visit the area on Sunday afternoon and around the lake belt, the area in which we are developing at the moment sugar and other crops. I can assure the House that the West German Government are very keen supporters of Kenya in her development plans and it is quite possible that they will be interested in this one.

**Mr. Ngala: Mr. Speaker, Sir,** arising from the original reply by the Minister, would the Minister give a breakdown of the Russian goods that were offered amounting to £6 million?

**Mr. Mboya: Mr. Speaker, Sir,** I have not the list herewith me, but we do have a schedule of goods that were to be offered, and these included a number of normal household goods as well as normal personal goods, like boots, clothes, watches, and things like that. Also, there were textiles and things like that. Mr. Speaker, the other products that were offered to us in respect of buildings included cement, nails, timber and a few other things.

**Mr. Ngala: Mr. Speaker, Sir,** arising from that reply, would we have had to suppress the importation of nails and Russian sand for building as we make and export our own nails and cement? We also have sufficient building timber here, surely?

**Mr. Mboya: Yes, Sir,** we have been able to persuade the Russians that we do not need to import into Kenya cement because we are exporting cement ourselves. We do not need to import timber, because we are exporting timber. We do not intend to import nails because we are exporting nails, and we certainly do not need sand. In fairness to the Russians, they did not offer sand. But, Mr. Speaker, instead of importing these items in order to enable us to go ahead with the job of completing the Kisumu Hospital and also the establishment of the two secondary technical schools, we are importing from the Soviet Union sugar to the value that would generate enough currency, and this is because we still import sugar in Kenya.

**The Assistant Minister for Finance (Mr. Okelo-Odongo):** On a point of order Mr. Speaker, it seems that this question is a very important one. Members are interested in it, especially we in Central Nyanza. We in Central Nyanza are very much interested in this scheme, it is very important for us, and I think it is important for the country. Since Members seem to inject some kind of politics into this matter, would it not be in order for the hon. gentleman

who asked this question to move that this matter be discussed under Standing Order 14 so that even I myself can speak?

**The Speaker (Mr. Slade):** It is always in order for an hon. Member to suggest that he moves the adjournment of the House under Standing Order 14, but he would not suggest it with any success on this occasion.

**Mr. Anyieni: Mr. Speaker, Sir,** in view of the fact that, for example, the United States and Britain were defeated, or were unable to finance the Aswan Dam in the United Arab Republic, and in view of the fact that the Union of Socialist Soviet Republics offered the United Arab Republic some finance to the tune of more than £200 million to complete the Aswan Dam, would the Minister now tell us why it became completely impossible for the Russians to finance a scheme which was going to cost much less, £6 million as compared with £200 million?

Would the Minister also tell us whether this was a deliberate refusal by the Russians to finance this scheme by saying that they wanted to sell these things?

**Mr. Mboya: Mr. Speaker, Sir,** firstly, I would like to say I am surprised to hear the remarks of the hon. Assistant Minister for Finance, because the Ministry in which he works has dealt all the time with this matter.

**Mr. Speaker,** as regards the question by the hon. Member for Majengo-Bassi. I would like the House to know this: that in the hall where we were carrying out negotiations in the Soviet Union, right behind the Kenya delegation, on the wall, was a big picture of the Aswan Dam, and, at some point in the negotiations, we turned to the Russian representatives and pointed out to them precisely what the hon. Member for Majengo-Bassi is saying. We asked them why it was found difficult to finance a Kenya project which was so many times smaller than the Aswan Dam, when they had done so much work in Egypt. And we wondered whether there was any reason why our project could not be dealt with in the same way. For the hon. Member's information—and for the information of the House—we were told by the leader of the Soviet negotiating team that, in fact, they never gave the Egyptians any money in cash; it was a credit commodity agreement which involved the Russians exporting commodities to Egypt for sale over a period of years, and which involved the Egyptians paying back in commodities and through some of their crops over a period of years.

**Mr. Speaker,** it is not for me to comment on the fact that the Russians and the Egyptians reached

## Question No. 359

## RUSSIAN-SPONSORED TEXTILE INDUSTRY

Mr. Ngala-Abok asked the Minister for Commerce, Industry and Co-operative Development if he would tell the House when the Russian-sponsored textile industry was going to be established in Homa Bay.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply: The establishment of a cotton textile factory at Homa Bay with Russian aid, which was originally proposed for 1965/1966, has now been deferred indefinitely by agreement between the Kenya Government and the U.S.S.R. Government. It is one of the loan credit projects in respect of which dates for establishment were left open and at the pleasure of our Government.

The market survey of textile products to be manufactured in connexion with this project has revealed that the capacity already licensed by the East African Industrial Licensing Council is just about adequate for the period up to 1970. The Government, therefore, feels that until the marketing situation improves, the project would not be viable.

Mr. Ngala-Abok: Mr. Speaker, Sir, regarding the last part of the Minister's reply, is the Minister aware that the country concerned had agreed that there was a possibility and that possibilities were there with regard to the market situation and that the erection of this textile industry was possible, but only that this was being negotiated? Is the Minister aware of that?

Mr. Mboya: Mr. Speaker, I am aware that the agreement stipulated the possibility of a textile industry in Homa Bay and this was based on the assumption that the cotton production would be sufficient for such a mill. But I am also aware that the statistical data and the necessary information for taking the final decision rests with the Kenya Government. The Russian Government or technicians did not, and I must make this quite clear, carry out a feasibility survey to be able to determine the potential or otherwise of such a mill, and it was after these considerations that the project was deferred.

Mr. Anylen: Mr. Speaker, Sir, in view of the fact that the Government went to great lengths to discuss this matter with the Russians, would the Minister agree with me, that the Ministers who were having discussions in connexion with this project, were not supplied with sufficient data in order to allow them to negotiate meaningfully and that they were merely discussing something which it was never intended should materialize at all?

Mr. Mboya: No, Sir.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister assure this House that the establishment of a textile industry at Homa Bay, although now deferred for some time, will have to come within this period and not after 1970?

Mr. Mboya: Mr. Speaker, Sir, I am prepared to agree with the hon. Member and, in fact, the Government has already set in motion a programme which will enable us to expand the cotton industry substantially within the next three years. Depending upon the success of this programme, a textile mill is feasible and it is possible even before 1970.

## Question No. 280

## SETTLEMENT ON CHERANGANI/SUWERWA SCHEMES

Mr. Lorema, on behalf of Mr. arap Too, asked the Minister for Lands and Settlement if he would inform the House of the total number of persons who had already been settled on the Cherangani/Suwerwa Schemes since the time they started.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. As at 31st December 1965, 173 families had been settled on the Cherangani Scheme and 221 on the Suwerwa Scheme.

Mr. Somo: Mr. Speaker, Sir, would the Assistant Minister tell this House how many could be settled in the places he is talking about?

Mr. Gachago: Mr. Speaker, although I do not think the hon. Member asking the question has any idea where the question refers to, I will reply to his rather vague question. We have another thirty-three plots in Cherangani to allocate and 117 plots in Suwerwa.

Mr. Lorema: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister tell the House how many of these settlers are proper Marakwet?

Mr. Gachago: Mr. Speaker, Sir, I have repeatedly said in this House that we do not allocate plots to our settlers on tribal basis.

## QUESTION BY PRIVATE NOTICE

## KANO IRRIGATION SCHEME TALKS

The Speaker (Mr. Slade): I think you have a question by private notice, Mr. Bala? Will you ask it now?

Mr. Bala: Mr. Speaker, Sir, would the Minister for Economic Planning and Development tell the House why the U.S.S.R. trade experts were not allowed discussions with Kenya experts to solve

[Mr. Bala]

the only remaining problem in the Kano irrigation talks; that of selling U.S.S.R. goods in Kenya for meeting local costs, before deciding to abandon the whole project?

Would the Minister assure the House that new negotiations for the Nile Basin Irrigation Scheme will not take such a long time?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, may I first explain that this question has so much in it that I would like to take some time in replying. I cannot reply to it in a simple sentence, yes, or, no, and, therefore, the House will bear with me when I give some background to the question.

The hon. gentleman will no doubt be aware of the history of the Kano irrigation project extending way back to May 1964 when the first discussions were held with the Government of the United Soviet Socialist Republic to establish friendship and co-operation between Kenya and the Soviet Union. In fact, the United Soviet Socialist Republic became the first friendly country with which Kenya signed an agreement for economic co-operation.

The Kano Plains project was one of the most important schemes in which the Russians declared a willingness to assist Kenya. The project was discussed at length both in Moscow and in Nairobi with a number of visiting Russian missions. During 1965, however, it became apparent that, for a number of reasons, it would be extremely difficult to utilize Russian assistance on the terms and conditions upon which it was offered. The main problem was, of course, that of meeting the local cost expenditure on the project. This was estimated at a total of £6 million over the four-year implementation period. The Russians proposed to assist us in meeting the local cost of the scheme by a commodity credit under which the Government would sell on the open market sufficient commodity products from Russia, which would then generate sufficient local currency to meet our local financial commitments on the project.

For a number of reasons, these proposals were unsatisfactory to the Government. In the first place, there was the time factor. The Kenya Government could never be sure that it would be able to sell all the produce from Russia, nor that the sale of the commodities would fit in with the phasing of expenditure on the irrigation scheme.

In addition, the Government had no established machinery for marketing the produce throughout the country, nor was there any guarantee that the Russian products would be competitive on the

open market with similar commodities from other sources.

In short, the Government could not accept the uncertainty which accompanied the implementation of these proposals for meeting local costs.

In this connexion, I should like to draw the hon. Member's attention to a statement which I issued recently, covering the whole question of aid and technical assistance from the United Soviet Socialist Republic. I should have liked to take the liberty, Mr. Speaker, or quoting from my statement at some length, but perhaps I should assume that hon. Members have read the statement, and it might not be useful to quote this part of the statement.

Mr. Speaker, all I want to say in summary of what I said in my statement—and I will make this available to the hon. Member—is that the Kenya Government sent a mission of three Ministers to Moscow, led by myself, in order to attempt to persuade the Russian Government that they should vary the 1964 agreement, and the position we put to the Russians in Moscow was that if they did not have the money in cash they might attempt to arrange the whole thing through a third country which had convertible currency and which would be willing to give it to us or to them for the purposes of fulfilling this project. The Russians then replied to us, after we came back, on the 3rd February in an *aide memoire* as follows: They said that they did not in principle give money to any recipient country and they could not, therefore, vary the 1964 agreement. They said also that they could not negotiate with a third country. They, therefore, came back to us and insisted that the 1964 agreement must be implemented in full, and that the Kenya Government must agree to accept from the Soviet Union goods to the value of £6 million, which would be sold on the Kenya market to generate the currency needed for the project.

Mr. Speaker, the Kenya Government has decided against the financing of the scheme through a commodity credit scheme. Such arrangement would take too long.

If the hon. Member is a spokesman for the communists, I am not a spokesman for anything!

Such arrangement, Mr. Speaker, would take too long as it depends on the successful sale of goods from the Soviet Union. We are not even in a position to guarantee that such a sale would generate enough local currency. The Government is convinced that it would be wrong to continue to ask the people in the Kano Plains to exercise patience. Each year is a year of misery for these people. They suffer either from drought or flood. The land in the area has a very high potential

[Mr. Kubal]

this committee has now submitted its report to the Government and I shall be laying it on the Table of this House shortly. Until then, I would ask the hon. Member to wait for the Government's pronouncement, but the proposal is evidently welcome since the Government put it in the terms of reference of the National Wages Policy Advisory Committee.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, will he assure the House that he will take into consideration the decisions of the trade unions as far as this matter is concerned?

Mr. Kubal: Would the hon. Member repeat his question?

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, could he assure the House that he will take into consideration the recommendations of the trade union movement in so far as this matter is concerned?

Mr. Kubal: Yes, all the parties were represented in this National Wages Policy Advisory Committee; there were representatives of the trade unions, the Kenya Federation of Employers and the Government and their findings are what the Ministry has submitted to the Government for consideration.

#### Question No. 358

##### TITLE DEEDS IN HOMA BAY

Mr. Ngala-Abok asked the Minister for Lands and Settlement how many African and Asian traders in Homa Bay Constituency had had title deeds for their shops, lands and other permanent buildings.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The present position is that sixty-eight leases have been issued for trading plots in Homa Bay, fourteen leases in Marindji Market and seven leases in Ranga Market, all of which places are situated within the Homa Bay Constituency. It is not altogether clear whether or not Sare Market is situated within the constituency, but it seems probable that it is and at Sare nineteen leases have been issued for trading plots.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister tell me what he is doing now to issue more leases to these people in my constituency because many forms go unapproved by various bodies who should give loans to my constituents because of lack of leases, and yet there are quite a number of properties that must get the same leases as those that have been given?

Mr. Gachago: Mr. Speaker, Sir, the issue of leases is a continuous process and the granting of leases depends on a number of factors and conditions, and all those that apply for them are issued with them. Mr. Speaker, I am unable to tell what special action we are taking because this is a continuous process.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister tell me how many Africans have leases in those areas concerned and how many Asians there are with those leases, because the most important thing is to know how many of the two races hold these leases?

Mr. Gachago: Mr. Speaker, Sir, the problem here is that the leases are not issued on a racial basis and nobody is required to give his race before a lease is issued to him. If I must inform the hon. Member of the number of Africans who have been issued with leases, this would call for a strenuous and long search, because the issue of leases is not based on racial background.

Mr. Bala: Mr. Speaker, Sir, would the Assistant Minister agree with me that most of the title deeds have always been given to Asians and not to African traders and, as such, we must know at this stage how many Africans have been given title deeds since independence, at least?

Mr. Gachago: Mr. Speaker, Sir, first of all I do not agree with the hon. Member, but if it is a question of how many titles have been issued since independence, that is a specific thing and with sufficient notice, it would be possible to supply such information.

Mr. Gatiguta: Mr. Speaker, Sir, is the Minister aware that the Asian traders in Homa Bay constituency, and also in other constituencies in the country, who have been given title deeds and so on to trade are a great menace to the African traders, and is he doing anything to see that the Asian traders are not encouraged to expand their business in these areas and also, to see that Africans will be given priority in this matter?

Mr. Gachago: Mr. Speaker, Sir, here again I would not agree with the hon. Member and, as I said, the issue of leases is a continuous process and is non-discriminate.

Mr. Warlith: Mr. Speaker, Sir, the Assistant Minister has said that he could not give the number of African or Asian traders who have been given leases, but, Mr. Speaker, the question specifically requests him to let the House know how many African and Asian traders have been given title deeds.

Mr. Gachago: Mr. Speaker, Sir, I think I have replied to that question.

Mr. Anylen: Mr. Speaker, Sir, would the Assistant Minister agree with me that the reason why he has refused to state the races who have been given leases is because practically all the people who have been given these leases are Asians and not Africans and he is ashamed of that?

Mr. Gachago: No, Sir.

Mr. Ngala-Abok: Mr. Speaker, Sir, with regard to the end of this question, would the Assistant Minister now agree with me that all the areas he has mentioned, and the centres he has mentioned, are purely and straightforwardly occupied by Asians and that no Africans are there, and these leases are for the Asians?

Mr. Gachago: Mr. Speaker, Sir, this does not require any question and an answer is a straightforward thing, that, Mr. Speaker, Sir, most of these areas prior to our independence were occupied by Asians.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, would you allow me to put the Assistant Minister right?

#### Question No. 342

##### MICA INDUSTRY FOR MACHAKOS

Mr. Ndile asked the Minister for Natural Resources and Tourism if he would tell the House if he favoured the promotion of a mica industry in Machakos District where the following minerals have been found in large quantities: (a) quartz, (b) muscovite and kyanite, (c) pyrite.

The Minister for Natural Resources and Tourism (Mr. Ayodo): Mr. Speaker, Sir, I would like to correct one typographical error. In part (b) of the question, it should read, "muscovite" and not "huscovite".

The Speaker (Mr. Slade): I expect that is our fault and not the hon. Member's.

Mr. Ayodo: Mr. Speaker, Sir, I beg to reply. I note that in his question the hon. Member uses the word "promotion", perhaps implying that he would like my Ministry to organize a mica industry in Machakos District. To operate such an industry requires technical skill and some financial resources. My Ministry can only give technical advice and some specialized laboratory services to the people who wish to mine mica, but it cannot go further than this at the moment.

Perhaps, the hon. Member is aware that my Ministry made an attempt to encourage a mica industry in South Machakos District in co-operation with a local company. Our intention was to get mica miners in the district to join together and mine the mica deposits, which would then be

cut and graded and marketed in Nairobi. If the venture were successful, there was a possibility that the International Commonwealth Development Co-operation would support it financially. Unfortunately, nothing came of this scheme. As far as the other minerals, mentioned in the question, are concerned, it is true that quartz, muscovite and kyanite deposits exist. My Ministry is not, however, aware of any significant quantities of pyrite.

Mr. Ndile: Mr. Speaker, Sir, would the Minister tell me what actually led to the failure of the exercise which he has just mentioned? Was it due to the non-co-operation of the mining companies which he has mentioned? What were the causes which led to the failure of this endeavour?

Mr. Ayodo: Mr. Speaker, Sir, this was because of the inability on the part of local organizers to produce enough samples for sampling in Nairobi here. They were not able to do their end of the work; the local chaps.

Mr. Omweri: Mr. Speaker, Sir, where the Minister says that his Ministry is ready to provide technicians or technical advice and at the moment it cannot go further, which probably meant issue of funds, would the Minister be prepared to negotiate with some other investors who would have some money to invest in Machakos to promote industries concerned with the production of these raw materials which exist there and which the Minister has admitted to exist?

Mr. Oyodo: Mr. Speaker, Sir, I am quite sure that the hon. Member is aware of the Government's policy of encouraging investors in all spheres of our economic activities and anybody interested in investing here in mining will be given every possible encouragement.

Mr. Anylen: Mr. Speaker, Sir, the Minister has just said that the failure was because the local people did not do their part and work hard. Would the Minister inform us as to who was responsible for seeing that these local people did their work properly in order to bring about a successful campaign?

Mr. Ayodo: Mr. Speaker, Sir, when a local group of people are interested in taking part in an investment in any business of any kind, the responsibility is theirs, to see that they succeed. Of course, I do realize that the Government should come to their aid, which we are doing, and, in fact, we are, right now, looking into the possibilities of giving even further help, but, in this particular case, the responsibility was that of the local people who failed.

Tuesday, 1st March 1966

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

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

PRAYERS

NOTICE OF MOTION

ELECTION OF INDEPENDENCE MEMORIAL

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, speaking as the Member for Ruwamba, I beg to give notice of the following Motion:—

THAT this House—

- recalling the struggle for independence in this country;
- appreciating the fact that it was because of the shedding of blood by the sons of this country that we regained our *Uhuru* from the colonialists;

(1) Calls upon the Government of this country in conjunction with the City Council of Nairobi to erect a memorial monument in such an open space as to allow remembrance assembly at the site to be known as "*Bustani ya Mashujaa*."

(2) Requests that this "*Bustani ya Mashujaa*" be a place of reverence.

(3) Requests further that on the Kenyatta Day a formal ceremony be conducted in this "*Bustani ya Mashujaa*."

ORAL ANSWERS TO QUESTIONS

Question No. 327

The Speaker (Mr. Slade): Before proceeding with the questions, I would explain to hon. Members that, by mistake, the last question, No. 327, has appeared on the Order Paper. It was, in fact, a question for written reply, so it will not be asked today. That is the last question, Question 327.

Question No. 272

RAISING OF MINIMUM WAGE

Mr. Godia asked the Minister for Labour if he would tell the House what he had done to raise the minimum wages of lowly paid public servants in Kenya in order to meet the present increased cost of living in the country.

The Minister of State, President's Office (Mr. Nyanweya): Mr. Speaker, Sir, I beg to reply. It is not quite clear to me what the hon. Member for Hamisi implies by "lowly paid public servants in Kenya".

However, taking first the workers in receipt of minimum statutory wages, I can say that their wages are determined by the Minimum Wages Council with the advice of the Labour Advisory Board. The level at which the minimum wages are fixed is determined after careful examination of the various factors influencing wages. Revisions are effected from time to time. In the case of civil servants in the subordinate service, certain allowances have recently been awarded to employees in the big urban centres to cater for the higher cost of living.

In the Public Services as a whole, salaries are examined from time to time with a view to bringing about changes in the structure to accord with changed conditions.

Within the Civil Service, machinery is provided for discussing matters concerning conditions of service. In this way the Government is kept informed of the requirements of the service. The present wage structure was agreed in 1964, after an exhaustive inquiry by a salaries commission. The Government considers this salary structure satisfactory.

Question No. 352

LOW MAIZE PRICE IN KERICHO

Mr. arap Sol asked the Minister for Agriculture and Animal Husbandry why the price of 200 lb. of maize was lower in Kericho District than other districts of the country.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. Maize producers in such districts as Meru and Kitui receive less for a bag of 200 lb. of maize than those in Kericho District and the hon. Member's allegation, therefore, is incorrect.

Mr. arap Sol: Mr. Speaker, Sir, if that is the case, could the Assistant Minister tell the House what they are doing to equalize the price in the country?

Mr. Osogo: The price of maize, Mr. Speaker, cannot be equalized because there is a difference in distances from different districts to the railroad where this maize is railed to the major stores of the Maize Marketing Board.

Mr. arap Sol: Mr. Speaker, Sir, if the railage of maize reduces the price for 200 lb. of maize, would the Government be prepared to subsidize farmers in such districts so that the amount of maize may not be reduced in the country, causing famine?

Mr. Osogo: Mr. Speaker, it is not the railage of maize that causes this difference, it is the transportation of the maize from the area where it is produced to the railroad.

[Mr. Osogo]

Now I would advise the hon. Member, and other hon. Members here, that if they advise their producers to form co-operative societies, the price of maize will be high because they will be able to carry the maize themselves to the railroad, where they will be paid an equal price of Sh. 37 per bag.

Mr. Omveri: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell us why the Kakamega price is higher than the Kisii price and yet Kisii is farther off from the railroad than Kakamega?

Mr. Osogo: Mr. Speaker, it depends on which railroad the hon. Member has in mind, because Kakamega has Bungoma as a railroad and Mwangi too and others like Broderick Falls. And Butere, Mr. Speaker, I am told. So the hon. Member is not right in suggesting that Kisii would be nearer a railroad than Kakamega.

Mr. arap Biy: Mr. Speaker, Sir, could the Assistant Minister tell the House why the prices of maize at Kisii and Kipsigis are different and yet the two districts are far from the railheads?

Mr. Osogo: Mr. Speaker, there is a difference of 50 cents only. The Kisii maize producer is paid 50 cents more than the Kipsigis producer.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 352: LOW MAIZE PRICE IN KERICHO

Mr. arap Sol: On a point of order, Mr. Speaker, I would like to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 343

GOVERNMENT AID FOR ALLIANCE HIGH SCHOOL

Mr. Ndile asked the Minister for Education if he would tell the House what assistance the Government gave the Alliance High School, Kikuyu, for staffing and for building houses and classrooms. Also what assistance did his Ministry give the school for school amenities.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. The Alliance High School is a fully maintained school and the Government, therefore, provides tuition and residential accommodation for authorized classes, seconded teachers and salary grants to pay locally employed teachers, and grants towards all other approved expenditure. These grants do not include elements for social amenities other than library books and periodicals.

Question No. 359

RUSSIAN-SPONSORED TEXTILE INDUSTRY

Mr. Ngala-Abok asked the Minister for Commerce, Industry and Co-operative Development whether he would tell the House when the Russian-sponsored textile industries would be established in Homa Bay.

The Speaker (Mr. Slade): Who answers for the Ministry of Commerce? We will have to leave this to the end, I think, to see who will then answer.

Question No. 271

WEEKLY WAGES FOR CIVIL SERVANTS

Mr. Godia asked the Minister for Labour whether he would consider amending the law in order to enable members of the Civil Servants' Union, including those employed by the National Assembly, to be paid their wages weekly so that many of the debts encountered by them might be avoided.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to reply. The principle of payment of wages at shorter intervals than one month is one which has generally been accepted by the Government. But the Government, however, cannot be expected to amend laws to suit only a particular group of persons in the country, as has been suggested by the hon. Member.

As early as 1954, the Carpenter Committee on African Wages recommended that the Government should actively encourage the weekly payment of wages, but this was not implemented at the time. The Local Civil Servants Salary Commission, generally known as the Pratt Commission, set up in 1963, also recommended the same. Approving the recommendation in principle, the Government set up the National Wages Policy Advisory Committee in March, 1964, and in the terms of reference the committee was required to examine the possibilities of the early introduction of the—

Mr. Mallro: On a point of order, Mr. Speaker, could the Assistant Minister read his answer louder so that we can hear it?

The Speaker (Mr. Slade): You should sit down during a point of order, Mr. Kubai, but would you speak up?

Mr. Kubai: I am sorry, Sir.

Approving the recommendation in principle, the Government set up the National Wages Policy Advisory Committee in March 1964 and, in the terms of reference the committee was required to examine the possibility of the early introduction for the labour force generally of weekly payments of wages. I am glad to report to the House that

[Mr. J. M. Kariuki.]  
16. That commission will recommend to the Government and the Government will take action according to the findings of the commission.

At the moment, we have given a great deal of responsibility to the valuers who are valuing this land, but we would like to have a commission which would be receiving evidence, and which would also query the valuers when they valued a particular farm. Now, in order to make sure that the money we gave per acre for a particular farm is a reasonable sum of money, we should have this commission; and in this way also the Government will have an easy way of reaching an agreeable price per acre in a particular area. All farms are not equal. Farms in the Coast Province are not equal in potentiality with the farms in Nyanza Province. Therefore, we feel that if this commission is set up then it will be able to go into details of the valuations.

I would like to point out here, Mr. Speaker, that the valuers themselves, before they give their final decision, must also recommend to the commission which will go into the details and find out if the price is a reasonable valuation of a particular farm.

Without even wasting more of the hon. Members' time, I would like them to come forward and support this amendment of setting up a commission of enquiry.

With these few words, Mr. Speaker, I beg to move the amendment.

The Speaker (Mr. Slade): Whoever seconds the amendment, I am afraid it will just have to be a formal seconding.

Mr. Kaggin seconded.

The Speaker (Mr. Slade): There is a slight technical difficulty, in that this amendment involves leaving out certain words which the House has decided not to leave out. However, we will overlook that difficulty and start again.

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

(Question of the second part of the amendment that words to be inserted be inserted proposed, put and agreed to)

(Question of the Motion, as amended proposed)

Mr. arap Sok: On a point of order, Mr. Speaker, in view of the importance of the amendment, would it be in order for the House to extend the time for the amendment later on? I mean, there are only five minutes left for the Mover to reply, but the amendment is very important and the House should go on speaking on it.

The Speaker (Mr. Slade): The House has resolved that these Motions shall be limited to an hour and a half. I cannot disregard that resolution unless, on a particular Motion, I have the leave of the House to go on longer. Well, the House today might give us leave to postpone the Mover's reply until half-past; that gives us five minutes. Whether the House would give us leave another day to go beyond the hour and a half and hear the Mover's reply, I do not know. I think we had better have the Mover's reply now.

I think you had better reply now, Mr. Kariuki.

Mr. G. G. Kariuki: Mr. Speaker, I only have a few minutes in which to reply, but those few minutes will be enough for me.

Now, Sir, the Government has been given a mandate by this House to appoint a commission of inquiry to investigate the problem which is involved in land valuation. Therefore, Sir, now the Government has this mandate. I said here earlier that we had not given a mandate to the Government to negotiate the price of land with the British Government; now we are giving the Government the mandate to appoint a commission which will report to the Government the proper price which would be reasonable for the new settlers.

Now, Sir, the Assistant Minister has just said that the answer for settlement schemes is that Government is required to have a lot of money. But we would have a lot of money if the Government was open to get loans from anywhere in the world. But now they confine themselves to the British Government only and we understand that the British Government is giving them instructions on what they should buy—

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, could the hon. Member substantiate his allegation that the Government confines itself to loans from Britain only?

Mr. G. G. Kariuki: Yes, Mr. Speaker. It is well known, and I do not think there is anything there to substantiate because it is confined. Could the Assistant Minister tell us where else they have got these loans and where else they have applied for loans for land purchase?

The Speaker (Mr. Slade): It is very often frankly impossible to substantiate a negative, but because of that, I think one has to allow an hon. Member to be corrected if he is, in fact, wrong in his statement. So if you say he is wrong in his statement, Mr. Gachago, I think you must have an opportunity of saying so.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Well, Mr. Speaker, the hon. Member is wrong in alleging that the Government only accepts loans from Britain. The Government is open. It is true that so far we have had loans from the British Government for land but we have loans also from the Land Bank, we have had money from the World Bank, we have had money from Western Germany. Therefore, Sir, the hon. Member is not right to allege that the Government accepts loans from Britain only. We have accepted quite a number of loans from Britain simply because Britain had some interests here before we became independent.

Mr. Kaggin: Mr. Speaker, on a point of order, in view of the fact that you have allowed the Minister to correct the hon. Member, if he was wrong, it is not in order for him to tell us specifically whether the Government has had loans for land purchase from any other country except Britain?

The Speaker (Mr. Slade): You are referring to land purchase, Mr. Gachago, are you not? Were you referring to land purchase when you referred to the World Bank?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Yes, Sir.

The Speaker (Mr. Slade): And the West German Government?

The Assistant Minister for Lands and Settlement (Mr. Gachago): No, I was referring to loans.

The Speaker (Mr. Slade): Well, it is land purchase that Mr. Kariuki was talking about.

I think we had better let Mr. Kariuki continue now.

Mr. G. G. Kariuki: Thank you, Mr. Speaker. It is now exactly known that the Minister who replied for the Government is ignorant of what is going on. He does not know. Therefore, Sir, we know that the Government of Kenya is getting money from the British Government, and the British Government only, and therefore the Assistant Minister has no idea of what is going on in the country.

Now, Sir, when the Assistant Minister was talking on behalf of the Government, went on to say that the land in Uganda cost Sh. 500 per acre and in the United States Sh. 3,000 and in the United Kingdom Sh. 4,000. Well, this is not our problem, Sir. We even want our people to be given free land. We do not take into consideration at what price the British Government is selling its land. We are not a party to that. This is not British land. This is African land and we want to see that our African people are settled immediately, without wasting any time.

Therefore, Sir, I beg to move.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT this House being aware of serious need for the promotion of the settlement schemes in this country and particularly in those most unfortunate districts where settlement schemes have not, as yet, been introduced, and view of the very high prices paid during the last purchasing period of the present scheme this House urges the Government to appoint a commission of inquiry to investigate and recommend to the Government the price of land obtained for settlement purposes.

Mr. arap Sok: On a point of order, Mr. Speaker, I do not know whether I am in order to put this point of order. I do not know whether this commission will even go into past history.

The Speaker (Mr. Slade): No, I am afraid one cannot, as a point of order, go over what a Resolution of the House means. That has to be debated while you are debating the Motion, and not after you have resolved it.

#### ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business and the House is adjourned until Tuesday, 1st March, at 2.30 p.m.

The House rose at thirty-three minutes past Twelve o'clock.

[The Speaker]

the particular examples that you asked for. If the Assistant Minister will say on what grounds he says that this is the average price, that is in order.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, this price has been arrived at as a result of tabulation of the figures of the number of farms we have taken over. We have calculated and found that the average comes to Sh. 186 and if the hon. Member doubts our calculation I will go further and invite the hon. Member to my Ministry. We can show him in black and white how this figure has been arrived at. We cannot arrive at a figure of an average in any other way, except taking into account all the figures we have paid. This is how we have arrived at that figure.

The Speaker (Mr. Slade): In order to avoid any misunderstanding, Mr. Gachago, you are not saying, are you, that in no case has more than £10 been paid per acre? You are saying how the average is worked out. That is what Mr. arap Soi is worried about. He says there are cases in which more than £10 per acre was paid. You are not denying that, are you?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Of course, Mr. Speaker, if there is an average there is a case where a higher figure than the average has been paid. This goes without question.

Therefore what I would appeal to the hon. Member is to see the reasons and not to let us bind ourselves to a figure that may be detrimental even to the purpose of this Motion.

I beg to move.

The Assistant Minister for Education (Mr. ole Konchellah) seconded.

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

The Speaker (Mr. Slade): We have about ten minutes before the Mover replies, and I think debate can be combined with debate on the main question.

Mr. J. M. Kariki: Mr. Speaker, Sir, I would like to confine myself to the original Motion and I would like to inform this House that although there are some Members who are disputing there have been higher prices paid in the settlement schemes, I would like to say here that having come from a particular district which is composed of nothing else but settlement schemes, it is possible for me to cite some examples of what I have seen in the field.

There were some Europeans who had developed their farms quite well in the settlement

schemes while there were others who did not develop their farms to the extent of the price which was given in the purchase. Their work was mainly to go to the big towns like Nairobi, Nakuru, Thomson's Falls, instead of using a bit of their energy on development of their farms. So they could not develop their farms to the extent of getting even £9 or £7 per acre. However, during the period of settlement there were some farms which were bought at very high prices. It is very important to mention to this House this fact. There is a man from Denmark whose farm was next to a farm belonging to a European who obtained £15 or £16 per acre, whereas this European only received £7 per acre. The Assistant Minister and myself went to the spot and we talked to the European concerned. He agreed that since that farm was in the same area as that of the European it was in the class of £16, then the Government accepted the increment of the European who had been given less valuation for his farm. So it is obvious that the valuers who valued these farms had something in mind. They valued the one of the European much higher than that of the man from Denmark. The valuer himself agreed that there was some misunderstanding during the valuation.

This shows that we must inform the Government that there were irregularities during the purchase of the one million acres. However, Sir, irregularities can always be corrected. What this Motion is aiming at is to try and make a general price which should apply if we are going to buy thousands and thousands of acres for the settlement of our people. I think this Government would agree with me when I say that the farmers in the Kinangop had a lot of development while others could not have the benefit of development. When the African settlers moved into the farms that were developed properly they were able to make headway. There were many Europeans who did not develop their farms properly and the African farmers who are now settled there cannot even meet the Government's loan. I am sure the Ministry will agree with me when I say this. Some of the farmers cannot repay their loans because the farms they took over were not developed at all. This is a clear picture, to say that there are some Europeans who did not develop their farms properly but the value they received per acre was very high.

Now, having established that fact, Mr. Speaker, I would like to say something else. I know that the hon. Member for Kilifi mentioned something to the effect that settlement should not be confined to Nyandarua but other places as well. I agree with that and that settlement should be extended to other districts as well.

1521 Motion—Ceiling on—

[Mr. J. M. Kariki]

But I would like to inform the House that settlement of the Kinangop was completed long ago; there is now no settlement going on in that place. However, people who are settled there are finding some problems because they cannot develop some of the farms because of the people who remained there when the settlement was carried out, and they could not be settled somewhere.

I would like to point out something else, Mr. Speaker, in connexion with this Motion. I feel very strongly that we should not put a mark as to how much should be paid per acre. I quite agree with what the Assistant Minister is saying, that we should not say that the price per acre should only be £10. The reason why I say this is because if we say £10 and we go to another place, where the price of an acre is poorer, then we will give ourselves problems in paying £10 per acre. So I would like to amend, with your permission, Mr. Speaker, the original Motion. After the words "this House urges the Government"—

Mr. arap Soi: On a point of order, Mr. Speaker, is it in order for the Member to speak on the original Motion when he should be speaking on the amendment?

The Speaker (Mr. Slade): Yes. Under Standing Orders, the debate is restricted, as Mr. arap Soi says, to the actual amendment proposed, unless the Speaker rules that it is for the convenience of the House that it should be combined with debate on the main question. Here because of the shortage of time, and because of the nature of the matter, I did say, when proposing this question, that debate on the amendment could be combined with debate on the main question. So the hon. Member is in order.

The only thing he cannot do is to move another amendment, altogether independent of the amendment now before the House. I think I can explain the right procedure here. What Mr. Kariki is going to propose is an alternative at the end of the Motion as to what Government is being asked to do; in which case he will agree with the question now before the House, that the present words be left out of the question. And when we come to the second part of the amendment, to decide what words shall be put in, will propose alternative words. The present question is simply that certain words be left out of the question. It would suit what Mr. Kariki has in mind to leave those words out of the question. Then his Motion for an alternative amendment comes later.

You can mention it now, you can say what you want to do now, Mr. Kariki, but you cannot actually move anything now.

Mr. J. M. Kariki: Well, Mr. Speaker, I thought I had your permission to move the amendment.

The Speaker (Mr. Slade): At the right moment. But there is another amendment in ahead of you now, you see. We only deal with one amendment at a time.

Mr. J. M. Kariki: Mr. Speaker, Sir, in this respect, I quite agree that some words in the original Motion should be left out, like the words "£10 an acre". If I can have more time to propose my amendment, I will do so then.

The Speaker (Mr. Slade): I think it is just on the point of time for the Mover to reply, so I think I had better put this part of the amendment now anyhow.

*(Question of the first part of the amendment that the words proposed to be left out be left out put and negated)*

*(Resumption of debate on original Motion)*

The Speaker (Mr. Slade): Debate continues on the question as originally proposed. And it is now—

Mr. G. G. Kariki: On a point of order, Sir, is it in order for me to allow five minutes more for the proposal of the amendment and to continue the debate until after that five minutes?

The Speaker (Mr. Slade): Yes, if Mr. Kariki says he will limit his time of replying to five minutes, that would give us five minutes for something else.

Mr. J. M. Kariki: Mr. Speaker, Sir, the amendment I wanted to make is: the words "this House urges the Government to make sure that no land obtained for settlement purposes costs the Government more than £10 per acre". I would like this to be deleted and to have inserted the words: "this House urges the Government to appoint a commission of enquiry to investigate and recommend to the Government the price of land obtained for settlement purposes".

The reason why I want to amend this, Sir, is because now we are having a lot of money borrowed by our Government to buy more farms from the European farmers, and we are going to purchase more and more in future. Therefore, the reason why I suggest that this commission of enquiry be set up by the Government is to enable the commission to find out which particular area and which particular farm ought to be given £5 or £6 or £7 or £10 per acre, and that commission will recommend to the Government that in that particular area of the country the price per acre should be not more than £5 or not more than

[The Assistant Minister for Lands and Settlement] especially the first part of it—it does not really mean that we shall start settlement schemes in all areas because we are governed by the funds actually available.

Mr. Speaker, Sir, I wish also to mention that the question of landless in Kenya is, as one of the hon. Members said, actually exaggerated. We have plenty of land—

Mr. Kagga: Question, question.

The Assistant Minister for Lands and Settlement (Mr. Gachago): We have plenty of land that is not in use as yet. What I think the hon. Member from Kandara is questioning is whether that land can be put into use and the methods that should be adopted to make sure that such land is put into use. In that case, it cannot be a question of strict landlessness. Therefore, Mr. Speaker, although there is that call—the President's call—of "go back to the land", and it appears that we accept it, I think the only question here is a matter of arrangements where people have to go back to the land and this is why the Government is very keen on various settlement schemes.

However, in addition to that, it must be appreciated that in this country not everybody will be a land owner. It has never happened in any country and it is not going to happen in Kenya, for the first time in history. It must be appreciated, too, that those of our citizens who can find alternative employment should, I think, start thinking in terms of turning such employment into a career, instead of going back to a piece of land that will not pay as much as a job of employment pays, and should not confuse our people by thinking that it is only by acquiring a piece of land that we will improve the economy of this country.

Now, Mr. Speaker, there are many people—for example, in Nairobi and in other cities of Kenya—who have jobs which could pay them much better than any piece of land they could acquire. But some people also who are working in the cities and in other areas have land in the country and they hold jobs here, and as a result of their position in employment and having land in the countryside, the land remains under-exploited because most of their time is spent in their employment. Mr. Speaker, in asking for the supply of land and the establishment of settlement schemes, these are factors to be considered.

Mr. Speaker, Sir, as regards the second part of the Motion, I think this is the most touchy problem, and that is the question of the cost of land and general valuation. This is where I said, Mr.

Speaker, that there is a great deal of misunderstanding and misinformation, and I would like to inform the House that at the moment there is no evidence at all that farms have been too highly valued in the past.

Mr. arap Sol: On a point of information—

The Assistant Minister for Lands and Settlement (Mr. Gachago): No, Sir. Mr. Speaker, Sir, I am speaking from experience and from direct information from what the Government has done. Mr. Speaker, I cannot be expected to be informed by a person who, himself, is uninformed and the hon. Member would be better to wait until I inform him.

Mr. Shikuku: On a point of order, Mr. Speaker, I thought in our Standing Orders it is provided that an hon. Member can stand on a point of information if he is allowed to do so by the hon. Member speaking, but is it in order for the Minister to assume that the Member has no information?

The Speaker (Mr. Slade): No, it is not. You are entitled to refuse to hear the point of information, Mr. Gachago, but not on the presumption that there is no information. So you withdraw that "uninformed".

The Assistant Minister for Lands and Settlement (Mr. Gachago): Yes, Sir, I withdraw that, hoping that the hon. Member had a piece of information to give me.

Mr. Speaker, Sir, what I was saying actually was that the hon. Members should take it from me that land has been purchased for settlement in accordance with instructions laid down in our agreement by Her Majesty's Government, which provides the money that we use in buying this land. Mr. Speaker, we cannot have it both ways. We are either going to think in terms of providing settlement schemes and get the money to do so or we forget the settlement schemes and forget the money. If we are really going to get the money, we should be expected to respect the terms on which we have borrowed the money. That does not mean, strictly, Mr. Speaker, that we are governed by those, but we must keep them in mind. In so doing and bearing in mind all these conditions and agreements, Mr. Speaker, the Government has made sure that it purchases land for settlement schemes at an average of Sh. 180 per acre over all in the one-million-acre scheme. Mr. Speaker, Sir, much of this land is mixed farming land in Kenya outside the African reserves and is supposed to be some of the best land in the country. Now, Sir, let me point out that the price is far less than what is paid in

[The Assistant Minister for Lands and Settlement] areas like Kiambu in the open market, where the value exceeds Sh. 1,000 per acre, while in some places even Sh. 2,000 per acre. Therefore, it is not fair at all to allege that the Government has been buying land for settlement schemes at a price that is high or unreasonable.

For the information of hon. Members I would also like to point out that land in other countries, like the United Kingdom itself, costs about Sh. 4,000 per acre, whereas in the United States it is as much as Sh. 3,000 per acre. In Uganda, our next-door neighbour, the land is at an average of Sh. 500 per acre. Therefore, it is not fair to allege that the value of land is higher than it should be. In fact, the value of land has been kept as low as possible.

Mr. Glehoya: On a point of information, Mr. Speaker, is it in order for the Assistant Minister— Mr. Speaker, the land in question, on which the Assistant Minister is trying to set a limit in terms of price, was formerly owned by the Africans and then it was taken away on one pretext or another and given to the present settlers in exchange for a token sum of a few shillings. What we want now is for this land to revert to the Africans at very normal prices which bear a relation to the original price.

The Speaker (Mr. Slade): Mr. Gachago, I do not think you are on a point of information. You are trying to join the debate and that is a very different thing. It is not information; you are arguing.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, for the information of the House this is the type of information which we expect, and the hon. Member actually has shown that he should have waited until I informed him. The information he is presenting to give I know much better than he.

Mr. Speaker, it must not be forgotten that the land that we buy for settlement schemes belongs to some people who acquired that land, as the hon. Member rightly said.

#### POINT OF ORDER

##### SEATING ON THE FRONT BENCHES RESERVED FOR MINISTERS

Mr. Shikuku: On a point of order, Mr. Speaker, according to your ruling yesterday as regards the hon. Ngei, is he in order to sit on the Front Bench?

The Speaker (Mr. Slade): No. This question was asked in your absence actually, Mr. Ngei, as to the position of a Minister who is suspended. As

you know, by Standing Orders, the Front Benches are reserved for Ministers and Assistant Ministers, and rightly a Minister who is suspended is not actually a Minister so long as he is suspended. So, if you would take a seat in some other part of the House it would be in order.

(The hon. Member withdrew from the Chamber)

The Assistant Minister for Lands and Settlement (Mr. Gachago): What I was saying is that the land we buy is also bought on the open market from people who acquired it by any method, but the value since they acquired that land has risen. Therefore, Mr. Speaker, we cannot fix the value of the land at what the hon. Member is saying because if we do we are tying ourselves to a very serious danger. I hope the hon. Member can see the danger.

Therefore, although the Government accepts this Motion, Mr. Speaker, I beg to make an amendment. Without wasting the time of the House I will state the amendment which is, that all the words between the words "introduced" and "this House" be left out and the words after the words "make sure" be also left out, and in place thereof be inserted the words, "that the land purchased for settlement costs the Government a price that is reasonable and not detrimental to the overall economy of land purchase in Kenya."

I would like to end by appealing to the hon. Member to appreciate that if at the moment we are buying land at an average rate of Sh. 186 per acre, it will be dangerous to set a precedent of Sh. 200 an acre because we shall be, in fact, defeating the actual purpose of this Motion. Therefore, this is why I urge to leave flexible the question of value so that—

Mr. arap Sol: On a point of order, is it in order for the Assistant Minister to state in the House what is not really practised in the field, with regard to the price of Sh. 180 per acre, which is never carried out?

The Speaker (Mr. Slade): Order! Order! You cannot challenge the accuracy of what is said in the House from a point of order unless you are asking for substantiation.

Mr. arap Sol: On a point of order, Mr. Speaker, would the Assistant Minister substantiate or give an example in substantiation of this price in Solik, Central Province, or anywhere else?

The Speaker (Mr. Slade): Oh, no. When you ask for substantiation you simply ask the Assistant Minister why, on what grounds he says something. He does not necessarily have to give you



[Mr. Ngala]

Now, Mr. Speaker, Sir, one of the problems is the fact that so many people would like to be put on pieces of land to do profitable cultivation so that they can earn a living and raise their standards. In fact, Sir, this Motion is an effort by the hon. Mover to bring to the awareness of the Government the need for doing one of the aspects that would help us to remove poverty in this country. Because of this move, Sir, I think the Minister should support the Motion. Mr. Speaker, Sir, I would like to talk on two aspects in this Motion.

Firstly, Sir, I think the need to review, or rather the Motion is asking us to review the land policy. Mr. Speaker, Sir, when we think of purchasing land so that we can settle our people, again, there are two aspects; there is the development aspect of which we are not querying the full compensation of the development aspect for instance, where there are houses, fences, and where there are real developments; we are not querying the fairness of compensating such aspects. But, Mr. Speaker, Sir, the Government has to change its policy in the second aspect, where the value of the soil is concerned. Now, Sir, the value of the soil is the cause of the quarrel between the Members and the Ministry. Mr. Speaker, Sir, there are some people who have very queer ideas about the value of land, whether they obtained these ideas from the British Islands or whether they obtained them from Washington or Russia, I do not know. But, Sir, these are the fellows that go around and give the land very unrealistic values, and because the soil is given these very unrealistic values, the settlers find it almost impossible to pay for the value of the soil and develop the soil. Now, Mr. Speaker, Sir, in my opinion, it is not difficult for the Government to lay down a policy so that the value, the maximum price for any type of land, can be £10. This, Sir, is not impossible, because even in countries like Tanzania the Government has had to come down with a definite policy in the interest of the nation and make a decision on what they would like to do with regard to the land. I would like to suggest to the Minister that £10 be the maximum value and then the whole country should be divided into zones, ranging from £10 downwards, because, Sir, I believe that in some areas the value could be as little as Sh. 5 per acre. In other areas the value could be either Sh. 10, Sh. 40 or even Sh. 60 an acre.

Now, Sir, I feel that a deliberate effort must be made by the Government so as to alleviate the hardship that the people are experiencing. I am thinking, Sir, when I say a deliberate effort, I am thinking of the colonial days when the British

Government made a deliberate effort to help their settlers in this country and therefore they fixed the value of the land at a certain level. I think, Sir, it was about fifty cents per acre. Now, Sir, I think that a similar deliberate effort has to be made to help the people as far as the price of land is concerned. Mr. Speaker, Sir, the question of settlement is important, because His Excellency the President himself has said that we should go back to the land. But, Sir, people can only go back to the land if the facilities are made easier for the ordinary person to go back to the land. What is happening now, Sir, is that most of the land is likely to be purchased by the rich people and we shall soon find that the rich people will become richer and the poor people will become poorer.

Therefore, Sir, I would like to make it quite clear that we are not quarrelling over development values, we just want the Government to lay down a definite policy in which they would say that the land, in Kenya, most profitable and most fertile land, would cost at the most £10 an acre and be graded downwards from £10 to any figure below. This is not impossible, Sir, with a free Government. I think the Government should aim very much at the low income group when they are thinking of the question of land, rather than think of people who can economically help themselves and buy different areas.

The other point I would like to make, Mr. Speaker, Sir, is this. I would like the Minister to consider very seriously the type of people who are doing the evaluation. The type of people who are doing the evaluation are the kind of people who, perhaps, have a Western pattern of thinking and therefore the values of land in the Western or Eastern countries are very different from the value of the land in our country.

When I visited the East a few months ago, I saw that a square foot of land cost about £20. I think the Minister should change his team of people who value the land, he should choose a commission of people who are very appreciative of the problems that the Africans are facing and give these people money to go round valuing the land. If he does not do that, the policy of go back to the land will be quite unrealistic to our people. This Ministry can help the Government very much if the Ministry gets down to work.

Mr. Speaker, Sir, the Coast Province has been overlooked all the time. £18 million has been borrowed from the British Government, partly to buy our own soil. £6 million of this will go to the purchase of land, I understand, and I understand £12 million will go towards development. I would like the Minister to note that the Motion

[Mr. Ngala]

says that the unfortunate districts which have been forgotten should also be incorporated into the scheme. This is very important because if settlement is only concentrated in Kinangop, Nyandarua and other places of favouritism, then I think this country is heading for serious confusion and trouble. I think the Minister should be national-minded. The Assistant Minister travels quite a lot to the Coast, he never looks at the problem of land. He only visits Mombasa, the streets there, and so on, he does not come to the country and see the people there.

Mr. Speaker, Sir, I am telling the Assistant Minister, who is a great friend of mine, that he is closing his eyes to the settlement problems in the Coast—

The Assistant Minister for Lands and Settlement (Mr. Gachago): I have been to Kilifi with you.

Mr. Ngala: You have been to Kilifi with me, but you were very lucky—

The Speaker (Mr. Slade): Address the Chair, Mr. Ngala.

Mr. Ngala: Mr. Speaker, Sir, the Assistant Minister has been to Kilifi. He was very lucky to be with me because he was almost being torn to pieces by the so-called squatters. I had to protect the Assistant Minister. In good faith, I protected him; in good faith, the Minister should look after the troubles and difficulties of the people.

Mr. Speaker, Sir, I think the Minister is taking this Motion very lightly, but I know some African governments have been overthrown. Why? Because some aspects have not been given attention. The question of land must be given attention in Kenya, otherwise things will go wrong in Kenya. Change your policy as quickly as possible.

The Speaker (Mr. Slade): Do you want to speak now, Mr. Gachago?

The Assistant Minister for Lands and Settlement (Mr. Gachago): I think in view of the time I should, Sir.

The Speaker (Mr. Slade): Yes, I think you are wise to do so. You claim twenty minutes?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Yes, Sir.

Mr. Speaker, although the hon. Member for Kilifi South said that he saved me, on the contrary I actually saved him by assuring the public at Kilifi that the Government is looking into their land problem and if it were not for that, Mr. Speaker, the public would have been on the

verge of passing a vote of no confidence in the hon. Member, but being a friend of mine, I had to come to his aid!

Now, Mr. Speaker, Sir, the Government—I must declare—accept this Motion only with a certain amount of reservation, as I am going to explain. The Motion actually is in two parts. The first part says that there is a serious need for the promotion of settlement schemes in Kenya, especially the areas where settlement has not been introduced, and the second part of the Motion touches the old argument that we have been paying a high price for land, and the Motion is trying to restrict us to payment of £10 per acre as the maximum. Mr. Speaker, Sir, this is where I would like to make a correction, because it is a matter of information and I am sure the Government and the Mover of the Motion are not at cross purposes.

Mr. Speaker, the first part of the Motion which governs the actual need for the establishment of settlement schemes in the various parts of Kenya is completely accepted by the Government and, especially, those parts which have not been catered for in the past: for example, Kuria, as the hon. Member says, and the Coast. If the Coast is taken as a province, they may have a case for a settlement scheme. I am sure the hon. Mover of the Motion will not take it ill if I mention that in the past he has been to my office to see the Minister and myself about the establishment of a settlement scheme in his area and hon. Members, I am sure, will appreciate, Mr. Speaker, that all these settlement schemes and the establishment thereof are governed by one thing, and that is finance.

The Government is prepared to consider the whole country and, depending on the amount of money available, to start a number of settlement schemes where schemes have not been established yet, but as hon. Members will appreciate, the Government will only do it in accordance with the merits of the various areas that should be catered for. It is true that there are districts where settlement schemes have not been established, but, Mr. Speaker, I would like to tell the House that there are the settlement fund trustees who form a body. This body consists of three very reasonable Ministers of the Government and in deciding which areas to purchase for the new schemes, they take into consideration the various aspects and factors determining their decision, one of which is the demand which is well—as is known in the country—above the supply.

As I have said, the supply depends upon the availability of funds, and therefore, Mr. Speaker, although the Government accepts this Motion—

[Mr. Warlithi] is bought in this country. The fertility of the land should also be taken into account. Records are kept as to how much was paid for that land originally and, also, the people who have been working on the land for all these years might have benefited more than 100 per cent from what they originally paid for the land.

On the last part of the Motion, Mr. Speaker, I would like to say that I would like the commission to go into the entire question of the price of land.

Before I end, I would like to touch a little on the shortcomings of the settlement schemes and if we are to promote settlement schemes I would like to point out some of the things the Government should take into account.

The Speaker (Mr. Slade): You cannot go very far, I am afraid, Mr. Warlithi, because the terms of the Motion are directly related to the price of the land.

Mr. Warlithi: That is all right, Mr. Speaker, but the first part of the Motion says, "That this House being aware of serious need for the promotion of the settlement schemes"—

The Speaker (Mr. Slade): Yes, but it does not ask for anything. Never mind, you have a few minutes in which to make a few points if you like.

Mr. Warlithi: If there is a need to promote you have to consider what might help in promoting—

The Speaker (Mr. Slade): I will have to give you another minute or two on this. You see, after being aware of the need for promotion, all the Motion asks for is a limit to the price paid for the land, it does not ask for anything else. It is what the Motion is asking for that one is mostly concerned with; one cannot start asking for other things unless you amend the Motion. If you had given me written notice to add to this, that the House should urge the Government to do certain other things also, then you could speak on those other things, you see.

Still, you have about three minutes, and as long as you do not lead other hon. Members to wander too far from the Motion, you may say what you wanted to say.

Mr. Warlithi: So, Mr. Speaker, I was saying that there is a need for the settlement schemes to be promoted, but there are other things in promoting these settlement schemes which should be considered by the Government. That is, particularly in those areas where they grow cash

crops, like potatoes, for instance, in my own district you find that in the settlement schemes you have crops which need to be sold and there are no marketing arrangements. Over the weekend I found that they have so many potatoes in that area that the price is so low and they have no place to sell the crop. I would like the Government to consider improving the machinery for the disposing of the crops which are grown in the settlement schemes.

The other aspect is that most of these people need advice from the Government officers, and there should be an improvement to make sure that they are properly advised as to how to make use of the land in the settlement schemes.

The other point, which I think is important, is that there are attempts to form co-operative societies in every settlement scheme, and I think this should be improved to enable the people in the settlement schemes to sell their crops. If they are well organized it should also be easy for the settlers to pay back the loans, and it could be arranged that on whatever is sold through the co-operatives the Government could get their money back before the settler is paid.

Mr. Speaker, in supporting the Motion I expect the Government to accept this Motion because it is all meant to help in the development of the agricultural economy and also to solve the problems which are facing our people in this country.

#### (Question proposed)

The Speaker (Mr. Slade): I would say again to hon. Members that this debate is limited to the proposal, that in view of high prices paid in the past, Government should not in future pay more than £10 per acre. If hon. Members want to introduce some more points on the settlement schemes, as Mr. Warlithi did, they can only do it by way of amendment, of which I have to have notice of in writing before it is moved.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, I feel that I must contribute to this Motion with regard to the first part of the Motion. Mr. Speaker, Sir, the Motion is asking the House to be aware of the seriousness of the need for settlement. Mr. Speaker, Sir, I come from an area where we do not have a settlement scheme and Mr. Speaker, Sir, I feel that it is most unfortunate for the Kenya Government to borrow such a big sum of money. As the Mover of the Motion said that £18 million was borrowed from foreign countries which is expected to be spent on this particular item, the settlement schemes, and we all in Kenya are entitled to pay back these loans in whatever length of period is given for our Government to pay it back.

[Mr. Malsori-Itumbo]

Mr. Speaker, Sir, I, as a representative of the people of Kuria, I feel that, although the Motion asks the Government to make itself aware of the need for the promotion of settlement throughout the country, particularly in those small unfortunate districts where settlement schemes have not yet been introduced, my constituents should be included. Mr. Speaker, in Nyanza we have two places where a proposal has been made for a settlement scheme. One is Muhoroni and Songhor, which is known now as a Luo settlement. Formerly, Sir, when it was proposed it was for Nyanza as a whole, but, Sir, later it was changed to become a Luo settlement. This means that any tribe in Nyanza has no right to be settled in such an area. Now, again, Sir, in South Nyanza, the district from where I come from, we have the Lambwe Valley where the hon. Assistant Minister, Mr. Odeero-Jowi, comes from. In that particular area, Sir, there is a lot of money which is borrowed from outside, and it is meant to be spent for that particular purpose and it is a pure Luo settlement scheme no other tribes are permitted there.

Mr. Speaker, Sir, we all contribute towards the financial position of the Government of Kenya. We all, Sir, participate in this Governmental function. Therefore, I fail to understand why other districts or other tribes are not considered.

Although I am called a tribal-minded person I do not mind, Mr. Speaker, Sir, because I was elected by a tribe, from a tribe, and so I deserve the name of being tribal-minded, because, Sir, I am a tribal man. Mr. Speaker, Sir, I do not see why Kuria taxpayers should contribute to the central fund any amount of taxation while the plans and the development of the country as such does not include Kuria. Mr. Speaker, Sir, I do not really see why the Minister for Lands and Settlement, Planning, Housing or whatever he may be should overlook that particular constituency.

Last year, Mr. Speaker, Sir, I moved a Motion which did not come to the House but which was calling upon the Government to look into the question of the landless people in Kuria. We talk of the landless people all the time in the House and it is a pity for Kenya to have to speak about the landless people, because, Sir, there is quite a lot of land in Kenya which is not being cultivated. For example, Sir, if you drive along the Rift Valley through Kericho, and the rest, you see miles and miles of empty land with no development taking place and no houses on these lands and yet, Sir, a tourist who comes to attend a debate in Parliament hears the Members who stand in the House and talk

saying that we have a big problem of the landless people in Kenya. Mr. Speaker, Sir, I fail to understand why we have this problem of the landless people in Kenya while Kenya stands with miles and miles of land where no development is taking place at all. I submit, Sir, that the slogan about the landless people should no longer be used in this country. All we need, Sir, is to take the land and have a proper plan in order to settle these people on the land. It is not a question of having to buy the land because the land is there, miles and miles of it in Kenya where there is no development. For example, Mr. Speaker, Sir, yesterday, I came back through Tsavo from the hon. Ndile's constituency and I drove miles and miles and did not see anything but only elephants and other animals. Mr. Speaker, Sir, how can there be the problem of landless people in Kenya when all this land is not being developed? Also, Sir, how can we have people termed as squatters when there is all this land? Mr. Speaker, Sir, we are asked to buy certain areas, which are very expensive, and yet we do not know for how much the land was bought originally.

Mr. Speaker, Sir, I very strongly support the Motion and very strongly Sir, again I would like to submit to the Government that they must look into this question of the landless people, and also look into the problem of promoting the settlement planning throughout Kenya, because, Mr. Speaker, Sir, we are not prepared to keep on contributing to the central fund and yet we are not considered.

The Speaker (Mr. Slade): I think, Mr. Malsori-Itumbo, you are repeating yourself.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, we are not prepared to keep contributing to the central fund if we are not going to get our fair share in the respective constituencies. We are not going to tolerate this monopoly any longer, Mr. Speaker, Sir, of the old colonial mentality.

Mr. Speaker, Sir, I beg to support the Motion by submitting and calling upon the Government to look into my constituency and create a settlement scheme as soon as possible. Mr. Speaker, Sir, I beg to support.

Mr. Ngala: Mr. Speaker, Sir, this Motion is very important to the country and I am sure that my hon. friend, the Assistant Minister for Lands and Settlement, is aware of the serious need for settlement in the country. Mr. Speaker, Sir, the country is faced with various problems, and the test of Government's success is whether they can solve these problems or whether they cannot solve these problems.

[Mr. G. G. Kariki]

very high price for this land. It will not be the responsibility of our people. Therefore, we in this House are not a party to any discussion of land prices in this country, and we shall advise our people to continue living on that land.

I understand that the British Government is giving the Kenya Government seven years' grace, and our people are only given six months. Therefore, that is a shame to this Government. It is also proving to be a most dangerous Government, probably more dangerous than the British Government. Therefore, I really do not know what will happen in future because when our people know that, whether they like it or not, they will live in this country and continue to be called "squatters"—this is another word which has, in the past, confused the country and is still doing so. The Government knows very well that the squatters are the landless people, but because they do not want to create the impression that here are landless people in this country, they call them squatters. There is no such thing in this country as a squatter; but we do have many landless people, who live on the present European farms without anything to eat, without any help at all. These people are now called squatters. We, in fact, should tell this Government that squatters are landless people, and if they continue to force such people to live in their present desperate conditions, they are probably going to react, which would, in fact, be a dangerous thing.

Mr. Deputy Speaker, recently the British Government gave Kenya a loan of £18 million; of this, we understand that £12 million will be used for development and £6 million will be for new settlement schemes. Now, Sir, £6 million is expected to be spent by this Government over four years. In one year, they expect only 100 farmers to be bought out. Now, Sir, if it is only 100 farmers in a year, it means that in four years only 400 farmers will be bought out. If they buy out only 400 farmers in four years, it means that the Government will not be able to settle our people, unless they try to get money somewhere else. But if they try to work with a reasonable price, if they give the farmers just a compensation of a few shillings, they will be able to settle so many more people before the next general election.

I wonder what, in fact, this Government will tell our people who are now frustrated when they come to the General Election. This is why you find, in a country like Tanzania, Minister are even losing their deposits because of this problem. They have promised things to the people but they have proved a failure and incapable; they have proved

to be more dangerous than former Colonial Ministers.

Mr. Deputy Speaker, I will never lose my deposit because I will tell my people the mistakes of this Government. You do not know what is going on in the Cabinet; you are just a rubber stamp in that Government.

The Deputy Speaker (Dr. De Souza): Address the Chair.

Mr. G. G. Kariki: Now, Sir, I would like to say very strongly that this country needs a settlement scheme in every district, because formerly, when land purchase was going on, only a few districts were picked out for settlement; districts like Nyandarua and other districts in the Rift Valley had been given a lot of money for settlement schemes. I think now that this fresh money should not go to any district where a settlement scheme is already established; it should go to the districts where a land settlement scheme has not been introduced.

Therefore, Sir, if this money is paid to the British Government by the Kenya Government, it is a loan given by the British Government for this country to pay, but not for just a few districts. This money should be shared and enjoyed by every district.

Mr. Deputy Speaker, I want to say that when this Government proves a failure with regard to these settlement schemes, it will not be the mistake of our people because our people know how to use their hands, they know how to cultivate, they know how to look after their *shamba*. But because of the price which they are asked to pay, by this Government, it is proving to be a very difficult thing.

Mr. Deputy Speaker, I would like to give a chance to those Members, particularly those who come from areas where settlement schemes have been established, to mention their problems here, because it is not only a problem in one area.

Therefore, Sir, I beg to move.

Mr. Wariithi: Mr. Deputy Speaker, Sir, I am glad to be allowed by the Mover to second the Motion, and, in so doing, I would like to start by saying, as has been said in this House before, that among other major problems which the Kenya Government has still to solve is the land problem. We know that the keynote in our freedom movement or in our march towards independence was land. This was the basic issue, which heightened our struggle for independence. I am sure that even up to now the people in our country are still waiting for a programme on land which will satisfy their expectation: I hope and

[Mr. Wariithi]

am sure—that the Government takes this problem very seriously and will probably, one day, produce a land policy which will be acceptable and in keeping with what our people expect. But I am sorry to say that up to now there have been attempts but these attempts have not gone far enough.

One of the attempts, which the Government perhaps thought would solve the land problem, has been the settlement schemes, and this Motion raises the question of encouraging or promoting settlement schemes; it goes on to say that these schemes should be started in districts where there are no settlement schemes; and then goes further and says that the price paid for the land is too high and that it should be reduced. Towards the end, the Motion proposes that a figure should be set down for payment per acre.

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

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

Now, Sir, to start with, I would like to say, as far as I understand the settlement schemes, they are meant to be very good; their purpose is good; and I think they have helped, to a certain extent, in some parts of this country. There is plenty of unemployment and landlessness and settlement schemes, I presume, are meant to assist in that direction. If you take the areas where they have been started, those people who were landless have been enabled to own a piece of land where they can cultivate and help in the agricultural development of this country. There are others who do not get employment and who have been made to settle on land. But, on the other hand, it is quite true that if the Government is to promote the settlement schemes the mistakes which have been followed in the past should be rectified. I am almost sure that the Assistant Minister who is here to reply to this Motion is quite aware of the shortcomings of the settlement schemes. In fact, in this House, the biggest interest shown by the Members themselves indicates the awareness of the Members of this mistake. There are many of them and in a later part of my speech I will deal with these shortcomings in the settlement schemes.

Now, to come to the second part of the Motion where it says that settlement schemes should be started in those unfortunate districts where there are no settlement schemes at the moment, the main argument which I think one could put forward on this one is that the problem of landlessness does not only exist in certain parts of the country. It exists all over Kenya and I think it is only fair that these schemes should be spread

all over the country. I think the main argument is that the land being purchased for settlement schemes is being purchased on the basis of loans granted to the Kenya Government from the United Kingdom. With this being a loan to Kenya we have to pay it back, and it is only fair that the spending of this money should be spread out evenly all over the country. I do know that there have been demands in this House by various Members who come from constituencies where there are no settlement schemes and I think, in replying, the Assistant Minister will tell us what scheme or programme he has to see that settlement schemes are started all over the country.

Now, the other fact which is, I think, the keynote of this Motion is the price of land. The price of land which is being bought for the settlement schemes and also by willing sellers. I think that talking on the high prices of land this is where most of us feel very strongly that our Government has failed in giving a direction as to what should be paid for the land. We would expect—and this is common sense—that when you buy an article the price you pay for it should be related to what that article cost in the first instance. We have been told—and I believe it is true—that the value may change now and then and I think probably I will be told that this land has been developed and this is why the price has gone up. But we are aware of the land which has not even been touched, which is still bush and the price for this land is very high. In any case, Mr. Speaker—

The point I am putting across here, Mr. Speaker, is that the price charged for land is very, very high and has no relationship whatsoever with what was originally paid by those who have been owning that land. We feel here that our Government has failed miserably. At the time we were fighting for our Independence we were told that the land had been taken away from us and as soon as we had our Independence it would be given back to us. Now, a situation has been reached where one has to pay between Sh. 200 and Sh. 400 per acre for land for which nothing was paid. The argument which is usually put forward is that the owners of that land have developed it and, therefore, we must pay for development. Those of us who have been to settlement schemes know that certain land has not been touched and we wonder why the price should go up when there are no buildings and there is no development. In any case, I notice that the Mover of the Motion is suggesting that the Government should set a certain figure per acre. I would go even further and request that a commission be set up to determine the proper price of land to be paid per acre, for all land that

[Mr. Omweri]

we are asking the Government to step in and help the Africans by legislation. Government must also help our own brothers to come up.

The question of loans on which the Minister dwelt was not the main topic. I want to answer it with one sentence, that the whole problem why some of this money is never returned as required and why we have so many arrears, is that the money given was so little that it could not multiply quickly enough for it to be returned when required. If a person was given Sh. 1,000 to complete with an Asian who has Sh. 100,000, how can he compete? That Sh. 1,000 goes in and he never gets any profit. It is because of this problem that I mentioned why loans to individuals should be increased and why loans to boards and corporations should also be increased. In this case I do not mean to support that those loans already given and which should be repaid be not repaid. We have given an assurance to the Ministry and the Government that all of us are co-operating to educate those who receive loans to return them when required. I think the Ministry should follow this up and do something itself rather than sit back and say that Members should come forward and assist to get these loans back.

Something else I would like to mention, which Government should check, is this insincerity of partnership which hon. Members mentioned here. We find that non-Africans who feel that they are not very secure, are not very much trusted, do not find it very easy to remain here, feel that it would not be good if they continued with these doubts and so they decide to get some cover. The cover they use is to have some African members, who like beer or a cup of tea, as directors of the company. They are told that when there is a meeting they will be called. However, it is not surprising to hear that these Africans are never called to any meeting of the directors. They are often told, "We wanted to get hold of you the other day but you were not in. So we had the meeting of directors." This is not true. So, we want the Government to come in and check these points and see that whoever is a director is a director in the real sense and not just as a cover-up.

With these few remarks, I beg to move the Motion as amended.

*(Question of the Motion as amended put and agreed to)*

Resolved accordingly:

THAT this House deplores the conduct of non-African traders in Kenya who engage themselves in persuading the members of co-operative societies to break away from their unions

and interfere in agencies which should have gone to African traders, and also undercut in prices other traders; and urges the Government to take steps to curb such activities, thereby enabling African businessmen to participate beneficially in the country's economy.

#### MOTION

##### CEILING ON LAND PRICES FOR SETTLEMENT SCHEMES

Mr. G. G. Kariuki: Mr. Deputy Speaker, Sir, I beg to move:—

THAT this House being aware of serious need for the promotion of the settlement schemes in this country and particularly in those most unfortunate districts where settlement schemes have not as yet been introduced; and in view of the very high prices paid during the last purchasing period of the present scheme, this House urges the Government to make sure that no land obtained for settlement purposes costs the Government more than £10 an acre.

Mr. Deputy Speaker, Sir, I am sure Members of this House and the country at large are aware that this country needs land for settlement schemes which, in fact, we promised our people during the election. We told them that when our African Government came into power we would try to help our people and the land problem would be minimised. However, here, Sir, because of the very high price that the Government has to pay to the white farmers, it is obvious that it will take a long time before settlement schemes have been established in every part of this country.

Again, Sir, it is difficult for the people who have been given land to pay their loans back because the Government is demanding more money from the African settlers, and that is because the Government has to pay the British colonial settlers.

Mr. Deputy Speaker, some of us fail to understand why the Government took the initiative and, without the mandate of this House, discussed with the British Government the question of buying land in this country. We have not given them this mandate. I understand that according to the instructions of the British Government the land which is being purchased is only being bought on the instructions of the British Government and on the condition that if the Kenya Government refuses to comply with the British Government's instructions they will not be given the money to buy land for the poor people. Now this problem, Sir, has been very serious for this country and, as you know, our people died because of land and they are even prepared, if

[Mr. G. G. Kariuki]

they are told that they will only get land if they go in the forests and fight for it, definitely our people would have no alternative but to go back to the forests and fight until they got their land. Now we do not want this unfortunate thing to come about because it would get us nowhere but into a dangerous situation, which, of course, nobody is looking for.

Mr. Deputy Speaker, land was sold by the Colonial Government to their colleagues at a very low price. We understand it was Sh. 1 per acre or less than that. Now, Sir, when our people are being told, and they know that this land belongs to them—

#### QUORUM

Mr. Gichoya: On a point of order, Sir, I do not think that there is a quorum.

The Deputy Speaker (Dr. De Souza): Yes, I think you are quite right. Please ring the Division Bell.

*(The Division Bell was rung)*

The Deputy Speaker (Dr. De Souza): I think Mr. Gichoya is quite right. I think it is the right of every hon. Member to have a sufficient number of hon. Members in the House, particularly on a Motion as important as this. It is no use talking to empty benches.

We have a quorum now. Please continue, Mr. Kariuki.

Mr. G. G. Kariuki: Mr. Deputy Speaker, I am glad that the Members have come.

I was trying to say that land in this country was sold by the Colonial Government to their colleagues, at a very low price, and we understand that the prices ruling at that time was Sh. 1 or less than that. Therefore, Sir, our people are wondering why the Kenya Government has found it necessary to negotiate with the British Government at this very high price, which is in force at the present time for the purchase of land.

Now the time has come, Sir, when our people want to take back their land and, in fact, I am glad to say that our people, being very reasonable, do not want to take this land by force. They want to pay compensation; they do not want to see that this land is taken from the white farmers by force, without compensation. But the compensation that our Government is paying is a bit too high, and this will not allow our people, Sir, to get land as required. It can go up to £19,100 when settlement schemes will never solve our problems because what we need is an acceleration in settlement schemes and every district needs a settlement scheme as soon as possible.

It is not our problem, we Members of this House, because we must dissociate ourselves from the activities of the Government when they agreed to purchase the present land at a very high price. We are not a party to that because we understand that, during the Lancaster House Constitutional Conference, the Government Ministers who went there negotiated with the British Government and, in fact, this has never been discussed in our Parliamentary Group or anywhere in this country. This Government have taken the power for themselves, have disregarded this House; they did not give us a chance to contribute to discussion and tell the Government what was in our minds about these land prices.

Now, Sir, for about seventy years the white settlers have been enjoying the fruits of our land, but when we are told to pay compensation we, in fact, are finding it difficult to pay a very high compensation, which, in fact, is not justified. Even if the British people, the white farmers, were told that they would not be paid anything at this time, I am sure they would not suffer any loss at all because they have recovered their money. Although they have developed this country, they have recovered their money; all their development has already been paid for. Therefore, the Government should not agree to pay them a lot of money. We understand that land values are fixed by Europeans in this country, but, Sir, we find it difficult to agree with them when only a European is valuing land for the Government to buy. You can see that there is a lot of suspicion that probably the valuers and their colleagues, the white farmers, can, in fact, give this Government a very wrong idea of what land should cost.

Therefore, Sir, this is very unfair and our people are dissatisfied with regard to the problem of land in this country. All settlement schemes which have been already established have proved a failure because the settlers have failed to pay the money which Government wants them to pay.

The Assistant Minister for Lands and Settlement (Mr. Gachago): They are paying 90 per cent now.

Mr. G. G. Kariuki: Mr. Deputy Speaker, the Member who is probably going to reply on behalf of the Government is saying that they have paid more than 90 per cent. I know that the committee which has been established to study the details of the voters has also experienced some difficulties, because these people will never be able to pay, whether the Government likes it or not. And when they fail to pay, if Government is going to evict them, they are going to be frustrated because of the mistake of the Government, paying a

[Mr. Ngala-Abok]

directors. I understand that it is a Government company. That is why I say that the organization of this particular company must be looked into. The country must be able to look to it as a corporation that can help the Africans to get up and take part in business, it must teach them how to run business. In fact, I have seen one of the staff of that particular corporation who talked to me and explained how that particular corporation was working. I was very pleased with what he told me. In fact, the corporation has good aims, but we must see that the aims are put into practice. We must also see that there is no ganging-up. We must see that a Motion like this is put into practice. This is why I am supporting the amendment.

Mr. Speaker, I do not think that because there are some mistakes which exist in this corporation we should not support them and assist them here and thus strengthen the hand of this organization.

Since I do not wish to say any more I will only support the amendment.

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

The Speaker (Mr. Slade): I think the debate on that can be combined with the main question, but there are only about three minutes before I have to call on the Mover to reply.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): Mr. Speaker, Sir, this amendment has nothing to do—

The Speaker (Mr. Slade): Mr. Oloitiptip, I think the House want to hear the attitude of Government to the amendment. That is why I invited you to join this debate.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): Mr. Speaker, Sir, the Government totally rejects this amendment.

Before I speak I would like to know, Mr. Speaker, Sir, how much time I have.

The Speaker (Mr. Slade): I am afraid only two minutes.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): Mr. Speaker, Sir, I really intended to speak very strongly on this Motion but because time does not allow me to do so I will only elaborate on the points very rapidly.

Mr. Speaker, we understand the spirit of the Members who have spoken on this Motion but let me assure them that they do not know what

is going on in the Ministry of Commerce and Industry. They merely come and speak here without knowing what they should speak about.

For example, the Member who moved the amendment did not know that the Kenya National Trading Corporation is not a company. The other Member, the hon. Mr. Ngala-Abok, said he realized there was tribalism in the formation of the Kenya National Trading Corporation but really there is nothing like that. For his information, Sir, the director of the sugar agency in the Kenya National Trading Corporation is a Juma. So, I am surprised to hear the Member say that, on tribalism, while a Member from his own area is a person who has a controlling right.

So, I assure the House that there is nothing like tribalism and we are not going to allow tribalism in the Ministry. For the information of Members I am the Assistant Minister in charge of all co-operatives in that Ministry, I come from a small tribe, and I will not allow any tribal policy in that Ministry as far as the formation of co-operatives is concerned, Mr. Speaker.

There is one thing I would like to urge the Members to do. If you study this Motion very carefully, you will realise that these Indians who are persuading the members of the co-operative societies to break away from their respective societies might well do that; but those Africans who have formed the co-operative societies will fit to form them and to carry on with the co-operative societies. Therefore, I am surprised to hear that it is thought that a person can just come to me and persuade me, a member from a particular co-operative, to break away from my society. What would I look like if I did do that? What would I look like if I accepted such ill advice? I would look a fool.

So, for the information of the Member who moved this Motion I would say to him that he should advise the Africans to be mature people and not to listen to ill advice given by the people of anybody who wants to exploit them.

Mr. Speaker, there is another point I want to raise, and that is—

The Speaker (Mr. Slade): No, I am afraid you cannot do that, Mr. Oloitiptip, because the time is up. I have to put the question of the amendment now and then call on the Mover to reply.

*(Question of the amendment that words to be inserted be inserted, put and negatived)*

The Speaker (Mr. Slade): So, the question before the House is the original Motion with the one amendment which has been agreed, as I have read out to the House.

I will now call on the Mover to reply.

*(Question of the Motion as originally amended proposed)*

Mr. Omweri: Mr. Speaker, Sir, in the first place I must thank hon. Members who have shown interest in this Motion. I must also thank the Government for accepting this Motion, because it realises the importance of it. I wish the Minister and his Assistant will remain here to hear the comments raised.

Mr. Speaker, Sir, when the Assistant Minister was replying he hammered on the point that it was the Africans who agreed to be persuaded to follow the Asian activities and advice. The problem which the hon. Member forgot is that at the moment we have to accept our own position, we have to accept what the President of this country said, when he told us what our big problem was. Our big problem in this country is ignorance, and we must accept that this ignorance starts right at home. Most of our Africans who are coming up to start business, employment or anything else are still ignorant. When they find that an Asian exploits that ignorance and wants to use it for his own benefit, he comes up and says, "Look here, these fellows do not know where they are leading you to. I know, I tell you. If you follow me today, tomorrow you will get your cash doubled. All that you have to do is to come with me and I will show you what to do", and the African goes. Then what happens is that he is given a cup of tea and he says, "This is very good, I will follow your advice." The Ministry is trying to look aside while this simple fact is there. It is our Government's policy that we should fight ignorance. We cannot say that there is ignorance and yet on the other hand condemn the Africans for allowing themselves to be persuaded.

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

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

Mr. Deputy Speaker, the thing now remaining is for the Government to accept and agree that ignorance prevails in our own people and that this must be removed by constant explanation of legislation and also directions from here what the Government wants to do. However, we must not say that the Africans are independent enough, they can judge things for themselves and, therefore, we are not going to listen to stories that somebody is misguiding them. We ask for Government assistance in this matter; they should come and try to stamp out the exploitation which the non-Africans are practising.

Mr. Deputy Speaker, I say that I agree and accept the amendment proposed by Mr. Makokha because I have no quarrel with that. It has not brought anything new except a change of words.

Another point which I mentioned and which the Ministry failed to satisfy me on is in connexion with the importation which I said should go to the Kenya National Trading Corporation. I mean that this corporation should be included in the Motion as was proposed by another amendment. What I wanted to say is that when we now have business being carried out in this country it is entirely our responsibility to direct who does what. At the moment the problem we have is that the Ministry announces trade bans with Japan, and then, Mr. Deputy Speaker, Sir, we still find that that same Government gives licence to import goods from Japan. Some people are even allowed to go and negotiate prices and marketing facilities from that area. In this case, Sir, I think it is gross inefficiency and at the same time it is not fair for Government to be double-faced. We had better have one answer and know exactly what is happening. We cannot go on and say we are banning things while on the other hand goods are coming in secretly for favourites of whoever is licensing these imports.

Another point I would like to mention which the Minister asked to be assisted with is this. The Minister says he wants names, we have given him names, and even in this House some questions have been directed to individuals who are concerned with malpractices of business. In my own district, Sir, an Asian by the name of Kassam has been going round to persuade co-operatives to break away from the unions. The Minister knows this, his field officers know this, too. The co-operative officer is aware of this and yet the Minister says he does not know, then we are surprised because it would seem as if he does not know what his field officers are doing.

Another Asian, Sir, Karoga by name, recently persuaded a society and told them, "Well, if you do this and this, I will get you vehicles very cheaply and you will not have to pay much. This will be used to transport your goods from your co-operative concerns." These people found to their surprise that this vehicle was not cheap but having committed themselves they bought this vehicle only to find that the members of the society disagreed completely and said to them, "You are no longer our members in this society since you have gone and bought this vehicle."

Mr. Deputy Speaker, these are the practices to which the Asians resort because they do not intend to leave us alone. They know that if we grow strong in commerce we are a threat to them. In this case they will use any means to see that African business concerns are at the lowest possible level so that we do not come up to compete with them. It is for this reason that

**[The Minister for Commerce, Industry and Co-operative Development]**

doubt about it, there is no argument about this, Mr. Speaker. All that I am saying is that underselling done by an African, or an Asian for that matter, is wrong and should be condemned on the spot.

An hon. Member: Bring a law here.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): I am pleased to hear that. We are formulating a law to help us to stop underselling. Now, Mr. Speaker, I—

The Speaker (Mr. Slade): That is the end of your time, I am afraid.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Can you give me two minutes, Sir?

The Speaker (Mr. Slade): I am afraid not, Mr. Mwendwa, but with the leave of the House I can if no Member objects.

Hon. Members: No, no.

The Speaker (Mr. Slade): I am afraid there is objection, Mr. Mwendwa, so you have had your time.

Mr. Kibuga: Mr. Speaker, Sir, I hope the Minister for Commerce, Industry and Co-operative Development will not be worried because he has accepted the Motion. Although he did not finish everything he wanted to say, I think what he has said is quite enough.

It is good that the Minister needs the help of the hon. Members in their constituencies and their districts, so as to control and improve the trade in the country.

Mr. Speaker, I very much support this Motion because I feel it is a very important one. For a long time, mostly the Asians—although there are bad Africans and other bad non-Africans; the worst group has been the Asians because they were being taking all the contracts of the Government—

The Speaker (Mr. Slade): I would ask hon. Members, if they have conversations, to keep them quieter; we want to hear the Member on his feet.

Mr. Kibuga: Although the Motion as amended is very much acceptable, the Asians are the worst in this respect.

Mr. Speaker, Sir, although the Motion covers all the facts we want, I would like to amend it a little bit more so as to strengthen the powers of the Minister. He says that it is not possible to know who are trading badly, who are undercutting and who are using unfair means. Because

of this, Mr. Speaker, Sir, I wish to suggest that the Kenya National Trading Company, which was announced here by the Government to be a Government company, has been working for a long time but so far—even up to this day—you still find that in some cases some departments of the Government buy from Asians or Europeans or from other sources, while neglecting the Kenya National Trading Company. So it is necessary that today, while the Minister accepts this Motion, he should also accept the fact that the Kenya National Trading Company should be given more powers. That is why—

An hon. Member: It has too much power.

Mr. Kibuga: I may sympathize with the Members who say that the Kenya National Trading Company is tribal. It may be tribal, but the Minister has promised to clean it up if it is tribal. So if it is to be cleaned up, I hope nobody will be worried by the National Trading Company. What I am suggesting—I hope the hon. Members will give me time instead of conversing—is that I want to amend this Motion as follows.

Immediately after the word "activities" in the seventh line, I will add the following words: "through strengthening the Kenya National Trading Company, so as to control all agencies"—

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): On a point of information, Mr. Speaker, it is not the Kenya National Trading Company; it is the Kenya National Trading Corporation.

Mr. Kibuga: I hope, Mr. Speaker, Sir, I can amend that to read "Corporation", rather than Company. The fact remains the same.

If we want the Kenya National Trading Corporation to help the Africans, we could get agents from this corporation to go throughout the country to see how business could be organized, who are undercutting the others, and these people would be controlled. Today, for example, we find that *posho* in the country which is eaten by Africans but not Asians is being controlled by Asian agencies. Very few Asians will ever drink beer, but they still get the benefit of the beer agencies. All the rice from the big rice-growing area of Mwea is given to Asians. Why should it not be given to the Kenya National Trading Corporation? Why should the departments of the Government still continue to buy from private agencies, instead of strengthening the Kenya National Trading Corporation?

Once we get this corporation strengthened, controlling all the agencies, it will be possible for this corporation to import or export goods and

**[Mr. Kibuga]**

then distribute them to the societies and unions and to the African traders in the country. They know them. There may be an excuse that some of the societies may be corrupt, but this is no excuse for not giving them agencies. There is a need for seeing that the secretaries and other officials of societies are controlled, just as we control the boards. Once we control these societies, we shall be able to move forward a great deal. It is the business of the Government to educate the committee members of the societies, of the unions, to enable them to buy consumer goods, and also to buy produce and then sell it to the Kenya National Trading Corporation.

Mr. Speaker, because I want to enable my secondor to make a short speech, I would like to say that the Motion as amended will read like this:

THAT this House deploras the conduct of certain non-African traders in Kenya who engage themselves in persuading the members of co-operative societies to break away from their unions and interfere in the agencies which should have gone to African traders, and also undercut in prices other traders; and urges the Government to take steps to curb such activities through strengthening the Kenya National Trading Corporation, so as to control all the agencies thereby enabling African businessmen to participate beneficially in the country's economy.

I hope the hon. Mover of the Motion will not find it difficult to accept it because I am merely asking that this corporation should be given more power. So I will not say much; I will ask my secondor to continue: it is Mr. Ngala-Abok.

Mr. Ngala-Abok: Mr. Speaker, Sir, I accepted seconding the amendment when I did not, first of all, realize the tribal set-up and grouping and ganging-up which is carrying out the Kenya National Trading Corporation work at the moment—

The Speaker (Mr. Slade): Do you say that you do not now second the amendment?

Mr. Ngala-Abok: I am seconding it.

The Speaker (Mr. Slade): All right.

Mr. Ngala-Abok: Thank you, Mr. Speaker.

Having now realized that there is a mistake in the set-up of this organization—yet it is a good organization, the aims, the objects and the duties that it is supposed to carry out on behalf of the people are very noble ones—I now feel that if the Motion as amended or the amendment put forward by the hon. Member who has just spoken is accepted, the Ministry is going to take

immediate steps to see that our people are not turned away by an organization of a tribal nature or a tribal set-up which will bring in some complaints from the Members, from the country and which also will create disinterest and misunderstanding—

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): On a point of order, Mr. Speaker, I am rising to seek your guidance on this, because we want to be quite sure of this Motion and what we are going to say on it. Has the tribal grouping or any tribal feeling anything to do with the Motion, Mr. Speaker, because I do not find any part which deals with tribal matters and this is cropping up as we are arguing on anything to do with—

The Speaker (Mr. Slade): Certainly, the original Motion does not raise any tribal issue at all, but the amendment, which refers to the Kenya National Trading Corporation, apparently does, and the hon. Member in seconding the amendment, I think, is entitled to refer to any alleged tribal aspect of its constitution.

Mr. Ngala-Abok: Mr. Speaker, Sir, I did not wish to bring this point or make it appear that I am very critical of something wrong, or that I am trying to reject any new issues here. The position is that we would like to see the Kenya National Trading Corporation become the sole controller of all the agencies. I feel that the Motion must give some direction to the Ministry in order to take steps to curb such activities. In this way we can enable the new African businessmen to participate in such activities. As things are at the moment, the country's activities can come to ruin. Mr. Speaker, which organization do we have in the country today which will curb all the activities of the non-Africans? This must be pointed out and we must direct that an organization like the Kenya National Trading Corporation be given such powers to visit the businessmen, to organize the businessmen and to try to find businesses which could be operated by Africans; also, where these businesses could be placed. This work should be done by the Ministry concerned.

Mr. Speaker, I would not like to entertain a Motion which does not give directions. Even the Ministry cannot get away with this by merely accepting a Motion, and then go back to the Ministry and try to create a new company. The Ministry must do things in a sensible way, the Ministry must put things in practice in a sensible way.

So, we are asking that if there is something wrong with the Kenya National Trading Corporation which is well known, then this must be corrected. I understand that some civil servants are

**[The Minister for Commerce, Industry and Co-operative Development]**

me. What is wrong with that? I would like them to tell me how to apply this Motion, that was my whole intention of speaking on this Motion. If the hon. Members would just keep quiet I have very good information on the Table here which I want to pass to them in order to help them help the very people they want to help, because we cannot help the African traders by shouting.

Now, Mr. Speaker, Sir, I would like to be told by the Members here, or in my office, the specific names of the Asians, whether they be Indians, Arabs or even Europeans for that matter, who are doing exactly what is written in the Motion. I promise the Members here that I will do whatever I can to see that the wrong is rectified.

Now, Sir, I would like to come to one specific subject which has been mentioned here, and that is with regard to underselling. Mr. Speaker, Sir, I want to inform the hon. Members, at least this is how I understand it myself, that underselling done by an Asian, or any African for that matter, is wrong. We should not stand in this House and say that the Asians are the only ones who are underselling, because this is not right. I have specific examples which I can give to this House. There was a company, Mr. Speaker, Sir, in my district, where some Africans had about twenty-five buses. They undersold the bus tickets, for example, instead of asking the people to pay Sh. 13 from Kitui to Nairobi, they charged Sh. 6, Sh. 8, and Sh. 5 and the whole bus service went bankrupt. This, Sir, was done by Africans. Therefore, Sir, we cannot stand here and accuse the Asians for advising the Africans to undersell others, because this will be a wrong accusation. So, Sir, any evil done in the trading business, whether it be done by an Asian or an African is a mistake, and it should be corrected. For example, if I go and investigate this and find an African doing the very thing that we are accusing the Asians of doing, then he will be in for trouble.

Mr. Speaker, Sir, I now want to go on to another point. I have been told here that the Asians are bribing the Africans either to opt out from the co-operative movement or something else. Mr. Speaker, Sir, if somebody is weak enough to be bribed, then what am I being asked to do with a weak man like that, except to sympathize with him and pray for him that his mind be corrected? Mr. Speaker, Sir, there is no medicine for a wicked man, whether he is an African or an Asian. He is wicked and there is nothing which I can do for him. An African should realize that the moment he is bribed by an Asian to do something wicked in order to ruin

this African, then he is guilty of a very big offence. I do not think the hon. Members here would support such an African. He should be put inside for several years, because he is one of the Africans stopping the other Africans from moving ahead.

Now, Mr. Speaker, Sir, I would like to turn to the question of shares. It has been said here in this Chamber that the Asians, or Europeans for that matter, Sir, are urging the Africans to take shares which are not paid for. They only take the shares in name. So, Sir, what is the share? If any Asian is prepared to come and give me shares which I have not paid for are stamped, and Mr. Speaker, and I am not asked to pay for them, then he is a fool. He is a complete fool and I will think that Asian or non-African who has done that because he has helped an African who is penniless to obtain some money and own some money in that company. If an hon. Member knows what a share is, then he will know that I for one cannot give anybody a share unless he has paid for that share. Therefore, any Asian or any non-African who has been foolish enough to give a share to an African who has not paid for it, then I thank God that he has done the job I wanted him to do. I wish that they would all give shares to Africans for nothing. The moment, Sir, the Africans have the controlling voice in the shares, the man is out of business.

Now, Mr. Speaker, Sir, I did hear a Member say that he is not very happy with the way in which the Government is giving loans to the Africans. I am also not happy. But, Mr. Speaker, Sir, I am not happy with the way in which the Africans are paying the loans. I can assure this House, and I have the details here, and with the permission of the House I want to leave this list here, we have almost one and a half million shillings now in arrears, which should be paid to the Government in order that the Government can issue it to other people, for example, Sir, to Sirikwa.

Let me give these people some food to chew today. Sirikwa District alone has Sh. 250,429/03 in arrears. Kisumu itself has arrears amounting to Sh. 238,164. This is the money which should be used by the Government today to issue other loans. I will give you Kitui, for that matter, Sh. 85,877 to be paid to this House. I can give you any district you ask me.

Mr. Speaker, in order to be quick let me give the House the analysis. Please note this down.

Nairobi, amount in arrears: Sh. 130,757/15; this is money in arrears, mind you. Apart from that, we have already given them another Sh. 3,600.

Hon. Members: Why? What for?

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): I am very pleased to hear you say that, because I am asking myself why. We are stopping this money. Why should these people get more money?

Muranga: Sh. 32,166 in arrears. They have in hand today Sh. 59,500. Kiambu: Sh. 95,777/85, and they have today in hand—please, this is very good information: I think you had better keep quiet—Sh. 21,800. As regards Nyandarua, this is a new district and it has no money in arrears. Kirinyaga: Sh. 36,524/27, and they have in hand Sh. 29,647/80. Thika at the moment has no money in arrears. Rift Valley: Sh. 50,133. Narok: Sh. 10,362/81. Kajiado: Sh. 37,593/03.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitipiti): You have given them enough.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Good, I am pleased to hear that.

Mr. Speaker, I have a list of all the districts here and I have already given the Members Kitui, Busia: Sh.—

The Speaker (Mr. Slade): I would suggest we stop this list now. Actually, it is not relevant to the Motion. I know it was raised, Mr. Mwendwa.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, I am doing this because a certain Member did say that the loans we are giving are not enough.

The Speaker (Mr. Slade): Quite so. That is why I allowed it, but as it is not really relevant to the Motion, I think we might go on to something else.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): I agree with you, Mr. Speaker. All I am telling the Members is that the Government is trying to do its level best to give loans to Africans, but it should be reciprocal. Anybody given a loan should be able to repay it, so that the next man can be given a loan, because we cannot continue paying out money which is not coming back. Our sources are limited, Mr. Speaker.

The Government has already created three organizations for giving loans to Africans, in order to promote their business. One of them is very well known to the Members here; it is called the Industrial and Commercial Development Corporation. This is the organization specifically organized for giving Africans loans. The other one is the Development Finance

Corporation of Kenya which is also giving loans, not actually to Africans as individuals but to companies which may be engaged in industries. Then we have what is known as the Kenya National Trading Corporation, which the hon. Member was talking about. This is a State-owned company.

Mr. Anyieni: That one is tribal.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Well, if it is tribal, Mr. Speaker, I promise the Members that I will do something to rectify the mistake.

The last one, Mr. Speaker, is the trade development boards which are in the districts. Some of the Members here, Mr. Speaker, are members of these boards and some of them sitting here are even chairmen of these boards. Mr. Speaker, I think the Members will support me in saying that I should look at the districts, district by district, and if I find that a district is lagging behind in repaying the money, I should stop it completely and then go down to the districts which are prepared to refund the money, so that they get the fruits of their activities.

Mr. Speaker, let me say this to the Members here. The Ministry of Commerce and Industry is an old Ministry; I am new to the Ministry. I am not saying—I have not said it and I am not going to say it—that I am an expert; I am not an expert. I need the advice of the Members here. I need the Members who know the districts to come and tell me, "Mr. Minister, this is what you should do to improve the trade." It is my wish, to improve the trade. I will be one of the proudest Ministers if, at the end of my tour, I am told that there is an African who is doing trade with Japan, America, Russia or China directly, without having somebody in between. This is what I want to achieve. This is what the Government wants to achieve.

We cannot achieve it without the advice of the Members sitting here, but it is also good, Mr. Speaker, that the Members sitting in this Chamber should go down, have a meeting with their people and tell them to help the Minister for Commerce by repaying loans, because the moment they do not repay their loans, they are cutting my legs and my hands; I cannot move without money. Whether we shout in this House or we do not shout, Mr. Speaker, if we have no money, we cannot give loans to people.

This is what I am asking the Members to do. This is another appeal I am making to the Members. Mr. Speaker, the underselling problem has created a lot of problems in this country. It has seen some Africans out of business, there is no

[Mr. Makokha] the majority. But, Mr. Speaker, what actually happens is that these non-Africans persuade certain African traders to join their companies in name only, but physically these Africans never pay for any shares at all in these companies.

I would urge the Government to make sure that wherever such companies exist they ensure that the African shares in these companies exist physically, not only in name.

Mr. Speaker, Sir, with these few words I believe that the Mover of this Motion will accept my amendment and I beg to support.

The Speaker (Mr. Slade): Who seconds the amendment?

Mr. Gichoya: Mr. Speaker, Sir, in seconding this amendment I have in mind the problems that have been put forward by the hon. Member. The intention we have in this Motion is to see to it that justice, in terms of commerce, is done to Africans.

In the first place, Mr. Speaker, Sir, when we talk of African Socialism, in order to achieve its objectives that can only be possible through the co-operatives. If the co-operative societies are not made to function properly then what we call African Socialism will be African Capitalism, although the Africans themselves will not be the capitalists.

Mr. Speaker, it is unfortunate that the Ministry for Co-operatives and Marketing has been abolished and I expect that the Ministry for Commerce and Industry, which has a co-operative department, will institute a kind of commission of inquiry to investigate the malpractices which are taking place within the co-operative societies and the unions. I say this, Mr. Speaker, because it is certain officials of the unions and co-operative societies who are under the influence of the suppliers of their groups, that is, the Asian traders or—for that matter—the European companies, from whom they get their requirements. These companies would like to have a direct link with the individual farmers instead of going through the co-operative societies or through the unions.

Now, Mr. Speaker, if there are no inducements given by these private firms, either to officials of the societies or to officials of the unions, then the question of unions breaking away would not have come about. Principles are one thing, but there are corruptive tendencies within the co-operative societies and within the unions, and it is up to the Minister to institute a kind of inquiry to investigate the activities of various co-operative societies and unions.

The other thing which I want to say, Mr. Speaker, is this. The non-African businessman, in order to block the way of an African becoming a successful businessman, has a very good method of doing this; namely, by reducing the price of things with the intention that if he reduces the price of sugar he may gain by selling a blanket at a higher, or double, the price to the same African and the African will feel that he bought it at a very cheap rate.

Now, there is a system whereby prices would be fixed by the Ministry of Commerce and Industry. This practice would still continue. Let me give an example, the sale of petrol in the reserve. If there are two pumps, one owned by the African businessman, the other by an Asian businessman, the Asian businessman will always reduce the controlled price, he will sell below the normal price. Consequently, every man with a vehicle would always go to an Asian where he would get petrol at a reduced rate. This must be examined very carefully. In this respect, the Asian petrol owner does not issue a receipt, if he issues a receipt at all the receipt would be for the normal price, and he would tell the man that he had just given him a discount. Consequently, within the course of time the African would go out of the market and the Asian would remain with the monopoly. These are the things that we have experienced and I have personally seen it in practice, but it is difficult to get hold of that Asian and put him into the dock. The only solution, Mr. Speaker, would be that the Ministry should not sleep, and if the Ministry of Commerce and Industry sleeps in the belief that things are going well because of the *Harabee* spirit, I am afraid, Sir, the African will no longer stand on his own but would remain perpetually under the control of the non-African businessmen.

The other thing I wanted to say deals with agencies. It is wrong that an Asian, or a European, for that matter, should be made the agent of the Maize Marketing Board. The Asian does not eat maize, the European does not eat *unga*, we are the people who eat *ugali* and consequently, the major consumer is the African. That agency ought to go directly to an African.

Here we have second-hand clothes and you find Asians dealing with these, whereas it is rare to find an Asian with a second-hand *kapoti*. These things should be examined on the basis of who really is the consumer, is he this man who just stays here in the shop or is he the bulk of the population. The best thing to do is to make that particular consumer feel that he has a role to play. Consequently, let him have the agency.

[Mr. Gichoya]

Mr. Speaker, Sir, another thing, I would like to say is this. In the reserves it is becoming very, very difficult for any African, who is sincere, to have an order to supply foodstuff from the reserve to a prison, which is a Government prison. What is happening is that the Asians are being given contracts to supply foodstuffs to the reserves. Why do these Asians have their own reserves? The Asians in the reserves? These Sir, are the *shambas* which I want the Government to take care of. When people say that the Government is not doing very well, it is on these small things, although very vital, that the Government is not doing anything. The Government should correct them immediately, so that the country can really feel free and that the freedom of speech, as we have here in this Chamber, and the freedom of economic enterprise is felt.

With these few words, Mr. Speaker, Sir, I beg to support.

The Speaker (Mr. Slade): I must propose the question of the amendment. I think it is really not a very contentious amendment, and we might get rid of it now, if hon. Members agree. So I will also put the question of the amendment.

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

*(Motion as amended proposed)*

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, let me clear the road so that the Members here in the House may speak freely.

The Speaker (Mr. Slade): You are claiming twenty minutes, Mr. Mwendwa?

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): I beg your pardon?

The Speaker (Mr. Slade): Are you claiming twenty minutes, you are speaking for the Government now?

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Of course, Mr. Speaker, Sir—

The Speaker (Mr. Slade): Well then, you claim twenty minutes, instead of the usual ten. We just want it clear for the clock, that is all.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I have always said that I speak as a Minister all the time. Mr. Speaker, Sir, I would just like to clear the road for the Members so that they may now discuss this Motion in good spirit. To begin with, Mr. Speaker, Sir, I have no quarrel with the Motion, but, Sir, the only thing I am asking the Members here to tell me, while discussing this Motion, is, if I accept the Motion as I propose to do, what do I do from there on? Mr. Speaker, Sir, how do I go and arrest men in Kitui? How does the Government go and arrest somebody in Kitui or Machakos when it has not been given the names of those men? Is the Government expected and am I expected as the Minister for Commerce, to go into every shop and ask every Asian there if he is the one who said or did this thing? Mr. Speaker, Sir, this is a very complicated subject, and I do not want Motions to be passed in this Chamber, for the sake of being passed.

Now, Sir, whenever we pass a Motion here, then, of course, the Members expect the Government to do something. Therefore, Sir, my hands are tied because I have not been given the names of the Asians who are underselling or bribing the co-operative members—

Mr. Gichoya: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to insist that he has not been given the name of the trader, whereas my friend, Mr. Makokha, did specify a particular case which took place in his own area?

The Speaker (Mr. Slade): Yes, it is in order for the Minister to say that he has not been given names, because he has not been given names, not in the House. It is true and in order.

Mr. Omeri: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to say that he has not been given names, when I have given his Ministry the names of the fellows I had in mind?

The Speaker (Mr. Slade): Even then it is in order. It may be untrue.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, if the Ministry has been given the name of an Asian, then the Ministry is doing its work of investigation. But, Sir, we cannot disclose those investigations to the House until it is found out who are concerned. Mr. Speaker, Sir, I am saying that with regard to the Motion here I am not aware of the names that have been given to the Ministry. In fact, Mr. Speaker, Sir, I am helping the Members. I am accepting the Motion, and now I want them to try and help



The Speaker (Mr. Slade): Who seconds? You second, Mr. Odera-Jowi?

The Assistant Minister for Labour (Mr. Odera-Jowi): Yes, Sir.

Mr. Speaker, Sir, in seconding this Motion, I would like to speak as the Member for Lambwe.

Sir, this Motion states a fact, a bare fact, in the economic and commercial life of this country. The fact is that the Asians have had a very good deal for a long time, when the Africans were oppressed and when they had no chance of success in the commercial life of the country. They are still doing their best to maintain this leadership, this hegemony, in the commercial life of the country. This fact, Sir, has made our independence a mockery.

When you go through Nairobi and you look at the stone buildings you see in the streets here, the stones are the natural wealth of this country, but the wealth that now comes out of them is not the African wealth; it is being consumed and enjoyed by other people. This makes a mockery of our independence, Mr. Speaker. What we want—and what this Motion wants—is that African businessmen should be given a fair deal, a chance to succeed where they want to establish themselves. It is only this that this Motion is asking, and this is why I support it. Without the establishment of Africans in the commercial life of this country, the economy of the country will continue to be dominated by these Asians and other people. I am sure that when we achieved independence this was one of the things we promised our people. We promised them that we would do our best to remove this imbalance in the economic and commercial affairs of the country.

Mr. Speaker, Sir, the Mover of the Motion mentioned one of the bare facts, one of the very irritating facts, about the economic life of this country. Take the rural areas, whether it be Machakos or South Nyanza or Klambu; you find that the Africans grow maize, coffee and other crops, and the people who buy them are Asians. Up to this time, it is true to say that it is these Asians who set the price at which these crops are bought. Then the poor African farmer, when he gets the money, turns round to buy salt or clothing, and it is again the Asian who sets the price of the clothing. So the Asians are in a position to gain and to exploit Africans in two ways.

Mr. Speaker, Sir, if this Government wants to rescue the Africans from this type of exploitation, let this Motion be accepted. I would like to ask the Mover of the Motion to agree that the Motion be made a little bit broader, because this

phenomenon is not confined to Kisii alone. This type of thing is going on all over the country.

Mr. Speaker, Sir, there is another thing, another hard fact about capitalism. That is that that man who has money gets more money. He who has it gets more. For example, if you go to the Industrial and Commercial Development Corporation and you say, "I want a loan, we have just formed a company here," they will ask you, "What security do you have?" Now, Sir, what security do you think an ordinary African in this country has? We have not had time to accumulate money; we have not had time to accumulate capital; and we have not even built houses which we could use as security.

When we go to look for these loans we go empty handed, we go in the belief that the African Government we have elected knows the plight of the African businessman who wants to establish business today. Sometimes, Mr. Speaker, Sir, it is very hard for these people to produce the type of security needed, usually when we go to banks they ask us what security we have. We say that we have no security other than ourselves, because we do not have money accumulated somewhere, our bank accounts are miserable, and—

The Speaker (Mr. Slade): This is rather outside the terms of the Motion. The Motion complains of certain activities on the part of Asian traders and asks Government to curb them.

The Assistant Minister for Labour (Mr. Odera-Jowi): O.K. Mr. Speaker.

Mr. Speaker, Sir, what the Motion describes is true. I have noticed this, not only in Kisii; I have seen it in South Nyanza, too. The Asian businessmen to try their best to make the African businesses fail. I think that the first thing we should do is to ask them to change their minds. If they want to remain here as citizens let us ask them to change their minds so that they and the African businessmen combine together so that they can give the African businessmen the benefit of all the capital and experience they have accumulated over all these years. If they refuse to do this then the Government must intervene and the Government must intervene ruthlessly in order to take the advantage of business over to the African businessmen.

Mr. Speaker, Sir, I beg to support.

(Question proposed)

The Speaker (Mr. Slade): Mr. Nyamweya, you wish to speak for Government?

The Minister of State, President's Office (Mr. Nyamweya): No, Sir.

The Speaker (Mr. Slade): Well, then I think I will call on an hon. Member with an amendment to move.

Mr. Makokha: Mr. Speaker, Sir, I will start straight away by amending this Motion to make it more grown-up so that it may cover the whole country. My amendment is to leave out the word "Asian" and replace it with the word "non-African" and my second amendment is to leave out the words "Kisii Town and elsewhere" and replace these four words by the word "Kenya". My third amendment is to leave out, in the last line but one the word "new" so that we just say "thereby enabling Africans", not only new African businessmen.

Mr. Speaker, I would first of all give my reasons for suggesting these amendments which I believe the Mover will accept. It is not only the Asian traders who have been known to undermine either African companies or co-operative societies or African businessmen. I can give an example in my own constituency where a European ginnyer owner has gone all out to destroy co-operative societies and has almost succeeded. Mr. Speaker, Sir, he is not an Asian, he is a European and at one time he even spent money going out to markets and making and giving free tea to people who came to the market and, at the same time, employing his agents to preach against co-operative societies by telling these people that by selling to co-operative societies they would not realize profits quickly and that the society officials would steal their money.

Mr. Speaker, Sir, I also know of an Arab in my constituency—because Arabs sometimes refuse to call themselves Asians—who went all out to destroy an African bus owner by reducing his bus fares; where the African charged Sh. 3, he charged Sh. 2 until this African businessman had to sell his bus at a loss. So, Mr. Speaker, Sir, that is my reason for replacing the word "Asian" with the word "non-African".

Mr. Speaker, Sir, I also want the Motion to cover the whole of Kenya and that is why I have replaced the words "Kisii Town and elsewhere" with the word "Kenya".

Mr. Speaker, Sir, these non-Africans know that the African earning capacity is low and, for that reason, they know that if these low-earning Africans get together, either in companies or in co-operative societies, they will then be economically effective. That is the reason, Mr. Speaker, Sir, that these people go out to try and destroy these organizations. Now, they do so, Mr. Speaker, Sir, either by bribing some foolish Africans or by making them agents who go out to preach

to their fellow Africans. I see the Assistant Minister, who is probably going to answer, murmuring here but he probably forgets that these Africans who are bribed are poor fellows. Some of them cannot pay their taxes and therefore they accept a bribe from a non-African, say, in the form of tax, in the form of a shirt, and they go out to work against their fellow Africans.

Mr. Speaker, Sir, these agents are employed—

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitipitip): On a point of order, Mr. Speaker, could the hon. Member substantiate that there are some foolish Africans who are being bribed to exploit?

The Speaker (Mr. Slade): No, I think the observation is rather too general to require substantiation.

Mr. Makokha: Mr. Speaker, although it is general I could easily substantiate. There is an Asian ginnyer owner in my district who bought bicycles for Africans and these Africans were supposed to cycle around persuading people not to join co-operative societies.

An hon. Member: Could you give us the name of that Asian?

Mr. Makokha: I will do it outside if the Assistant Minister would like me to do that.

Mr. Speaker, Sir, for the reasons I have given I would, therefore, urge the Government to make it easier for African societies, companies and businessmen to take part in the economy of this country. For example, any sugar agent, I understand, is supposed to give a very large deposit of money—about Sh. 100,000 as a deposit—and at the same time have more money to buy the sugar to distribute to other Africans. Now, Mr. Speaker, this is very difficult and the Government should make it a little bit easier, because for an African company, or even an African businessman, to produce Sh. 100,000 as a deposit and then still have more money to buy the sugar to distribute to other retail businessmen in his area is just impossible. Mr. Speaker, Sir, either the Government should lessen the deposit or it should act as a guarantor to those African companies or businessmen who wish to do this.

Mr. Speaker, Sir, in doing this the Government should also make it a rule—if the Government brings a law to this House we shall pass it—that no agencies will be allowed in the whole country by Asians or non-Africans alone. Now, I understand that some time last year the Minister for Commerce and Industry assured us that no company would be allowed to take part in any agency unless the shares of the Africans were in

[Mr. Omweri] them prompt attention and his service is quite good. They ask the African why he does not consider a sub-agency.

Mr. Speaker, Sir, these are the things which we do not want. If the Asians want to intervene in business in things like this, where the manufacturers have agreed to give an African a chance and have participation in the country's economy, you find somebody coming up and influencing the decision. We condemn this very, very strongly and we do not want such an attitude. Government must now come in and check and where these things are happening they must be put right.

This is happening all over the country and we want Government to follow it up and see that if negotiation has taken place between a new businessman coming up in any district with the manufacturer, if any other person comes in and tries to intervene by saying that that man has no knowledge, no experience, we want to know when this new businessman is going to get the experience if Asians have sat on the business all this time and are going to continue to sit on the business. Mr. Speaker, we would like our Government to come in and help our Africans to participate and earn their living. The problem of unemployment is so big that if Africans have some business to carry on they will have reduced this problem of unemployment, but if we do not encourage or allow them to have some business, how are we going to fight unemployment? How are we going to help them to earn their living? We must give them a chance and in order to do so we are asking Government to intervene and see that Africans are given a chance to participate and earn their livelihood. We do not want to say that we must wait for Government to give us jobs. Government may not have enough jobs to give us. In commerce, Mr. Speaker, Africanization has not taken place and we do want Africanization to take place there straight away. Government must assist those Africans who want to participate and earn their livelihood. We do not want the Africans to depend either on the Government or any other person.

Mr. Speaker, Sir, there is something strange going on; Government knows about this and keeps quiet. Take produce, maize for example, and here you find that it is the Asian who is given the agency; yet it is not the Asian who wants to eat maize. We find that Asians are given the chance to be the sole millers, and when Africans apply for the chance to become millers for Government or agents for the statutory boards, Government does not listen to the Africans. How, then, can we carry on? I think that the Government must now check that the produce which is produced

by the Africans passes through the hands of Africans. We do not want the produce to go through some hands who do not really make use of that particular produce. It is our people who are working on the land, they produce this produce and they should then send it to our brothers who are working in the towns and other places. We should only sell to our own people. The bridge should be an African bridge. We do not want any other person to come in and intervene who has no interest at all except to be the middle man and enjoy the fat profit from African sweat.

Mr. Speaker, it is surprising to find that even in concerns where Government has an interest, for example the Kenya Meat Commission, you still find that the old contracts continue. Why should we continue with the old contracts? These should have been stopped immediately we had our independence. Tenders should have been invited for everybody so that Africans could have been given a chance if they showed they were capable of doing the job. However, you find that the Africans are being told, "We have our old customers who have been giving us good service for the past fifteen years and we cannot change them just because Uhuu has come." What do our people think when they are told this? Our people look forward to some satisfaction as a result of Uhuu for which they fought. Mr. Speaker, we ask our Government to come in and assist the electors who brought us here to voice their problems.

Another big problem we have, which is a shame to our Government, is that we have the Kenya National Trading Corporation. This is a company initiated by Government. Yet you find that Government does not give the Africans equal opportunity to become the sole agents, as was intended, to import goods and distribute them. We find that Asians are still given importing licences when the Kenya National Trading Corporation is there. What is this company going to do? Mr. Speaker, we must have this chance now. If the Kenya National Trading Corporation was incorporated to help the Africans, then it should have all the agencies. In this way this company would be able to cut down profits and sell things to the African much more cheaply than they are at the present moment. This can be effected because this company will cut out the middle man who normally increases the prices in order to get fat profits.

Mr. Speaker, Sir, there are so many irregularities which exist at the moment in the Government. For example, we agree that the manufacturers should manufacture the goods and then we have some of our people who will distribute the goods. This, however, is not the case. You have the manufacturers who manufacture the goods

[Mr. Omweri] and then they are also the distributors, the wholesalers as well as the retailers. Government has not made things uniform. There are so many people who have no means of getting a livelihood and they could be assisted by some of the smaller manufacturing firms. Mr. Speaker, Sir, we cannot continue to allow the Asians to have the monopoly of business. Mr. Speaker, I think that the manufacturers should have the right to manufacture the goods and after that the small business people in the country should be given the monopoly of conducting the retail business as well as the distribution. We do not like the way things are conducted at the moment. Is this not a great shame? Is this not encouragement of monopoly to certain people?

Mr. Speaker, Sir, we condemn this practice very strongly and we do not want it to happen. The Government must step in now and see to it that a check-up is made and proper practices employed, so that people have an equal chance. We do not want it to be the case that one individual or a few individuals get a chance just because they happen to have had a chance in the 1940s to carry on business themselves. Everyone now who thinks that at last a chance has come for us to enjoy the fruits of the country and to participate in constructing and building this country properly then finds that those means that he would like to employ are taken and monopolized by only a few fellows who are fortunate. Mr. Speaker, we condemn this and we want our Government to step in and help.

Now, Sir, I want to make some recommendations which the Ministry should accept. If we find that these things are true and we give the Ministry these answers and the real example of these fellows who indulge in malpractice in business, the Government should then immediately take away the licence of any such Asian who happens to have been given one to carry on a business. These people should have their licences taken away from them. If we find that a truck is licensed to carry goods and then all we find it doing is carrying people who are going to go for a meeting to go against their society or their union, then the licence for that vehicle should immediately be taken away; and the Asian, or whoever is concerned, should be disciplined. We cannot have these things going on indefinitely like that with the Government taking no notice. In the world of commerce, Africanization has not taken place and it cannot take place if these practices still continue.

Mr. Speaker, Sir, I would also like to tell the Ministry and the Government as a whole, that if the Kenya National Trading Corporation was

formed for the whole country, and not for one tribe, as it might seem at the moment, we want it to be given full powers—

The Speaker (Mr. Slade): Order! I must remind Mr. Olotiipitip again. Hon. Members who cross from side to side must please do it at the Bar.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Olotiipitip): Sorry, Mr. Speaker.

Mr. Omweri: Mr. Speaker, Sir, we want the Kenya National Trading Corporation to be given the sole agency for importing goods into the country, including sugar. We do not want Government to import sugar. At the moment, the trading corporation does not have the right to import sugar and this is a great shame. Mr. Speaker, we want that corporation to be given more powers and more direction so that it can carry out the task of assisting Africans to have proper agencies from elsewhere for all goods, and also helping them to import goods at cheaper price by reducing some of the middlemen who, at the moment, are too numerous.

Mr. Speaker, Sir, I would also like the Government to increase the amount of loans they are giving now, so that Africans are also financially stable enough to carry out their business properly, and so that they are able to compete with the Asians who have accumulated a lot of finance in the past. In this case, we find that the loans given, say, by the district development loan boards, are too small; the amount is too little. We would like the amount of individual loans to be increased.

Mr. Speaker, if the Members are going to have their own debate, I would prefer the Minister to attend to me, if he is going to reply, rather than saying, "What, what?"

We want loans for individuals to be raised. We also want the loans to be increased, wherever they come from, because sometimes you find that the amount of money involved in giving loans has been used up; we do not have enough money there. In this case, we ask the Government to pay more attention to this and to give more loans to these corporations so that we have enough money to give to Africans who come up to join in carrying on businesses.

Sir, on the bank side, I would also say that there are some banks which are very unco-operative to Africans, for example. We would like the Co-operative Bank, which was agreed to in this House, to be started immediately. We do not know why the Minister in charge of Co-operatives has not told us why it should not be started. In this way, we could also avail ourselves of finance.

Mr. Speaker, Sir, I beg to move.

Mr. arap Sol: Mr. Speaker, Sir, would the Minister tell the House when this disease was identified?

Mr. Osogo: Mr. Speaker, Sir, this was identified immediately the carcasses were in our laboratories and a post-mortem was carried out.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell the House what methods of prevention exist for the disease of trypanosomiasis which he has mentioned?

Mr. Osogo: Mr. Speaker, Sir, I do not remember mentioning anything about trypanosomiasis.

The Speaker (Mr. Slade): No, I thought not. That is another disease, Mr. Bala.

Mr. Shkuka: Mr. Speaker, Sir, arising from the statement that the disease has been diagnosed by the Ministry of Agriculture after a post-mortem was carried out, could he tell this House how he intends to stop, or to prevent, this disease from spreading? What precautionary measures can be taken?

Mr. Osogo: Mr. Speaker, Sir, I have said, if the hon. Member for Butere was listening, that we have mounted demonstrations in these locations to try and prevent this disease.

#### Question No. 325

##### CASTOR SEED FACTORY, UKAMBANI

Mr. Ndile asked the Minister for Commerce, Industry and Co-operative Development if the Minister would tell the House when and where the castor oil seed factory would be started in Ukambani, which was promised to the people last year.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): Mr. Speaker, Sir, I beg to reply. At the same time, Mr. Speaker, Sir, I beg to apologize for being late.

I wish also to state, Mr. Speaker, Sir, that we have been waiting for the Order Paper which was also delayed and that is the cause of my lateness.

Mr. Speaker, Sir, negotiations are still going on regarding the establishment of a castor oil seed factory at Ukambani. But, Sir, it is not possible to state the exact date when all the details will be finalized. Mr. Speaker, Sir, the Industrial and Development Corporation and the previous Produce Marketing Board had agreed, in principle, to work together on a joint venture to set up the factory.

At the present time, a feasibility study of the project is under way and the details of financing it are being worked out. Mr. Speaker, Sir, when all the details become available, the matter will be

presented to the Board of the Industrial and Commercial Development Corporation and the newly formed Agriculture Produce Board for final approval.

Mr. Speaker, Sir, the hon. Member can be assured that the matter is well in hand and there will be no unnecessary delay in setting up the industry, since it has already been ascertained that there is adequate production in the area to sustain a factory.

Mr. Ndile: Mr. Speaker, Sir, may I know from the Assistant Minister where he intends to put up this factory? Is it at Kibwezi?

Mr. Oloitiptip: Mr. Speaker, Sir, as I said, we are not ready to state where we are going to put up this factory, but as soon as we finalize the whole financial situation, it will depend on the area where there will be plenty of these crops and we shall situate a factory there. Mr. Speaker, we rely on the hon. Member to tell us the place he thinks most suitable.

Mr. Malinda: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, he is now making this question look as though it is just being started. Is he not aware that the Minister for Commerce and Industry announced here, in this House, that he had taken a decision himself to site the industry at Kibwezi, and is he not aware that a feasibility study had already been done before the Minister made this announcement? If he is aware of that, what is the use of him coming and telling us that the same thing is being done again?

Mr. Oloitiptip: Mr. Speaker, Sir, I think the hon. Member should rely on the reply I have just given and forget about the previous replies.

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

Mr. Lorema: On a point of order, Mr. Speaker, I am seeking your guidance. In view of the fact that Motions 5, 6 and 7 on the Order Paper are dependent on Order No. 8, would it be in order to start with No. 8, so that the former can take effect?

The Speaker (Mr. Slade): No. Next Order.

#### MOTION

##### AFRICAN PARTICIPATION IN COMMERCE

Mr. Omweri: Mr. Speaker, Sir, I beg to move:—

THAT this House deplores the conduct of certain Asian traders in Kisii Town and elsewhere who engage themselves in persuading the members of co-operative societies to break away from their unions and interfere in

[Mr. Omweri] agencies which should have gone to African traders, and also under-cut in prices other traders; and urges the Government to take steps to curb such activities, thereby enabling new African businessmen to participate beneficially in the country's economy.

Mr. Speaker, Sir, when moving this Motion, I have no racial grudge at all against Asians who are doing their business in the proper manner. Secondly, while moving this Motion, I do not want the House to restrict this as if it were a Kisii problem and, as such, I have included the word "elsewhere" to cover all parts of the country which happen to have the same problem as Kisii businessmen have already met.

Mr. Speaker, Sir, when I brought this Motion, the reasons had already been mounting and the most serious one was this. In Kisii we have a co-operative movement in charge of agricultural produce. This organization is such that it is a threat to Asians because when Africans are united to carry out their business, the Asians are uneasy, they are not happy about it, and what has happened is that a number of Asians in Kisii have gone round to suggest to union members that they should break away and all their produce could be sold in a direct manner from the producer to wherever the market might be. As such, they say, they will have more profit, which actually is not the case; they would not have any extra money on top of what they are getting at the moment.

Mr. Speaker, Sir, we found that in Kisii an Asian employed his own truck to move around the societies, telling them, "If you dismantle your union, I will help you to get to where you can sell your coffee, I will help you to get transport for transporting your pyrethrum, and you will pay very cheap transport costs. By following this co-operative movement now, you are paying a very high cost to transport your goods from here to where the market is." Mr. Speaker, Sir, this is contrary to the Government's wish and the Government's policy, which includes strengthening the co-operative movement in the country.

Mr. Speaker, Sir, Kisii people wonder whether the Government is to build a co-operative movement for the Asians to destroy and dismantle everything. We do not know which one we are going to follow. If the Asians want to co-operate with the people there, they should follow the Government move and the Government policy of strengthening co-operative organizations. This is one big worry.

Mr. Speaker, Sir, what has happened is that certain Asians who, in the past, used to have

very high prices for goods which were very cheap have found that if they continued at that price, they would not have enough customers now that African business men are taking up their positions in various towns in the country, and the move has now been that the whole thing is to undersell, and, in this case, attract more customers. Mr. Speaker, we find that this is not a normal practice which businessmen should be engaged in and we condemn this practice very strongly and want the Government to intervene and make a thorough check to see where these fellows practise such bad methods of carrying out business and, as such, rectify the situation, so that everybody is given equal chances of competition.

For example, Mr. Speaker, we find that cement is sold at Sh. 14 when all other shops sell at Sh. 15 or Sh. 15 and some cents on top. In this case, the whole thing is being revealed, that the Asians who have had a chance to exploit in the past do want now to make the new businessmen, who have not gained enough strength to stand strongly and compete, collapse, because if they did undersell all their goods, what would happen is that the customers would turn to the cheaper prices and buy from there; the Asian knows very well that even if he sold for one year at a lower price, he would not run out of business because he has already collected enough in the past. It is this practice which we are condemning and in which we want the Government to intervene to straighten it out.

Mr. Speaker, Sir, the question of agencies is a big problem. Government has been asked time and again to intervene and, to this end, I think the Ministry was quite wise to set up a company called the Kenya National Trading Corporation which has been given enough powers to discipline those fellows who do not follow the instructions properly. What is happening now, Mr. Speaker, is that when an African comes to a manufacturer and negotiates for agencies for a certain area, the same Asian who might have had a chance in the past to have that contract comes over and tells the manufacturer, "Look here, don't listen to these shouts from the Government. It is business we want and the new African who is coming up has no money, he will not do any business, he will not pay you, he will not pay any instalments, he will not do anything; in fact, he will spoil your business. He has no transport. Here we are who have money, we have transport and we can do the agency much better than these Africans". Mr. Speaker, Sir, the following day the manufacturers regret to an African that they are sorry they find they cannot break their old contract with Mr. So-and-so who is in that area and who has been trading with them very nicely. He has been giving

[Mr. Shikuku]

cargo-handling employment why has he not seen fit to include this in the figure? I would like to know how many people were taken by the Cargo Handling Services.

Mr. Mboya: Mr. Speaker, the hon. Member for Butere might as well look at the question. We have answered the question and there are two different exchanges in Mombasa, and if he knew the working of the employment services there he would know that generally people go to the Labour Exchange for work in Mombasa District, but work at the port is divided into casual as well as the normal labour pool which is handled entirely at the port. People working at the port belong to the pool, they are registered in the pool and the pool services are different from the labour exchange.

Mr. Ngala: Mr. Speaker, in view of the Minister's original reply to the effect that only sixty-nine people out of 1,343 were employed in January by the normal labour exchange, would the Minister explain whether it is his intention to have short-term interim measures so that the unemployed can also get something to live on, at least temporarily?

Mr. Mboya: Mr. Speaker, Sir, I would like to explain that sixty-nine people were found jobs, that is, they were given jobs by the exchange. It does not mean that only sixty-nine people found jobs. This figure of sixty-nine does not include those who found jobs themselves, although registered, and do not come back to the exchange. In the course of time, many people find jobs by themselves and so long as they are not found jobs by the exchange we do not have to register them in this figure.

As far as the second part of the question is concerned, of course the Government is aware that many more people need jobs and every effort is being made to expand the employment services. Crash programmes have been put into effect in Mombasa and, unfortunately, these crash programmes have not been able to give everyone a job but every effort is continuing to be made.

Mr. Ngala: Arising from that reply, Mr. Speaker, is the Minister aware that the majority of the job seekers did not get opportunities through the labour office because of two reasons? First, they were unable to pay some corruption money that was being demanded in some areas and, secondly, because they were not of the right tribes?

Mr. Mboya: Mr. Speaker, Sir, if the hon. Member is aware of any corruption, he has a duty to bring it to the notice of the Government rather than to make generalized statements which

are becoming a habit these days. If anybody is aware of corruption and knows an officer who is involved in corruption, he has a duty to the country, the public and the Government, to let us know the person's name rather than come here and make generalized statements.

Mr. Speaker, this is taking advantage of a very serious situation and creating unnecessary suspicion and I challenge the hon. Member to bring us the names of the corrupt officers after this debate.

On the second point, it is true that some people—including some Members of Parliament—have contended that certain tribes should not be employed in Mombasa. The Government does not accept that position and the Government will never agree to that position.

Mr. Balala: With reference to one of the replies by the Minister, can he tell this House what crash programme he is referring to?

Mr. Mboya: Mr. Speaker, Sir, there have been a number of programmes which the hon. Member, Mr. Balala, is quite aware of. In the first place, we had the Tripartite Agreement. In the second place, we have had a number of schemes both by the municipality, the Government and other private sectors, including the building industry and other expansions which have been taking place in the docks and other places.

#### Question No. 340

##### WATER FROM MZIMA SPRINGS

Mr. Ndile asked the Minister for Natural Resources and Tourism if he could tell the House what the flow of water from Mzima Springs was; and would he also divert some of this water to parts of Kikumbulyu Location for human consumption and for the use of domestic animals as well as wild animals.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Natural Resources and Tourism, I beg to reply, Mr. Speaker, Sir, the average flowing capacity of the Mzima Springs is approximately fifty million gallons per day. Of this, ten million gallons daily enter the Mombasa pipeline and the rest flows into the Tsavo River to supply humans, stock and game along its course.

As regards the second part of the question, it must be realized that the nearest point of the Kikumbulyu Location from Mzima Springs is about twenty-five miles away. This point is approximately 500 feet higher in altitude than the Mzima Springs. Financially, this means that the

##### [The Minister for Economic Planning and Development]

capital cost of piping water from Mzima Springs to Kikumbulyu Location would be about £30,000, not including the costs of any distribution of pipeline within the location or the recurrent costs to run the machinery. Technically, it means that we will have to use expensive pumping equipment to take water to an altitude of 500 feet higher up. My Ministry, therefore, considers piping water from the Mzima Springs to Kikumbulyu Location uneconomic and cannot, therefore, consider diverting some water from Mzima Springs.

An alternative, however, has already been suggested by the Kikumbulyu residents who, through their district officer, submitted to the Machakos District Planning Team a request for money to be included in the 1966/67 Estimates. This request included a detailed report explaining that the water would come from Kibwezi River and would be pumped to storage tanks just ten miles away. From here it would flow through about ninety miles of piping, supplying water to some 20,000 people and 6,000 stock units.

The cost was estimated to be approximately £60,000 and it was proposed that the scheme would be phased over a four-year period. The most gratifying proposal was, however, a statement of the Kikumbulyu residents' willingness to pay some of the costs and how they were going to pay it.

It was not surprising, therefore, to see that this proposal was received favourably by the district planning team, the provincial water advisory committee and the Water Resources Authority. I am glad, Sir, to announce that money for the first phase of the scheme has been included in my Ministry's Provisional Estimates for 1966/67 Financial Year and my officers of the water development are ready to start exploratory work in consultation with the local officials.

This, Mr. Speaker, Sir, is an excellent example of what I have been saying repeatedly in connection with rural water supply—that my Ministry stands ready to help any location or district technically or financially, provided the residents show their willingness to contribute to our efforts.

Mr. Balala: Mr. Speaker, Sir, in view of the fact that water is an essential part of human consumption, does the Minister agree with me that to provide the people of Kikumbulyu with water is more important than looking at the uneconomic part of the whole thing?

Mr. Mboya: Mr. Speaker, Sir, if the hon. Member had come from the area, he would know what we were talking about. If the residents of the area

have accepted an alternative arrangement and have agreed to pay something towards it, and the Government has agreed to contribute to it, just what is the sense in this question?

Mr. Glehoya: Mr. Speaker, Sir, arising from what the Minister says, that people are willing to pay for it and the Government is willing to contribute towards it, how does the system work so far as the supply of water is concerned? Does it mean that the people must contribute 50 per cent and the Government, how does the system work, and how does the Government assist those people?

Mr. Mboya: Mr. Speaker, Sir, I believe I understand what the hon. Member is driving at. If he is referring to the development of water in which local authorities, that is county councils, are required to meet the expenditure on a £ to £ basis, in that particular case the Government provides £1 to every £1 that the county councils are prepared to put forward. In this type of programme, water development is undertaken jointly between the Government and the county councils and many places are beginning to enjoy the benefits of this arrangement.

The Speaker (Mr. Slade): We must go back now to Question No. 351.

#### Question No. 351

##### CATTLE-KILLING DISEASE IN BOMET

Mr. arap Sol asked the Minister for Agriculture and Animal Husbandry if he could tell the House if the disease which was killing cattle in Locations 4, 5, 6 and 7 in Bomet had been identified. Secondly, could he tell the House if there was any specific step being taken by the Ministry to prevent and cure the disease.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to apologize to the House for being late in coming to answer this question.

Mr. Speaker, Sir, I beg to reply. Yes, the disease is known by the Kipsigis stock owners as *Koil*, which is a tick-borne disease. The answer to the second part of the question is, yes, as the disease is caused by a complication between East Coast Fever, Red Water and Anaplasmosis and investigations have revealed that, unless an outbreak is reported immediately, there is no effective cure. Therefore, the best way out is prevention, and the Veterinary Department has mounted demonstrations on prevention on six different farms. Over and above that, in Location 6, self-help work has begun in constructing a dip to prevent East Coast Fever.

[Mr. Ngala-Abok]

had been said was that such a person should actually appeal to the Public Service Commission and the commission should advise the President as to what to do with the person as such. I think this is more important, because we are not going to have one President continuously and this amendment is not being made in the interest of one person, it is being made in the interest of the entire country. This is, I think, the part of the amendment which should be deleted, Mr. Speaker, because we would like to get some other bodies which are impartial to be responsible for examining, questioning, dismissing or reprimanding a civil servant who has gone astray or who is felt to be making some mistakes. In fact, the Public Service Commission should be responsible for advising the President on what steps he has to take, but if everybody is to hold a post in the public service at the pleasure of the President, this is wrong, because the people who may become President later on may just dismiss any person, on any ground, personal ground, tribal ground—

The Speaker (Mr. Slade): Mr. Ngala-Abok, this point has been made a good many times.

Mr. Ngala-Abok: Thank you Mr. Speaker.

So, having known that the point has been made, I would just like to drive it home that that particular part—

The Speaker (Mr. Slade): You have done that, too.

Mr. Ngala-Abok: —that particular part of the clause should be amended.

I would like also to congratulate the Government on citizenship being at the discretion of a Minister. I think that the other races—Asians and Europeans—who are panicking as to how citizenship should be obtained, should realize that if they are good citizens already, if they are living well, if they are in harmony and they respect the law of the land, they will have nothing to worry about; they will have to convince the Minister concerned that their conduct is good and they are capable of becoming citizens of this country. So this I support very much.

Mr. Speaker, since I do not want repetition, I would only like to say that Members who have been imprisoned should not come to disgrace this House—

The Speaker (Mr. Slade): Order! That is repetition, very much so, Mr. Ngala-Abok. You have nothing else to say beyond that?

Mr. Ngala-Abok: No, Sir.

Mr. Makone: Mr. Speaker, Sir, thank you very much for giving me this opportunity not to repeat what has been said but to make one or two points, which have not been mentioned.

Mr. Speaker, when I was contesting the election, I told my electors certain things, and I did not ask the Attorney-General whether I could do this or not. If I am speaking for or against a Motion, the Attorney-General should not feel that we are opposing his Ministry, but we are making a law for the country, a law for us and for future generations, Sir.

As other Members have said, I have no quarrel with the part about a Member who has been in prison and is still earning public money, but I have a quarrel with the fact that a Member who does not attend Parliament for eight days is disqualified. Mr. Speaker, what happens if, for some reason, today I am imprisoned for one month? As you know, Sir, prisoners are not allowed to post letters. In this Bill, Sir, it is not specified whether the Members should get permission in writing, by telephone or by police V.H.F; it does not specify this, and the law is the law. We are not told here what sort of permission we have to get. If I am going somewhere, do I have to wait for the Speaker's permission before I go out, or what?

Mr. Speaker, am I not an hon. Member, elected by my own people? Mr. Speaker, the word "honourable" is an exclusive word which is used in this House in respect of Members, who are to serve their electors in the constituencies, or to come here and serve in the House. When I am here, I am serving my electors, and when I am at home with the provincial commissioner or the President or the Minister for Finance when he is explaining to my electors how public money is being spent, I am serving my constituents. Am I not honourable? Mr. Speaker, I must be left to be honourable, to come to this Chamber when I feel like coming here to serve my people.

The Speaker, (Mr. Slade): Order! Order! Mr. Makone, you are repeating an argument we have heard many times; but you can continue on new points when we sit again.

#### ADJOURNMENT

The Speaker, (Mr. Slade): It is time now for the interruption of business. The House is therefore adjourned until tomorrow, Friday, 25th February, at 9 a.m.

*The House rose at thirty minutes past six o'clock.*

Friday, 25th February 1966

The House met at Nine o'clock.

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

#### PRAYERS

#### ORAL ANSWERS TO QUESTIONS

Question No. 350

##### RAILWAY STAFF HOUSING

Mr. Omweri asked the Minister of State, President's Office, whether the Government would make representations to the East African Common Services Organization for the Railway Administration to build more houses to accommodate their staff instead of buying up old foreign-owned houses at excessive prices.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply, Yes, Sir.

Mr. Omweri: Mr. Speaker, Sir, arising from that answer, would the Minister tell us whether he has had any prior conversation towards this particular move?

Mr. Nyamweya: I do not want to add anything to what I have said, Mr. Speaker.

Mr. Omweri: Mr. Speaker, Sir, if the Minister is not prepared to add anything to his "Yes, Sir", would he agree with this House that it would not be very proper for us to vote money for any East African Common Services Organization services if we do not get the proper use of that money as far as the staff are concerned?

Mr. Nyamweya: Yes, Sir.

Mr. Kibuga: Arising from one of the Minister's replies, Sir, is he aware that there is a shortage of housing as far as the East African Common Services Organization is concerned?

Mr. Nyamweya: Mr. Speaker, Sir, the Government is aware that there is an acute shortage of staff houses in the East African Common Services Organization as well as with the Kenya Government and this matter is receiving active consideration by the Government.

Mr. arap Sol: Mr. Speaker, Sir, could the Minister tell the House how many foreign-owned houses have been bought up by the Common Services?

The Speaker (Mr. Slade): I think that is getting rather beyond the question.

Next question.

Question No. 351

##### CATTLE-KILLING DISEASE IN BOMET

Mr. arap Sol asked the Minister for Agriculture and Animal Husbandry whether the disease which was killing cattle in Locations 4, 5, 6 and 7 in Bomet had been identified and whether there was any specific step being taken by the Ministry to prevent and cure the disease.

The Speaker (Mr. Slade): There is no one here from the Ministry to answer this, we will leave it to the end in the hope that there will be somebody to answer it then.

Question No. 325

##### CASTOR SEED FACTORY, UKAMBANI

Mr. Ndile asked the Minister for Commerce, Industry and Co-operative Development whether he would tell the House when and where the castor oil seed factory would start in Ukambani, which had been promised to the people last year.

The Speaker (Mr. Slade): The same applies to this question.

Question No. 339

##### REGISTERED UNEMPLOYED, MOMBASA DISTRICT NUMBER

Mr. Omar asked the Minister for Labour whether he would tell the House the number of unemployed persons registered in Mombasa District at the present time and how many had been offered jobs by the Ministry.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Labour.

The number of persons who sought employment by registering themselves at the Mombasa Employment Exchange during January 1966, was 1,343, of whom 69 were successfully found jobs during the same month. These figures do not include the port workers who are engaged through the office of the employment exchange run by Cargo Handling Services at the port.

Mr. Kerich: Mr. Speaker, Sir, would the Minister tell the House among these sixty-nine who were successful how many were women?

Mr. Mboya: Mr. Speaker, Sir, I cannot give that breakdown.

Mr. Shikuku: Arising from the Minister's reply that out of over 1,000, only sixty-nine were employed, does he not agree with me that this is a very small number indeed and if he knows the

[Mr. Ngala-Abok]

This is very true because when one has been imprisoned for a criminal offence his constituents would be very shy to see him back in Parliament still as their representative. There is no clause in the amendment saying that such a Member should not contest another election, but it only says that for that period, after having been in prison for more than six months, he should lose his seat.

Now, Mr. Speaker, it does not matter how one gets oneself into prison, what really matters and one would not stop suspicion, neither could one stop any Government from undermining him. If any Government was to undermine a Member at any time that Government can do it, it can be either by open, direct arrest alleging that you have done something that you have not done and that you will be imprisoned for even two or three years. The mere fact that we are amending the Constitution does not mean that the Members will be arrested tomorrow and put into prison for six months, but it will mean that Members should start saving their money so that when a Member is arrested he must be able to get a good lawyer and the lawyer must prove to the country that he is not being imprisoned either due to jealousy or because of his political views, but he is being imprisoned according to a code of regulations which can be proved before a court of law. In fact I quite believe, Mr. Speaker, that a good Member who really wants to represent his constituents, does not need to be done any favours either by the law or by an individual. But the question of losing a seat in this Parliament will arise at any time.

Just now in Ghana, Mr. Speaker, the situation there is very different. There is no longer a Constitution in that country and that is what is happening, but we would not like to be in a world where there are no controls. Members have been imprisoned recently, one was imprisoned for three months, and I do not know whether he is still earning the taxpayers' money or not, but with this regulation we will be able to determine whether a Member will still earn or whether or not he will lose his seat. If we continue to rule this country through suspicion or if we continue to view whatever move the Government makes with suspicion, how long can we continue to be straightforward? Why should one think that he will be tricked and that he will be imprisoned for six months, unless he, personally, is conscious of certain steps which he is going to take and thus make himself fall into such a trap. It does not matter whether I get imprisoned tomorrow for six months—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member to impute that those who speak against this might be having something which they intend to do. Is he in order to impute ulterior motives?

The Speaker (Mr. Slade): No, it is never in order to impute an improper motive, and if the hon. Member was doing that he should withdraw it. He is quite in order, of course, to argue against a perpetual atmosphere of suspicion of victimization, but the motive you must leave out, Mr. Ngala-Abok, so you withdraw any imputation of motive against any hon. Member.

Mr. Ngala-Abok: Mr. Speaker, Sir, I was only saying that if a Member loses his seat after having been imprisoned for six months and has any suspicions in his own mind, then he cannot oppose such a thing, because this is not a country where one can be imprisoned and, at the same time, expect to come and sit here comfortably after he has probably committed rape. This is not a country where one can just do anything you like and then you can still come here and call yourself an hon. Member.

Mr. Speaker, Sir, as to how a person can be sent to prison is not my business now, but the position is that after a person has committed a crime, and the world and the country has known about it, such as the maize scandal, at the moment—even Members have not commented on the suspicion of the Minister who has been committing these things—and so the country will know straight away that this man—

The Speaker (Mr. Slade): Order!

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I thought that you ruled yesterday to the effect that we should not touch the question of maize in this debate and is the hon. Member in order to touch on the question of maize?

The Speaker (Mr. Slade): No, you must leave that alone, Mr. Ngala-Abok.

Mr. Ngala-Abok: So, Mr. Speaker, I will leave that point by saying that however much we may be suspicious of how a clause or Constitution can affect a Member, there are so many matters affecting us as Members, and already certain Members of this House have been sent to prison and there are already so many things that affect Members, therefore this is not going to prevent any Member from exercising his right as a Member of this House. It will, however, be unfortunate for this House to retain a Member who has been imprisoned for six months after having committed a crime, but we would like

[Mr. Ngala-Abok]

to see that justice prevails, because once a Member is imprisoned without a proper reason, a person doing that, whether he be a Minister or the Attorney-General, will stand to be blamed before the country, because the country is growing and they know exactly why a Member should be imprisoned and lose his seat.

Again, Mr. Speaker, Sir, to leave that point, after a Member has been elected according to African Socialism, in two weeks' time you will come to this Parliament and people will have begun to see that when you were campaigning you said certain things and now that you are in Parliament you are not carrying out those things that you said you would, therefore, the people begin to lose confidence in you as time goes by. But when it comes to the climax of imprisonment you have already lost a considerable amount of your people's confidence and therefore you need to lose your seat. Then when you go and contest it, you tell them that the crime that you committed was not because of your mistake but was because of something else that influenced you. If you wish to become a good Member then you must come back to the House when you have cleaned your name. So, Mr. Speaker, I support that one.

Mr. Speaker, Sir, as far as the eight consecutive days are concerned, I think I support this one, but good sense must prevail. We are all people who are civilized. We have gone through schools, colleges, and so on, and everywhere we have passed under certain conditions, which we must observe. This is purely and simply in the interests of the people we represent. If a Member is doing useful work in his constituency, Mr. Speaker, I do not think that we shall be so senseless as to refuse such a Member the opportunity to continue to do that work, providing that he rings or gives information as to what he is doing. If a Member goes abroad or his car is stuck in the mud, he must give information about this. This is courtesy. All the time, what we fight for here is courtesy. Whenever I say something wrong against a Member, he will rise on a point of order to tell me that I should withdraw. That is because I am trying to injure the feelings of such a Member. This is exactly what we want.

I can tell the House, Mr. Speaker, that very many Members are not attending this House and they go scot-free, nothing is done to them, nobody queries what they are doing outside, and we cannot run a country like that. Much as I may know that this Bill is going to affect me, so long as I feel that I am going to respect and

continuously I must respect—even a man with his wife in his house knows that he has more strength and can beat his wife and die, but then he must respect such a woman. He knows he has the power, but he must respect that one.

Therefore, we are being called upon to obey certain things which are fundamental in life, which are very important. We cannot just be allowed to stay for eight days, nobody speaking about it, and still go and get our allowances and be respected as a Member and yet probably you are just engaged on other things altogether. Mr. Speaker, if one went to the town now, he could find so many Members drinking in bars and other places, without coming to this House, probably just reporting for two minutes only. This is not the thing that we want and this is why there is so much reaction in the country-side.

Mr. Shikuku: On a point of order, Mr. Speaker, the Member has just stated that if you go to town, you will find Members drinking in the bars who do not come to this House. Could he tell us who, instead of coming to the House, goes to drink in town? Can he substantiate which of the Members he is talking about?

The Speaker (Mr. Slade): No, I think it is most undesirable that we get into personalities of that kind. We do sometimes have these remarks made by hon. Members as to the shortcomings of some other Members. I think they must be entitled to say what they believe to be happening of this kind in general terms, without being asked to go into personalities. I think it is better to leave this sort of thing. I would not ask Mr. Ngala-Abok to withdraw if he believes that it is happening.

Mr. Ngala-Abok: So, Mr. Speaker, I just say that it saves public money for the public to see that their Members are attending, their Members are speaking, their speeches are recorded, their views are understood, they are straightforward Members who attend the authorities concerned and they are away they notify the authorities concerned and they continue to remain honourable all the time. Whether tomorrow I go to prison or not, Mr. Speaker, I must advocate these views because this is history which we are making. We do not want merely to suspect that one would create problems for you, and you will go to prison. Yes, if you are a person worth falling into such traps, why not fall and then leave the way clear?

Now, Mr. Speaker, what I am questioning very much is this, and this one I would not like to support. The question of saying that a civil servant or such a person holding a public responsibility is going to hold it at the pleasure of the President is very wrong because what we

**[The Assistant Minister for Defence]**

position of the North-Eastern Province. The North-Eastern Province in our Independence Order in Council, 1963, section 19 (1) says this "the President may, by regulations which shall be published in the *Kenya Gazette*, make such provision as appears to him to be necessary and expedient for the purpose of ensuring effective Government in or in relation to the North-Eastern Province, and without prejudice to the generality of that power, he may, by such regulation, make such temporary adaptations, modifications, or qualifications or exceptions to the provisions of the Constitution, or of any other law as appears to him to be necessary, or expedient, for that purpose." Now, Mr. Speaker, Sir, those of us who have had the misfortune to travel to the North-Eastern Province, have seen a lot of dirty things going on. A number of us have only read about them in the newspapers. Even today we were due to go over there to have a look for ourselves. I must say here that there is provision here, in our regulations, of the five-mile limit. Our troops and members of the security forces have found themselves in a number of difficulties when dealing with the enemy. Some people here in Kenya do not know, and in fact some people in Government, do not know that in the North-Eastern Province we are on a war basis, and this House must realize and appreciate that we are on a war basis with the people of Somalia. Although we have not declared it, we must act as if we are on a war basis by doing all that is possible to build the confidence of the people in the North-Eastern Province. Mr. Speaker, Sir, to that extent we must give them the maximum fire power possible, and we must give them the necessary protection from interference. We must also, further, give the people of that particular province something to put in their pockets. That is to say, we must not only keep on thinking of a shooting war, but of a psychological war. The fact is that the five-miles limit prohibited area, is not as such, in practice, being obeyed as a prohibited area. *Shifita* may come in, they will see our forces coming driving down the road, they may come in and pretend to be very innocent people, the only thing is that they graze their cattle there; and they spy on our people, and as soon as there is an encampment down the road they go and tell their friends, they go into the bushes and shrubs, they pick up guns and come and kill our chaps. This is the position which is to be corrected. This is the position on which we must not only make amendments on this Constitution, but amendments further that our boys, whatever they do, will be given the discretion that if they find any suspicious characters without asking questions, shoot to kill.

If they have a lot of cattle or stock or other things within that prohibited area, after due notice to the people in these areas which are being declared as such, Mr. Speaker, Sir, the onus should be on these people to explain their presence in this area, or else let us destroy the cattle. In the past, when such things have been done, and usually by junior officers, then a letter has come to this particular junior officer from a law office in Nairobi, saying "Oh, you did this, that and the other, and therefore we will take you to court." We want to clear this situation whereby we shall protect everybody. The Member who spoke about the Pokomo, the hon. Mr. Kise, it is a pity that he thinks that the Government thinks that the Pokomo are *Shifita*. All that he wanted is to tell him was whether there are any Somalis in that particular area. It does not matter, it is not only a Somali who is a *Shifita* I may be a *Shifita*, anybody may be a *Shifita* so long as I consort with these people and do damage to the country in which I live.

Mr. Speaker, Sir, the addition of this special power to the districts of Marsabit, Isiolo, Tana River and Lamu is long overdue. The reports which have been coming from security officers and administrative officers in the field have asked, time and again, that this should be done, and it should be done. It is said in Latin "*Civis pacem parvum bello*"—if you want peace prepare for war. We want peace in the North-Eastern Province; we want peace in Tana River and Lamu; we want peace in Marsabit District and Isiolo. That is why we want to bring them within the ambit of these particular provisions.

Mr. Speaker, Sir, I do not want to go much further, and I am hoping with the short explanations I have been permitted to give to this House, all the Members of this House who have the interests of this country and its security at heart, will support these amendments.

Mr. Speaker, I beg to support.

The Speaker (Mr. Slade): I see there is still a large number of hon. Members who wish to speak in this debate. I recognize that, like all constitutional debates, it is of extreme importance. At the same time we cannot spend many more hours on repetition of arguments on either side; so although I want to allow time for every point of view to be expressed, I shall have to be very strict now on any repetition of what has been said already. Hon. Members who want to repeat what has been said already must content themselves with saying simply that they agree with the point, without arguing it all over again.

Mr. Bonnya: Mr. Speaker, Sir, I am rejecting the Bill completely. The reason first of all why I shall reject it is because of the extension of the

**[Mr. Bonnya]**

emergency in Marsabit, Isiolo and Tana River. We must completely reject this Bill, because even now we are suffering from the security forces who are now patrolling and operating in Isiolo. Daily, in Isiolo, we are beaten. Our cattle are always confiscated and I am sure we should not allow these things to continue, because even now, when this emergency has not been declared in our area, and this type of thing continues to happen, what will happen when the emergency is declared in our area? We will not accept this, we will not accept an emergency being declared in our area. Mr. Speaker.

What we would like to advise the Government to do is only to block the North-Eastern Region that way so that the security forces are actually in these neighbouring districts like Isiolo, Marsabit, Tana River and Lamu which should be protected by the security forces patrolling through the boundaries of these districts, Mr. Speaker. So I will not support this Bill completely.

Just recently when an operation was carried out at Isiolo the security forces beat up about 16 people in a *manyatta* and they burned the whole *manyatta*, because of this about 250 people joined the *Shifita* due to the activities of their own security forces, as they will not accept anyone, who are human beings like themselves, to come and beat them when they are innocent. So, Mr. Speaker, I will not accept these things.

Nobody has refused to allow the security forces to operate in these areas, they can go there and operate even now, they have the right to go and search in the forests, in *manyattas*, in the towns, for *Shifita*, no one has stopped them from doing this, but why should we declare an emergency. I do not see why we should declare an emergency.

Again, Mr. Speaker, Sir, if we want to finalize this *Shifita* business we must just appeal to the local inhabitants to report where *Shifita* are to the security forces or to the police, who are their neighbours, or to the nearest administrative centre. I do not see why we should declare an emergency, because an emergency will only have the effect of harming those people who are innocent, and so I will not accept this as a representative, first of all, of the Isiolo District, because this will in fact tend to harm my people a lot. Mr. Speaker, just recently a certain gentleman was actually expelled from the Isiolo District, he was not allowed to live there any more, simply because he was the opponent of the district commissioner who was the District Commissioner of Isiolo, and this was for political reasons, he was expelled completely. Mr.

Speaker, these people are being privileged because of *Shifita* activities which operate in the area, as they have the opportunity of making people go to prison, have some people expelled from the area just because they do not get on with the district commissioner or police officer.

Mr. Speaker, we will not accept this at all. If the emergency is declared these things will happen still more. People will be put into prison without being sentenced, Mr. Speaker. I will not be much longer, but I am entirely opposed to this Bill.

Mr. Ngala-Abok: Thank you very much, Mr. Speaker. I realize that you have ruled that we should not repeat, but I would like to tell you, Mr. Speaker, that had it not been for the importance of this Bill, Members would have stopped speaking on the day, but since I would not like to influence you as to how you should rule when I speak, I want to embark straight away on what I want to say about the Bill.

Mr. Speaker, before I declare—

The Speaker (Mr. Slade): Mr. Ngala-Abok, I am simply enforcing a Standing Order which prohibits repetition.

Mr. Ngala-Abok: Thank you, Mr. Speaker, I will try my level best. Now, Mr. Speaker, a Bill like this is a straightforward one because in every society there must be rules for persons and also for institutions. Even in schools we have Standing Orders controlling the students, boys or girls, of such a school. Had it not been for politics' sake where Members or politicians are usually suspicious as to how a particular amendment to the Constitution or a particular rule could be carried out, I do not see how Members could panic on this particular amendment. We must know when a person is imprisoned, whether or not he continues to earn his salary if he is a Member of this Parliament.

Mr. Shikuku: On a point of order, Mr. Speaker. Is the hon. Member not now repeating what other Members have told us?

The Speaker (Mr. Slade): You must now, at this stage of the debate, Mr. Ngala-Abok, content yourself with saying on a point like that, that you agree with those who support this provision that Members who are imprisoned must lose their seat. We cannot have again and again your reason, which is the same as we have heard half a dozen times in this House. So just say you agree, but not the same arguments over again please. Other Members want to speak too, you know.

Mr. Ngala-Abok: Mr. Speaker, I agree entirely that after a Member has been imprisoned for more than six months he should lose his seat.

[Mr. Shikuku] speak on behalf of the Government, like the hon. Speaker? Every person who has spoken for the Government has repeated what the other man has told us. Is this in order!

The Speaker (Mr. Slade): Order! Order! There has been a great deal of repetition on both sides on every point of view. I think, as I have said before, hon. Members must be allowed to say that they agree with something that has already been said before, but they do not want to elaborate it. I think it is fair, enough for Mr. Argwings-Kodhek to speak very briefly on this, because it was spoken of from the other point of view, again at some length, only about half-an-hour ago; but we must try to avoid repetition now.

The Assistant Minister for Defence (Mr. Argwings-Kodhek): So they do not like it to be given back to them!

Now, Mr. Speaker, Sir, as I was saying, we know that the Speaker will use discretion in this matter, but hon. Members know—and most of them have been teachers—very well that whatever happens, if you want to be obeyed, if you want to exercise any command, you, yourself, must be prepared to obey. Without that you have had it! However, there is something further, Mr. Speaker. There is a proviso to which some of us may take objection, that the President may, in the exercise of his prerogative, say that such a person shall not lose his seat. This answers what the hon. Member for Butere raised here yesterday, that the President may have to come here every other week to ask the permission of the Speaker, when here is a man who makes the law which is passed here by this Parliament. The Speaker, in this particular case has that discretion, which we know he will exercise.

I proceed now, Mr. Speaker, to section 56. I do not wish to go very deep into that one because it has been aired ably and thoroughly by previous speakers, mostly from this side of the House. I do not want to belabour that point, that the Speaker shall have any particular vote. However, in answer to what my friend, the Member for Majoge-Bassi said, that we shall be bringing Mr. Speaker on to the arena of the House and he shall not be able to be a fair judge because he will have descended the arena, I suggest that in these circumstances, again, the Speaker is elected by a full vote of this House, and he will exercise that discretion in the interests of this House. We have no doubt about that.

I move quietly now to one point which I have slightly overlooked here, regarding certain Members. We all know, of course, that once a person

is elected a Member of a particular constituency, he is a Member of that constituency for twenty-four hours, day and night. If he is a Member of that constituency, for that House, for twenty-four hours, surely he should not have any quarrel at all with the new provisions amending section 42.

I go now to the rather controversial section 87. Section 87: I know that certain hon. Members have been opposing it again on a question of misunderstanding. The section, if, as hon. Members have it, is a very clear one, but let us just deal with the thing as it is here. I am going to read from the amended section as at page 44, the deletions of the whole section and the insertion of this, and I will underline certain words as I go along. "Subject to the provisions of this Constitution and of any other law, the powers of Constitution and abolishing offices for the Republic of Kenya, of making appointments to any such office and terminating any such appointment, shall rest in the President." Why not? If he is the President of the Republic, surely he should be given a certain latitude to exercise certain Presidential powers. He is not only the President of the Republic of Kenya, he is also Head of State, and he must govern the country and dismiss people as often as possible. Personally, Mr. Speaker, Sir, I am a believer in authoritarian rule. If this particular exercise, Mr. Speaker, Sir, with the additional section 87A, which also says, "Save in so far as may be otherwise provided by this Constitution or by any other law, every person who holds office in the service of the Republic of Kenya shall hold such office during the pleasure of the President." If in any case, the President does not control this particular vote and you have any other person or persons—as you know, in this country, people tend—and in many other countries, too—not only to misuse but also to abuse certain powers and privileges that may accrue to them. The fact is that if you put these things in the hands of the one person, it is easier. But let us say you give it to a commission of about ten people. Ten people will be easy to approach, and a person, as has often happened in various places, a person in authority or in certain power will send a note, "Oh, well, Mr. Kamau you know that So-and-so is my brother-in-law, I am giving him this particular note will you please give him the particular appointment." Such things may happen so often that that particular body, or commission, will lose any value. As we know, there are certain places I have heard it said, that people have so abused their positions in other countries, and perhaps here in Kenya, that the effect is that every time they find a job going

[The Assistant Minister for Defence] they want a relative. They have done this so often that they are now running short of relatives, Mr. Speaker.

I will repeat this, Mr. Speaker, that it is true as it has been said before, that power corrupts. A famous Englishman said this. He also said that not only power corrupts, but absolute power corrupts absolutely.

Mr. Speaker, Sir, I wish now to proceed quietly to one thing which was referred to by certain hon. Members. I would commend, I am not going to read those particular bits, but I am commending to the hon. Member for Butere, to read thoroughly section 121, subsection (1), regarding, particularly, the paragraph which says subject to the provisions of that section, this section "all revenues or other moneys raised or received for the purpose of the Government of Kenya, shall be paid into and form a consolidated fund from which no money, repeat no money, shall be withdrawn except as maybe authorized by this Constitution or by an Act of Parliament." Is there anything to fear from this, gentlemen? I doubt it, Mr. Speaker. I go further down, because the hon. Member, Mr. Speaker, Sir, yesterday quoted something out of context and I am coming to it, because that is why I am taking him down it slowly, so that he can digest it, knowing the weakness of his digestion. Subsection (4) says "gives more power to Parliament, Parliament may prescribe the manner in which withdrawals may be made from the consolidated fund, or any other fund of the Kenya Government". Simplicity itself.

I go down to 122, still helping my friend and those—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to try and quote me on wrong sections without coming to the real section which he claims I misled the House on? I do not think I quoted that section which he is talking about. He says he is coming to it all the time, and still referring to the Member for Butere, is that in order?

The Speaker (Mr. Slade): If you did not challenge this particular amendment of the Constitution, he is out of order in suggesting that you did challenge it. But perhaps he has just misunderstood and he will acknowledge that you have corrected him now.

The Assistant Minister for Defence (Mr. Argwings-Kodhek): Have a little patience, my dear.

Section 122, Mr. Speaker, Sir, because if I had not quoted this particular power given to this House, to approve of monies before the year, this

particular section which he misquoted out of context would not have much meaning to him, and I am coming to it now, section 122, Sir.

The Speaker (Mr. Slade): You are moving now to something that he did quarrel with?

The Assistant Minister for Defence (Mr. Argwings-Kodhek): Yes, Sir.

Mr. Shikuku: On a point of order, Mr. Speaker, in view of his acceptance that he has still to come to what he claims I misquoted, is he not out of order to have quoted me on something which I have not said?

The Speaker (Mr. Slade): Order! Order! Do not let us spend an awful lot of time on a thing like this, Mr. Shikuku. He has explained that he is leading up to something that you quarrelled with. It is perfectly all right.

The Assistant Minister for Defence (Mr. Argwings-Kodhek): Thank you, Mr. Speaker.

Mr. Speaker, Sir, the hon. Member then spoke on section 122, before I get to (b) I will explain 122 (1) for the benefit, not only of the hon. Member, but for other Members in this House. The Minister for the time being responsible for finance shall cause to be prepared and laid before the National Assembly in each financial year, estimates of the revenues and expenditure of the Government of Kenya, for the next following financial year. Now, Mr. Speaker, Sir, we go to page 50 to which he referred, and I will omit (2) and go to (3).

If, in respect of any financial year, it is found that the amount appropriated by the Appropriations Act to any purpose is insufficient, or that a need has arisen for expenditure for a purpose to which no amount has been appropriated by the Act, or (b) that any moneys have been expended for any purpose in excess of the amount appropriated to that purpose by the Appropriation Act, or for a purpose to which no amount has been appropriated by the Act, a supplementary estimate—I am now reading this—a supplementary estimate or, as the case may be, a statement of excess showing the sums required, or spent—spent was the word—shall be laid before the National Assembly, and when the supplementary estimates and so on and so forth, Mr. Speaker. I suppose the hon. Member now knows that that money shall not have been spent before this House has had anything to do with it. I am sure that the hon. Member will now be satisfied with the particular explanation.

Now, Mr. Speaker, Sir, having explained that one to the satisfaction of the hon. Member, I hope, I wish now to go back to a question which was raised by the last speaker here regarding the



[Mr. Kase]

and the rest—who are not told to vacate their seats, but those who sit at home and do their work there, and just travel to Nairobi to see some Ministers should be unseated. I think it should be vice versa. Therefore, Mr. Speaker, I think the Attorney-General should withdraw that Bill and put it the other way around. A Member who does not go home for two weeks should be unseated.

Now, Mr. Speaker, I think that having made that point clear, the Attorney-General should find it fit to withdraw this Bill *in toto*, and remove the part of two sittings or eight days—it should be the other way around as I have suggested—and the question of permission should not exist.

Regarding the question of our having to get permission, Sir, if I were to inform you that I was going to the United States. Now the fear is that some hon. Members have been stranded overseas with no money. I inform you, you are not there to check whether or not I have money. So it does not mend the situation, I am leaving this country and I will inform you. Whether I go with money or not is my business. If any hon. Member goes away and he has no money and he is stranded overseas, he should be ashamed that he is shaming the country. That is all. But even if you put in this provision, Sir, even if it is put there, it does not help to see that Kase has money when he goes overseas. There are some conferences held in Cuba, and those places where hon. Members go to represent this Government without the Government knowing. All I would do would be to inform you, Mr. Speaker. Instead of telling you that I was going to Cuba I would tell you that I was going to India for about two weeks and then I would visit any countries I liked, and then go to Cuba to the meeting in which I have an interest, or to Washington, for that matter. So it does not mend the situation.

Therefore, I think, Mr. Speaker, having raised these two points, on the emergency, on the eight days sitting, that the position is unfair, I think hon. Members should also consider that in the case of a Member being imprisoned the constituency should be given a chance of having another Member. There I think I differ from the other hon. Members. But because, Mr. Speaker, as we understand it, if I do not support a certain clause, I oppose the whole thing. I want to declare openly that I will oppose this Bill to the end.

The Assistant Minister for Defence (Mr. Argwings-Kodhek): Thank you, Mr. Speaker.

Mr. Speaker, Sir, my intervention in this debate really is first of all to congratulate the hon. Members who have taken a keen interest in this very important debate. I remember, about a fortnight ago, there were difficulties here regarding the time required for bringing this Bill here when it would ripen. I dealt with that point on that occasion and I reassured the Members, and the Members are taking advantage of this and airing their views as much as possible. And I hope that they will so continue to air their views until, whatever, happens, everybody's views will have been known to this House.

The Constitution of any particular country is, I must say, one of the most important things. As you might know, this particular book represents the Kenya Constitution as we know it now. But while it represents the Kenya Constitution as we know it now, it represents other things too, including the things about which Mr. Kase raised certain objections and with which I will deal to his entire satisfaction.

Mr. Speaker, Sir, I am not a believer in written constitutions either. On the constitution, as you might remember, when we had certain important amendments about two years ago, I was very loud in my condemnations of those particular amendments. They were finally passed and I had warned hon. Members then that once we had gone over this particular stage it would be a period of no return. We have reached a stage now where we are making amendments. My only quarrel with the particular amendments we have here is that there are so few. We should have liked more amendments to be brought forward so that hon. Members would appreciate their own Constitution, understand it, and have a simple sort of every-day Constitution for which people could have a feeling, not only of knowledge and pride, but of belonging. I am hoping soon that such amendments will be forthcoming. The present opposition to the amendments we have heard in this House are based, I must say with confidence, on misunderstandings, and perhaps some Members oppose them because they appear to touch on certain susceptibilities of Members and, in one sense, they also touch on the pockets and security of Members, and in particular, the Members who come from the hot seats. There are many Members who come from hot seats because they were brought here either because of *Jogo* or this. (The hon. Member raised his finger.) Those things may not help very much in the near future.

The Constitution—

Mr. Shikuku: On a point of order, Mr. Speaker, I seek your guidance because anything we say in this House is recorded in HANSARD. Now, I was wondering how the HANSARD girls will be able to define this sign and how it will be recorded. Is he in order to raise his finger in this sign?

The Speaker (Mr. Slade): Yes. There are certain things that HANSARD cannot record, such as the expression of a man's face.

The Assistant Minister for Defence (Mr. Argwings-Kodhek): Now, Mr. Speaker, Sir, when this Constitution was being drawn up at Lancaster House it was belaboured. The reason why it became so bulky is because at that time we were not a united group that we happily are now. We were a divided group. I am surprised to hear Members not thinking that we are united; we are all members of the same organization, the same party, under one President, and the same Government. Mr. Speaker, Sir, because of that labour a lot of this now has had to be amended and reamended.

Mr. Kerich: On a point of order, Mr. Speaker, is the Assistant Minister in order to allege that we are united when only last week the Government was quarrelling in this House?

The Speaker (Mr. Slade): Order! Order! Yes, he is. You cannot raise as a point of order questions of opinion, you know. Please remember that.

The Assistant Minister for Defence (Mr. Argwings-Kodhek): Now, Mr. Speaker, Sir, I must repeat again that we are united, and that is why we can afford to laugh at ourselves here in this House. That is part of the democracy which Kenya is a great example to Africa. I am hoping that sooner or later, or finally, that we will have made so many small and piecemeal amendments, more and more amendments, until amendment after amendment there will be nothing else to amend that we shall have a non-written Constitution. That is something to which I am looking forward.

The Speaker (Mr. Slade): Now, we must talk about these particular amendments.

The Assistant Minister for Defence (Mr. Argwings-Kodhek): Now, we will talk about these particular amendments, Sir.

These particular amendments have to do with our simple conventions, and as I start I wish to explain one or two things, in two or three places, where I think hon. Members have gone slightly wrong. Before I deal with other questions that were raised by the last speaker I would like to move straight away to the controversial point that came up as at section 41. It says very, very

simply, "under sentence of imprisonment, exceeding six months." I am quite sure, Mr. Speaker, Sir, having seen some of the things which have happened here in Kenya and to Members of Parliament that sooner or later hon. Members will find that perhaps a period of six months may be too long, particularly when it is referred to, that alternate sentences of six months will not be taken into account. Finally, if it is known, as it is known according to the laws of Kenya, any civil matter will not be taken into account. These things will help Members. These particular conventions will help Members, because a person who is a representative in this House goes to his constituency and what he normally says during elections is this: "Please do elect me, do not elect Mr. So-and-so, because I will represent you in the National Assembly better." He never says that he will represent them at Kamiti Prison better. So, Mr. Speaker, however unpopular, with a little bit of thinking you will find that it is a sensible addition and amendment to the Constitution.

My only other little quarrel with this is at section 41 (b) which, when the Members understand it, they may find that perhaps it may in future not do very much damage at all. "No account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of any payment of a fine." If hon. Members will think it out they may find that it will land us into certain improper approaches to certain Members of the Bench because this has happened elsewhere, and it may reduce the free, fair and unfettered exercise of judicial opinion slightly. However, the hon. Members will see that this is a sufficient safeguard. The effect is that section 41 is very innocuous indeed, and no Member need worry about it at all. As Mr. Speaker said here earlier on, false evidence has been elaborated here to the extent that it should not be repeated any more.

Now, Mr. Speaker, Sir, I go to section 42 and may I only refer to subsection (1) (c). "A Member of either House of the National Assembly shall vacate his seat therein if, without having obtained the permission of the Speaker of the House, he fails to attend that House on eight consecutive days in any session." He was elected to this House and permission of the Speaker, I think, is a very proper exercise and the Speaker, as you have known from very good experience, will always exercise that discretion. I must—

Mr. Shikuku: On a point of order, Mr. Speaker, I think you have ruled some Members are repeating themselves. I seek your guidance whether this also applies to the Government, people who

Mr. Ngala: Mr. Speaker, Sir, I am told that my time is up, but I would like to carry on. Mr. Speaker, Sir, I think it is quite wrong to allege in this Chamber that if the Speaker is given a casting vote the Speaker will be taken to the Corner Bar by a group of people, or else to a socialist group by a group of people. The Speaker is a mature person, well versed in the politics of the world and this country and he knows his impartiality in these matters. Therefore, I think, Sir, that we should not mislead the Members by speaking to the galleries on an important issue of this type.

Mr. Speaker, Sir, I would now like to say something about citizenship. It is a very good thing that this has been changed. When we were originally discussing this Constitution, it was stated that there should be automatic citizenship, but, Sir, now it has been changed to the discretion of the Government or the Minister. I think this is a very useful point. Mr. Speaker, Sir, I would like this aspect, when it is passed, to be implemented seriously, particularly in the Coast Province. In the coastal area, as a whole, we have people who are taking advantage of the Government not being allowed to interfere. I hope the Minister, when and if we pass this rule, will be able to sort out the matters in the Coast.

Now, Sir, I am not saying that the law-breakers on this matter are concentrated at the Coast, they are not. I am only suggesting that as the Coast is a very attractive place where everybody comes, we need more looking after and careful handling.

Mr. Speaker, Sir, I would like to say that this Bill has some points that are very good which should be altered, but there are some other points which are not good. It is very unfortunate that I cannot either support it or oppose it at this moment, but only to advise the Government to have another opportunity to reconsider the good points and reconsider the points that have been put forward, particularly the points which are not necessarily to be entrenched in the Constitution but which have been entrenched in the Constitution, whereas they can easily be put under the Standing Orders. I think those should be taken away from here.

Therefore, Sir, I would like to reserve my decision and advise the Minister to reconsider the matter.

Mr. Kase: Mr. Speaker, Sir, I would like to make this clear from the first outset that I think the Member for Kilifi South has misled the House on the matter of emergency being extended to Tana River and Lamu. Now, Mr. Speaker, Sir, it is a well-known fact—I wonder why the hon. Member is running away! Now, Mr. Speaker, Sir,

everybody knows in this House that I have been wanting the clearance of the *Shifta*. What is happening in this Bill, Mr. Speaker, Sir, and I will put the hon. Members in the picture, is that although Tana River borders on to the North-Eastern Province, and I have been to the North-Eastern Province, the Emergency Regulations are such that still the army cannot shoot at night. What this Bill is asking for, Mr. Speaker, Sir, and if any hon. Member wishes to correct me, I am willing to be corrected later, if I am wrong, but, Sir, the Bill is asking that those powers which are in the North-Eastern Province be extended to Tana River, and nothing else. In the North-Eastern Province, Mr. Speaker, they cannot shoot at first sight, I know this.

Now, Mr. Speaker, Sir, to mislead the House and say that if these powers were brought to Tana River the army would be able to shoot just shows that people are talking about something of which they know nothing. We have seen ourselves that in the North-Eastern Province itself the army still cannot shoot, even in the five-mile area of no man's land. The army does not shoot at night.

Mr. Khalif: On a point of order, Mr. Speaker, Sir, would the hon. Member substantiate that in the five-mile area the army is not allowed to shoot at night?

The Speaker (Mr. Slade): I do not think that sort of statement, you know, is capable of substantiation or really refuting. It is really a very general remark. I think we had better carry on, and if hon. Members have different opinions or experiences they had better say so. I do not think we should lose time on this.

Mr. Kase: Mr. Speaker, Sir, having made my point very clear that even in the North-Eastern Province itself the army cannot shoot at night. Therefore, by extending these powers to Tana River, they would not automatically shoot, because that is Tana River. I think the House is clear as to where the hon. Member has made a mistake.

The Speaker (Mr. Slade): You are not quite clear now, Mr. Kase, I thought you were saying that the army does not shoot at night. If you are saying that the army cannot shoot at night, as you are saying now, then you should say what law you are referring to.

Mr. Kase: Mr. Speaker, Sir, this is something of which I know about. I am not talking about laws. I have seen this.

The Speaker (Mr. Slade): Are you saying that they do not shoot at night or that they cannot?

Mr. Kase: They do not shoot at night.

The Speaker (Mr. Slade): You are not saying that they cannot shoot at night? It is a question of practice on one hand and law on the other.

Mr. Kase: Mr. Speaker, Sir, let me explain myself. When they, the army, see Somalis but they do not know whether they are *Shifta* or not, they are only supposed to walk near those people, question them first and then when they are satisfied that these people are *Shifta*, if the *Shifta* fire shots, then they retaliate and fire. This is what I am talking about.

The Speaker (Mr. Slade): I know. I am not clear whether you are talking about it as a matter of fact and practice, or as a matter of law. If it is a matter of law you must, if you are required to, state the law to which you are referring. If it is a matter of your own experience you could leave it at that.

Mr. Kase: Mr. Speaker, Sir, this is a matter of practice. This is what the hon. Member for Kilifi South has turned round. He said that they could have shot them when they had seen them, without interrogating them. That is the point, Sir, which I was correcting.

Now, Sir, having corrected that, I think we know what we are talking about. Mr. Speaker, Sir, we have seen the emergency powers in the North-Eastern Province and I would not like those powers to come to Tana River at all. Mr. Speaker, Sir, if the Government had told us that the ideas which we gave to them were completely unworkable, we would have agreed with them. We have told them, Mr. Speaker, Sir, to establish a police station, but they have refused saying that there is no need for emergency powers in order that a police station can be established. It does not need emergency powers Sir, to establish home-guard groups.

Mr. Speaker, Sir, if I may go further. In Kiunga the General Service Unit was there but there were no emergency powers. Why did the Government then remove them and leave that area to become a territory of *Shifta*? Today, Sir, people want to subject the people in Kiunga to emergency regulations. Who has made the mistake, knowing that Kiunga is near the Somali border, of removing the General Service Unit? If the General Service Unit was defeated by the *Shifta* and that is why the emergency powers are wanted, then tell us. But, Sir, who is going to work instead of the General Service Unit? How many times have the General Service Unit at Njara been challenged, and how many times, if the House wants to know, have the General Service Unit been seen there with the Somalis going away, but who have shot loyal citizens? None of them dare to say, Mr. Speaker, Sir, because we

are all sons of our mothers there and we cannot go into that bush and be killed. And they turned away. This happened when we took our seats here for the first time, whether you put in emergency regulations or not the same people are going to work with the same courage. I am not speaking through my nose and I am speaking of facts which I know to be right.

Now, Mr. Speaker, having dealt with the emergency point—in fact I never wanted to speak at all, Mr. Speaker, but having found that something here is being brought where we in Tana River, Mr. Speaker, the Pokomo, and the area is being considered for putting under emergency regulations. No Somali exists there. Government has been seen fit to control them in the North-Eastern, why can they not control them there? Why should they let them come into the Tana River area? They say that now they can only control them in the North-Eastern if they place the Wapokomo under emergency regulations. Mr. Speaker this Government cannot tell me how many Somalis live in Tana River; can they tell me how many Pokomos are *Shifta* there? If they tell me that there is even one I am prepared to yield today. And yet they put the entire Pokomo population under emergency powers. Mr. Speaker, I shall oppose this.

If Government is defeated by the whole situation and therefore they want to subject every citizen in the affected areas, including me, to emergency powers, then let them tell me, Mr. Speaker.

An hon. Member: It is like women who beat children.

Mr. Kase: Now, if they are defeated and they tell us, we will say "yes", but if they are not defeated and they do not want to declare it—

Mr. Speaker, I do not want to labour on the other parts which the hon. Members have mentioned. I think that since I oppose this part I automatically oppose the whole thing. But I would like to make a few other points clear.

I think this amendment is the most unfortunate amendment. I would not support any person who says that if I went to prison I should receive a salary. But, I would oppose everybody who said that if I did not come to this House I would be unseated. This is totally unfair. I was elected at home and not here. I think that it should be the other way around, Mr. Speaker, that any Member who does not go home for three weeks should be dismissed. Now, Mr. Speaker, if Government had put it like this I think it would be most fair, because we have known hon. Members—even the President has said that some go around Nairobi, attend Parliament, go to theatres

[Mr. Ngala] while he is away there. This is entirely wrong, unless we want to defend ourselves as Members for the sake of defending ourselves.

An hon. Member: We are defending you, too.

Mr. Ngala: This is selfish; I do not want to be as selfish as you wish to be on this point. We have to think as grown-ups and we have to think of service to the people and economy for the country. If we think of service to the people, surely we must deny ourselves. When we were fighting for independence, I remember we used to say, "Sacrifice, sacrifice, ever forward, backward never." Now, if we wanted to sacrifice then, why can we not sacrifice this small salary when we are in prison?

Some people have said that when they are in prison they expect their family to get some money, they expect their children to be fed. Who told you you should expect your family to be fed by the country when you have wronged the country?

Mr. Kamurea: On a point of order, Mr. Deputy Speaker, since the hon. Member for Kilifi was opposing the Bill since it came up and up to this moment, and he is now standing to support it, is it not in order for him to tell this House what changed his mind in half-an-hour?

The Deputy Speaker (Dr. De Souza): Order! Order! I think hon. Members when they rise on points of order should be a little careful about the statements they make. Certainly, I am not aware that the hon. Mr. Ngala was opposing the Bill or anything that happened before it. Definitely, it is not a question to be raised on a point of order.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Deputy Speaker, Sir, on a point of order, in view of the fact that the hon. Member has alleged that the hon. Ngala was supporting this Bill, could he, himself substantiate that he was opposing this Bill thirty minutes ago?

The Deputy Speaker (Dr. De Souza): I do not think this is the type of thing that can be substantiated. I think it is his opinion but I do not think it is necessary to be said here.

Mr. Balala: Mr. Deputy Speaker, in view of the fact that there have been many repetitions by the Members, I wish to move that the Mover be called upon to reply.

The Deputy Speaker (Dr. De Souza): Order! I do not know. Maybe, as I say, if someone else proposes that later, Mr. Speaker may have different ideas, but, as far as I am concerned, I think this is a very important Bill and I would

certainly not encourage the closure until I was quite convinced that everyone had had a chance to say what he wanted to.

Mr. Ngala: Mr. Deputy Speaker, Sir, in relation to imprisonment, I would like to say that here we should perhaps consider two points. Government should consider extending the period of six months to one year. I am aware, Sir, that it is very difficult to—

Mr. Khalif: On a point of order, Mr. Deputy Speaker, in view of the fact that I think the hon. Mr. Ngala is repeating himself very much, would it be order for me to propose that he just sit down and someone else speaks?

The Deputy Speaker (Dr. De Souza): No, no. I am afraid that it is not in order, and hon. Members should not interrupt on fraudulent points of order any more.

Mr. Ngala: Sir, with regard to this aspect, I would like to suggest that the Government reconsiders the question of six months and considers increasing it to one year, because I think six months is too short a period. Secondly, I would like the Government to consider the question of making it specific and clear in the Bill that this imprisonment which would disqualify Members would refer to criminal offences only, because there might be some civil cases which might embarrass some Members.

Secondly, Sir, I would like to say that, in setting aside county council land, Government is being a bit unfair because it is bringing about a very important change in the Constitution, a change in which land vested in the county councils in the Constitution is now quietly being taken to the central authority for control, instead of the county councils themselves controlling it. Now I think this is a very important constitutional change which we should not easily agree to. This is why I feel it is very necessary that the Minister should have consulted us, because if the Government wishes to take land for any company in Kwale or Kilifi District, or in any part of Kenya, then it is giving itself power for that land to be vested in the company.

It may be the Shell Company, it may be any other company; and actual land is vested in the company. This is taking away land from the county councils and giving it to the companies. Some of them are foreign companies. We are giving them land. Now I think this is an aspect that the Government should look into and probably change it, as far as this Bill is concerned.

Another thing is that the Government is proposing that the Commissioner of Lands should become an agent of the county councils as far as land is concerned. This is an administrative thing

[Mr. Ngala] It should not be entrenched in the Constitution. If we agree that the county councils own land, different types of land, then surely it is up to the county councils themselves, from time to time, to suggest whom they would like to be their agent in carrying out the legal provisions concerning land. I do not think it is necessary that that aspect should be a part of the Constitution. I think normally the county councils would seek help from the Commissioner of Lands. But to make, constitutionally make, this Central Government man, the Commissioner of Lands, the agent, by the Constitution, to the county councils in matters pertaining to land, I think, is a wrong entrenchment and it should be altered.

Now, Sir, I would like to make it quite clear that the question of two weeks' absence is important. But I would like the Government not to make it necessary that Members should get permission from the Speaker. We should not have to get permission from the Speaker, because I do not know of any Parliament in the world—including the half-Parliaments of some other countries—where a Member asks permission from the Speaker. I think what the Members should do is to inform the Speaker. A Member might inform the Speaker: "I am very busy on my farm" or "I am engaged in other things and I do not think I will be able to attend." The thing should be to inform. I think the draftsmen of this Bill used the wrong word there and it passed unchecked. It should not be a question of permission, it should be a question of informing the Speaker, so that he knows what we are doing and where we are. I would like, therefore, to give the Minister another chance of correcting this error—if it is an error—so that we can give it support.

If he corrects his error, we would support him very strongly, because if Members are elected in their constituencies, they are supposed to do their best here as well as in their constituencies. But there may be some Members who may tend to be lazy and sit back; and then it is right that they should be disqualified, because the public expects them to sit here for a reasonable time, within a week or so, to do their duty. We cannot just say, "Well, we are busy working in our constituencies." We have a timetable. For example, this year the timetable here runs from some time in January to the 18th March, and then we have a long break when Members can go back and service their constituencies, or take tours overseas. We have about two terms in a year.

Why should some Members say, "I am busy working in my constituency", and when we look, these are not the Members who are working in

their constituencies; they are busy attending meetings in Cuba and other places and so on. Therefore, Sir, they should be disqualified.

Mr. Deputy Speaker, I went to New Zealand because I was sent there by this country. Therefore, Mr. Speaker was fully aware of where I was and what I was doing.

Mr. Deputy Speaker, it is unfortunate that the Minister for Information did not know; I do not know whether he was asleep. He was not very well informed.

Sir, I therefore submit that if the Government corrects that thing, we should support the Government strongly, so that Members can be in the Chamber to make their contributions. I would like to feel that Members are free to come and go as they like, but if they are advised that the working of the Chamber is very much affected by the absence of Members, then I think it is fair to the people who cast their votes that their Members should have to attend here so that the people can benefit and reap the fruits of their voting in the countryside.

Now, Sir, the question of a casting vote for the Speaker has been misexplained. When the Attorney-General explained this, my understanding was that when we came to any tie, at the moment the matter would be dropped for about six months before it could come again to the Chamber. Now I thought the purpose of giving a casting vote to the Speaker was for him to use his casting vote so that the matter, instead of being kept pending for six months, could be brought forward again the following week or on the following day.

I thought this was the purpose, if I understood the Attorney-General, who explained it, correctly, that that was the purpose. Now, Sir, what is bad in that? I think, Sir, that in a developing African country, and in order to come up to a final decision, we should be able to bring up the matter in Kenya as quickly as possible, so that we can discuss it. Some people say that the Speaker would go to the Corner Bar, to socialist groups, or to progressive groups, but this, Sir, is completely irrelevant. The Speaker will use his vote to bring about some kind of equality so that we have another chance to discuss it as quickly as possible instead of waiting for six months. This speeds up the work of Parliament, and as it is intended to speed up the work of Parliament, I think, Sir, we should support it.

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

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

An hon. Member: Your time is up.

**[The Deputy Speaker]**

law and when their turn comes to speak they can probably rebut Mr. Ngala's suggestion, if in fact it needs to be rebutted. But I am afraid I cannot give a ruling on this matter.

Mr. Ngala: Mr. Deputy Speaker, on this issue I know that the Members from Tana River and Lamu would feel very embittered as regards the security situation there. They would feel that their people are not adequately protected, they would feel that they would probably have some other units—it may be local units—there to assist with the security of the area. With all these things I do very much sympathize with the situation there.

However, my point is this, and I do not think any Member could argue against this unless he does not understand the provisions of the Constitution. I feel that if the Government is faced with a situation where our soldiers are not being very efficient, then we are in trouble. One reason why Kiunga, for example, has no defence today, Mr. Deputy Speaker, is that the soldiers used to wait to be attacked there. They went to a place called ..... (Inaudible.) and they used to wait. They were bombed, hit and driven away from Kiunga, and as I am speaking now, Kiunga Division is almost a territory of the *Shifita*. If there were these powers, then the army would be aggressive instead of waiting to be hit; they would hit first time instead of waiting to talk to the person and get to know what he is doing there. That would make our army very effective.

If Members do not want our army to be effective, perhaps they belong to the *Shifita*. Sir—

Mr. Komora: On a point of order, Sir, is the hon. Member for Kilifi South in order to impute some ulterior motives in that any member of the armed forces belongs to or is perhaps a *Shifita*?

The Deputy Speaker (Dr. De Souza): I do not think he was putting it quite so strongly, but I think, on the other hand, he was going beyond the normal limits. I think, Mr. Ngala, you had better withdraw it.

Mr. Ngala: Mr. Deputy Speaker, Sir, I agree that this should be withdrawn.

The Deputy Speaker (Dr. De Souza): And you do withdraw it?

Mr. Ngala: I do withdraw it.

Mr. Deputy Speaker, Sir, having said what I have said on the question of the emergency which is very, very important in this Bill, I think I would like to say one thing on the question of imprisonment.

When we were making this Constitution, it is true that we did make the Constitution under a different set of circumstances, and now that we have tasted the pudding, now that we have seen where the pitfalls are, it would be very, very bad for us to close our eyes to something which is bad and which could be put right. Is it really right, can any Member really seriously suggest that when you go to prison for three years you should still continue to get your salary? Are you really seriously suggesting that the money of the Government and the country, the public, should be spent on paying you when you are in prison? I think there is something wrong. Even those people who claim to be the president of the poor people in this House should think again—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, it is known that I am the president of the poor people. Is the hon. Member in order to misrepresent what I said when I actually said that anybody in prison should not be allowed to earn the poor people's money? Is he in order to impute that I approve the earning of public funds by a convict?

The Deputy Speaker (Dr. De Souza): I do not think so. To start with, Mr. Shikuku, I am not aware that you, in fact, are the president of the poor people. You may be, but I certainly have not heard of any such election or anything else. But I do not think he is quite imputing that; I think it is a debating point he is trying to make, and I do not believe one can be over-strict with Members; I feel a certain amount of latitude should be allowed.

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, the Member for Butere has been constantly referring to himself as the president of the poor people. I want to get a ruling from you whether this is in order in a House like this? We all represent the poor people. Is he entitled to describe himself as such?

The Deputy Speaker (Dr. De Souza): Yes, I think so. I think that there are some Members who probably want to show that they are poorer than others or they are more interested in the poor than others are; that is part of politics and I think all hon. Members indulge in it.

The Assistant Minister for Information and Broadcasting (Mr. Onamu): On a point of order, Mr. Deputy Speaker, when one becomes a president, surely he must be a registered president. May we know in this House whether Mr. Shikuku is registered or—

The Deputy Speaker (Dr. De Souza): No, no. I am afraid we do not want to go into the details of that. We are now discussing the Constitution; we are not making ourselves into a court of law

**[The Deputy Speaker]**

on Mr. Shikuku's eligibility or right in claiming to be the president of the poor people. We are going on with this debate.

Mr. Ngala: Mr. Deputy Speaker, Sir, I do not recognize the hon. Member for Butere, Mr. Shikuku, as the president of the poor people because he is not poor and he is disqualified. In any case, there is no such society or association in this country.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir—

The Deputy Speaker (Dr. De Souza): Mr. Shikuku, we are getting too many frivolous points of order. We must get on with the debate. Are you sure it is a point of order?

Mr. Shikuku: This is really a point of order. I think you did rule to the effect that there is no question of talking about the president of the poor people, so is the Member in order to continue the debate of the poor people's president?

The Deputy Speaker (Dr. De Souza): No, no. I am afraid I did not rule that he cannot talk about the president of the poor people, I said I was not aware that you were, in fact, elected. If you constantly refer to yourself here as the president of the poor people, surely people can refer to it. I think there is no objection to that.

Carry on, Mr. Ngala.

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, I think this is an important point of principle involved here. If you describe yourself as something which is not true, you are likely to mislead the public in a Parliament like this and this is in order, when the whole House knows, including the Speaker, that this man is describing himself as president of the poor people, which is not true, and the people in the gallery think he is?

The Deputy Speaker (Dr. De Souza): As I said, when he describes himself as president of the poor people, that is one of those adjectives that one would like to call oneself. It is just like somebody else saying he is the president of the intelligent people. If he wants to say that, I would not say he was misguiding himself; it is up to him to decide and up to the public to decide, certainly not for me.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, it has normally been ruled here by the Speaker from the Chair that hon. Members in this House will be referred to as Members of certain constituencies. Are we

going to be in order, Mr. Deputy Speaker, to address the hon. Member for Butere as the president of the poor people?

The Deputy Speaker (Dr. De Souza): Order! No, I think the Speaker is quite correct—if I may say so with deference—that every hon. Member here must be referred to as an hon. Member from a particular constituency, and no other title that may be chosen. But this is, as far as I can understand, in a more lighthearted vein, that the hon. Mr. Ngala was referring to Mr. Shikuku, and I do not think he takes much objection to being referred to in that way either.

Mr. Ngala: Mr. Deputy Speaker, Sir, I did not refer to Mr. Shikuku at all in my statement. What I said was that there are some people who claim that they are. I did not refer to any hon. Member here, because I know that the president of the poor people is non-existent in this country. Mr. Deputy Speaker.

Mr. Deputy Speaker, Sir, I would like to make it quite clear that if our criterion is economy on unnecessary services, then I think when a Member is serving a sentence in prison, he is not serving the country and therefore he should not be paid for staying in prison. You pay him as well as giving him a house, as well as giving him food, as well as giving him all the requirements in prison, clothes being included. I think this point is a point on which the public will not be with us as a House, although we have the mandate of the country and we should, in no uncertain terms, say very strongly that the Constitution in this aspect is wrong and it should therefore be altered.

An hon. Member: You want to become a Minister?

Mr. Ngala: Mr. Deputy Speaker, Sir, if people shout that I would like to become a Minister, I would point out that I was a Minister for five years and I can still be a Minister. Mr. Deputy Speaker, Sir, we are discussing a Bill here, we are not discussing the power of the President to make people Ministers. We are discussing a Bill and I am giving my views, that when we have a Member going into prison, no public money should be spent in paying him a salary. This includes myself and any other people.

We feel also that he should be disqualified, because I cannot imagine the constituency sitting down and waiting for him to finish his term of imprisonment, which may be one year, two years, three years or five years, and not having their affairs discussed here because the person is sitting in prison and we cannot choose a substitute

[Mr. Alexander]

from the road cess, I think it was, did go into a fund that was specifically for the construction of roads, and I think we went through a very healthy period at that time; and, as a result, produced some of the fine roads of which we are proud of in our country. But since then anybody to do with roads has got to go on bended knees all the time and progress has not been quite so good.

Another example I raised the other day and I said that I thought the Government had missed a wonderful opportunity in the Act that was introduced to deal with lotteries and gaming, that they did not admit then the system whereby the taxation on lotteries and such things as football pools should be diverted specifically into a fund for the use of sport. I believe if they did this that it would be a tremendous encouragement, for instance, to the activity of sport and sportsmen would see that their own efforts in paying into these sort of funds would come indirectly back to them. Now these examples can be related in considerable number. In the welfare services, I believe there is good scope for hypothecation of revenue and this would greatly encourage the voluntary dedicated service in this country that gives its time to this effort and I would like to see the Government agree today that they will, within the powers conferred upon them here, make now a deliberate attempt to implement this policy of hypothecation of revenue.

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

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

Mr. Deputy Speaker, for the rest of this Bill I am bound to say that I am extremely surprised to have listened to some of the remarks that have been made here in respect of the eight-day absence approval for Members of Parliament, for the inhibition on Members who are convicted and fined and serve six months' imprisonment and other matters. Sitting here listening I asked myself what would people outside this Parliament, and particularly outside this country, think of many of these remarks. I believe that they would wonder whether really what we want to do is to return to the law of the jungle. I mean when it is suggested that deliberately Members are going to be captured and imprisoned and tucked away so that they cannot attend Parliament, surely this is a very sad reflection on the society in which we live and it is something surely, Mr. Deputy Speaker, that we should seek desperately to avoid in this House. At least let us set our targets high, let us aim at ideals and have our law right, as I believe it is, in this Bill.

I agree with it entirely and if there are these deficiencies in our society, as is suggested, let us get them right. Do not let us go backwards, let us go forward. I support.

Mr. Ngala: Mr. Deputy Speaker, Sir, I would like to say that this is a very difficult Motion. It is a very difficult Motion since we started discussing it—

An hon. Member: It is a Bill, not a Motion.

Mr. Ngala: It is a Motion, Mr. Deputy Speaker, some people are ignorant of the words here. It is a difficult Motion because since we started there has been reflection of some hon. Members who have come to the House with prejudiced and pre-determined opinions on the Bill and also difficult because Government has put forward a Bill which is very constructive, but in some aspects it is tricky and therefore, both the Government side and the Members, have a very difficult task to try and understand each one's point of view on this Bill.

I would like to say that it is true that we made the present Constitution, but even when we were making the present Constitution we were fully aware that we would have to amend it from time to time according to the requirements of our country and our people. Now, we never assumed that the Constitution would remain static and unchanged in any way, this is why we provided the machinery for altering the Constitution, but I think we must, as Members, this Chamber must ask itself several questions. First, how can we serve the country best as far as the pattern of the Constitution is concerned? Secondly, how can we achieve economy as far as the pattern of the Constitution is concerned? I would like, in these two views, to take the point of extending the Emergency, for example. I feel, Mr. Deputy Speaker, that the hon. Members who are not in contact with the border between the two districts concerned and Somalia or the districts with the Northern Frontier area, the situation is very different from that which the Members imagine. I feel it is very important that the Emergency should be extended in these areas. I feel it is very, very important because I toured this area very recently, about two weeks ago, and I learned from the officer in charge there that according to our Constitution our army has always to defend itself instead of attacking. The Constitution requires that they should wait until they are challenged before they can attack. This is what the Constitution requires them to do. I hear some hon. Members saying that this applies also in other places, but this is the very reason why there should be an amendment to the Constitution so that our army can be more aggressive without waiting until they

[Mr. Ngala]

are attacked and Sir, does not the House see the sense in the Government demanding that we give sense in the Government demanding that we give sense in this power. Now if you stay at a place like Kiunga, and Kiunga is about six miles to the border of Somalia, in this area our army will have to wait—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir, I am seeking your guidance on this. I think the hon. Member is misleading the House. He states that according to the Constitution we are only, or the army is not allowed to attack unless it is attacked. I was wondering where he got that idea from. Is he not misleading the public when the army is already fighting?

The Deputy Speaker (Dr. De Souza): Yes, I can see your point. In fact I was wondering myself, Mr. Ngala, how that is relevant to the Constitution. I do not know whether you are referring to any particular part of the amendment of this Bill which is relevant to that particular aspect. If it is true, I mean I do not know whether it is true, but if it is I do not understand which part of this Bill you are speaking about.

Mr. Ngala: Mr. Deputy Speaker, Sir, I was referring to the section of the Constitution which refers to the freedom of the individual and in connexion with areas that we are seeking to extend the Emergency powers and—

The Deputy Speaker (Dr. De Souza): I think I might add that I do not really know myself and I think that perhaps the Attorney-General should make a statement as to whether what Mr. Ngala says is correct or not that the army is only allowed to fire or shoot if it is attacked. To me, as a layman, it seems a statement that may or may not be correct, but I certainly do not want to make a ruling. I think the Government or any hon. Member who wants to speak after him could reply if they want to.

Mr. Ngala: Mr. Deputy Speaker, Sir, I stand to correction and any Ministers can reply to it after I have spoken. I am glad that you have given that ruling. This is the purpose, in my opinion, for Government asking for the powers to extend the Emergency in this area. Now, I will give two instances, Mr. Deputy Speaker, Sir. A lot of the maize that we send to some of these districts, like Lamu, for the consumption of the citizens of this country is found in Somali townships, a lot of it. I am glad that Members say that I am right, because this maize, when it reaches Lamu, traders from Somali, who come into Lamu, put the maize into the boots of their cars—some other traders too—the army there, without having Emergency powers, cannot interfere very much with individual property or people

who are moving and it is for this reason that the Government should have the power so that these people can be properly dealt with and stop this secret smuggling into our country by people who are very hostile to our stability, peace and security.

Mr. Deputy Speaker, Sir, I think that some of the Members, as I started by saying, seem to be prejudiced and pre-determined and they do not really put their minds into thinking of what the Government really wants, because if we do not give these powers, which are very necessary, it will be very, very impossible for the Government to speed up the ending of the *Shifita* situation in those areas.

Mr. Deputy Speaker, Sir, I think these powers are completely necessary. I have given one example of the movement of maize into the other area and we have a Constitution which says do not interfere with this and so on. The other example that I would like to give is that there is a five-mile area, as you know, Mr. Deputy Speaker, and if people are seen in the five-mile area the position is such that our soldiers cannot shoot at sight. Even if the people are suspected, our soldiers cannot shoot at sight, they have to go as close as possible and talk to them, and if they are challenged then they can react. Now, how can you fight a war like this? Mr. Deputy Speaker, Sir, I submit very strongly that if we want the Government to be effective, the Government to be aggressive, the Government to meet the enemy efficiently, we must give the Government power to extend the Emergency in the Lamu District and in the Tana River District.

Mr. Deputy Speaker, Sir—

Mr. Kali: On a point of order, Mr. Deputy Speaker, Sir, I think I will return to this question again on the army not shooting unless they are attacked. I would like to have it quite clear as to what the word "Emergency" means when you talk about the Constitution in a state of Emergency.

The Deputy Speaker (Dr. De Souza): Order! Mr. Kali, I appreciate your point of view but I am afraid it is not up to me just now to give you a ruling on the matter of law, even as a lawyer—and I am not here as a lawyer, I am only here as an ordinary Member of Parliament—they say lawyers do not know the law but they know where to find it, and if you did ask me to look it up, I would have to look up the law to ensure that what I said was correct. I do not think that it would be right for me here, from this Chair, to make a ruling as to what is the law. I would suggest that there are many advocates and lawyers in this Parliament who would quickly look up the

[Mr. Anyieni]

Members who come here to speak. What do I have to substantiate in this, Mr. Speaker? I do not see what I have to substantiate, and Mr. Mboya, if he was here, could not deny this because he said it. I do not see why hon. Ngala is so worried about this.

The Speaker (Mr. Slade): Order! Order! No, we will not waste any more time on this. I have said what the position is. I think you have it quite clear. If it transpires that there was no justification at all for your attributing such remarks to Mr. Mboya, you will acknowledge it to the House tomorrow, Mr. Anyieni.

Mr. Anyieni: Thank you very much, Mr. Speaker. I do not want to take all the time to speak so I would like to come to the other section of the Constitution and that is that, where an emergency is declared in a certain district, then an emergency should also be declared in adjacent districts. This, Mr. Speaker, will produce a chain of emergency declarations. If this is accepted, Mr. Speaker, let us say that an emergency is declared in Nairobi, then because Rift Valley borders Nairobi, then an emergency will be declared there; then because Nyanza borders Rift Valley an emergency will be declared there; then because Western Province borders Nyanza an emergency will be declared there. Throughout the whole country there will be a lot of emergencies without any reason. The Government has the power that if there is an emergency in an area, and there is an infiltration of unwanted elements into other districts, the Government has the right to march in and deal with the criminals. That does not mean that an emergency should be declared in that particular district, because, Mr. Speaker, we will be punishing those who know what an emergency means, they know very well that when there is a declaration of emergency, the General Service Unit come in and the Army comes in, they are released from their barracks, and they must do some work, and Members know very well that there have been allegations of rape and so on. Surely people who are law-abiding citizens should not be penalized because their neighbours are trouble makers. This is very unfair to districts who are loyal, and this also might encourage the other districts which are loyal to say why should we be loyal. We are loyal and an emergency is declared in our district. The other people are disloyal and an emergency is declared in their district. They will say all right we had all better be disloyal, because it does not pay to be loyal. Mr. Speaker, I think that particular one should be removed, and that is the reason why I am demanding that this Bill should be withdrawn.

Mr. Speaker, my second last point is the one of people remaining in the Civil Service at the pleasure of the President. Mr. Speaker, it must be known that in this world there are some people you look at and you do not like them. You look at them, and they have done nothing, but you just look at them and say this face is no good. Mr. Speaker, suppose we were to say at the pleasure of the President, maybe the President does not like the face of a district commissioner, he goes maybe to Meru and he looks at the district commissioner's face and decides that he does not like the face: Then he says "At my pleasure, he must go". This is very unfair, Mr. Speaker, this will create too many enemies for the President for nothing. I think the President should not be given too much work, because he will create so many enemies. Now, Mr. Speaker, what will happen some people below the President can say, "Oh, at the pleasure of the President we removed you." Maybe the President will never have seen the man. Maybe this particular civil servant met this man in a night club, and maybe he did not buy him a bottle of beer, so he says, "You will see". There is no reason, because "at the pleasure" you do not have to give any reason. You can say under section so-and-so you have lost your job. I think this is very unfair, Mr. Speaker, and you will find some people hating the President for nothing. For something the President did not even know about. Mr. Speaker, I think it is unfair for this to happen. It is a very well-known fact, for example, Mr. Speaker, the President does not like every civil servant in this country, he does not have to like them all—why? He does not have to like everybody. Some people he does not like but he says, "Let them continue, what can I do?" This should continue and nobody should interfere with it. Mr. Speaker, if you make me President there are a lot of these civil servants today who might have wronged me, I will deal with them and remove them all. So, Mr. Speaker, even the civil servants must also be protected; they might make a particular mistake, and then when they have done it, you say that you did this which is against the regulations. Because there are regulations which govern civil servants. When they contravene these regulations then they lose their jobs. So do not want to say at the pleasure of So-and-so. This is very unfair, this question of pleasure is very bad. This, I think, Mr. Speaker, also makes it necessary for this Bill to be withdrawn completely and let us forget about it.

Mr. Speaker, the last one is about the Speaker casting a vote. It is a very well-known fact, Mr. Speaker, that even in this House today there are groups, there are people who call themselves democrats, the others call themselves socialist.

[Mr. Anyieni]

we have got others who call themselves the "corner bar" group, and so on. We know that these groups are there, Mr. Speaker, is this Bill intended to bring you into one of these groups? Mr. Speaker, we know that maybe we shall not win, then maybe what we will do is to call you to come and deal with us in this "corner bar" meeting, or in the other meeting so, that you will agree with us. This is going to be very dangerous, Mr. Speaker, or maybe, if you are going to have the casting vote then maybe we shall say, "Now look, this Motion we want the Speaker to give our people the chance to be the only ones to speak," so maybe we will call him to be in this group so that tomorrow morning he can help us, not only by casting the vote, but also in giving us a more advantageous position in speeches, so that our strong people speak first, then he will say we will now put the question. This is going to make the position of the Speaker very difficult. The Speaker is supposed to be very, very fair. Let him not get involved in this. The Speaker of this House has not sought to be elected from the countryside. It is stated very clear that the Speaker will not be an elected Member of this House. When he is not an elected Member of this House, I do not see why we would like him to participate in the decisions which affect this country.

With those few remarks, Mr. Speaker, I believe that those Members who really know what the future is, they may think, "Oh, I am a friend of Mzee Kenyatta, I am a friend of Mr. So-and-so". Tomorrow, my dear friends, there might be another man, and it might be the law you are now trying to press us for, saying that I support so that I am safe, I am the person who supported the Government." This very law may apply to you before it applies to the people you think it is supposed to apply to. With those few remarks I demand that this Bill should be withdrawn.

Mr. Alexander: Mr. Speaker, Sir, may I turn to page 49, which deals with section 121, and here we find that in fact the whole of the previous section has been deleted, or it is proposed that it be deleted, and there be substituted all of the words contained in this Bill. I am concerned particularly, Mr. Speaker, with sub-clause 2 of that proposed section, and it reads as follows: "provision may be made by or under an Act of Parliament, for any revenues or other moneys received for the purpose of the Government of Kenya, to be paid into some public fund other than the consolidated fund established for any specific purpose, or to be retained by the authority that receive them for the purpose of defraying expenses of that authority." It is that

part of the quote, Mr. Speaker, that I am concerned with, as I understand it this sub-clause is similar to a clause that we have had previously, but I am very pleased to see that we have got the Assistant Minister from the Minister for Finance's office here, because I think he is—well that makes him even more competent, Mr. Speaker, to deal with the point I wish to raise, because I think he is the one person who may be able to answer it. As I understand this section, what it does is to confirm the whole principle of hypothecation in financial policy. That is, the principle which says that revenues raised publicly may be paid into specific funds to undertake specific purposes, and not necessarily paid into the general revenues of the Republic. This, Mr. Speaker, is a very substantial departure from the policy that prevailed in colonial days. The policy then, you, Mr. Speaker, can remember many hours of yourself and myself arguing this here on the Floor of this House, with previous Ministers of Finance, but this particular House is a continuation of what we used to know as Legislative Council in the old days, because it has changed its name the theme is not particularly different. The policy that prevailed then was that any revenues derived from any source were paid into the Central Government, and activities and institutions that wished to get funds, funds that they themselves had helped to raise, had to go on bended knee to the Treasury in order to obtain any money.

Now, Mr. Speaker, this subsection in this Bill is a welcome departure, but I would like to establish quite clearly that it is not merely words in this Bill. That, in fact, it is the intention of our Government to depart substantially from the ways of the old colonial regime, and to accept now and for all time the whole principle of hypothecation. I do this, Mr. Speaker, because we hear a great deal within the phrase the African way of life, and I believe that hypothecation of revenue is far closer to the African way of life than the old colonial system that said that every penny raised publicly had to be paid into a central fund. I believe particularly in the African clan system, that it was and is regarded as wise that the people themselves who are concerned with raising money should be able to see the end result of that. Not that it goes into some remote petty cash box to be administered by some remote authority, but that they should see on the ground, the results of their efforts, and this is what hypothecation of revenue does mean.

Let me just deal with just one or two examples of where I think we can change our financial policy wisely. As regards the roads of our country. Now, at one time the revenue that was derived

[Mr. Anyieni]

you can put a Member of Parliament in and the people may still have confidence in him, but while he is in jail if a by-election is held and as a result the Member loses his seat, then the people may have to put in somebody they do not like. The original candidate will have lost his seat. I think this will be unfair or shortsighted for any Member to accept this.

The hon. T. J. Mboya did refer to boards, councils and so on. Yes, if you absent yourself from these board meetings so many times you can lose your membership. But then, the point is this: how long does it take you to campaign to become a member of the board? How long does it take you to campaign to become a member of a county council? Mr. Speaker, I, personally, campaigned and was defeated. Then I went back to look for a little money. I had some employment. Then I resigned and stayed at home for about two years during which time I was campaigning. Now after two years of campaigning you bring me here and tell me that by putting me in for six months I have lost my seat. I cannot accept this. Mr. Speaker, that is not fair at all. Everybody knows, even those people who have money, that it takes a lot of money to win a seat here. Just as it is difficult to become a Member of Parliament it should be equally difficult to remove a Member of Parliament. It should not be very difficult to come and very easy to go. No, this is not fair, Mr. Speaker. Maybe what I am saying now pertains to me but I know that every Member here knows the difficulties involved in fighting an election. They know that sometimes you have somebody who is fighting you with youth wingers and they will fight you along the road. I know the Attorney-General does not know this because he has never had to fight an election. He does not know what it means to fight an election. We know it. The Attorney-General does not have a constituency where he goes to be bothered by the people. Some of us are bothered very much; at times we are unable to come here; we must stay in the constituency and help the people. The Attorney-General does not need any youth wingers because he is the Attorney-General, and that is enough for him. My contention is that it must not be made very easy to remove a Member of Parliament.

Mr. Speaker, what I have said should apply to these eight days. Suppose I went to Ghana for some conference or on a visit when the House was not sitting. I said I was to return at the appropriate time. Then, quite suddenly the country to which I have gone has a *coup d'état*. All the airfields are sealed, so are the roads, and nobody can

get away from the country. Then as soon as I come here I find my seat is gone. This is not fair, Mr. Speaker. Why should they want to take away our seats for simple things like this? These are seats for which we have worked very hard. Mr. Speaker, if it took only two weeks to fight an election and win, then it would be all right if after missing two weeks of sittings you were kicked out. However, I want to say here that it takes a long time to win an election—

The Speaker (Mr. Slade): You have made that point already, Mr. Anyieni.

Mr. Anyieni: I am coming to the subject of eight days now. I am not talking about six months. Therefore, Mr. Speaker, I say that this idea of some Members agreeing that after missing eight days we should forfeit or lose our seats is very bad. I know some Members have referred to the President who finds himself too busy to come to this House. I must also say that it is unfair for our President to have to ask the Speaker for permission to be away from the Parliament. The Speaker may have to do nothing but receive these letters from the President all the time, saying that he will not be there, asking permission to be absent.

Let me give you another example. Take a man like the hon. Ekiella who lives far away in Turkana. There are no roads there, there are no buses, there is no telephone communication. If the hon. Ekiella falls sick he will have to send a Turkian running to inform the Speaker in Nairobi. By the time he comes out of his sickness he will find that his seat is gone. Then he will have to fight another election. This means that there are bound to be by-elections all the time. Even the Government knows that by-elections are very expensive.

Another point is this. If I stay in my constituency for two weeks because I have work to do, helping my people, who has lost? My constituency has not lost because I am there helping my people. In addition, the taxpayers' money has been saved because my allowance and the mileage does not have to be paid to me. Government has saved money. So, I do not see why they should penalize me for helping them to save some money. Mr. Speaker, Members should be allowed to be free to come. That is why they are called honourable Members.

Mr. Speaker, one Member here, and this is the usual Mr. T. J. Mboya, did say that some Members speak on everything so that they may be known. I do not think that when I stand up to speak the main reason for doing so is because I want to be known. The reason why I was elected

[Mr. Anyieni]

to this House was not to come and box or abuse anybody. I was elected to this House to come and present the cases of my constituents. For that reason I am here. Now, Sir, some Members like the hon. T. J. Mboya would like just himself to speak and have the other Members just voting. This is wrong. This monopoly must be abolished. Every Member should be given the chance to speak. It is my chance, and my contention is that the Member who is doing very well in his constituency, helping the people, should be congratulated, but, also, when he comes to this House he must contribute. He may find the English language too difficult, but, then, he can write questions. He can ask questions in this House. It is unfair, however, Mr. Speaker, for anybody to say that some Members keep quiet. I heard so many Members clapping yesterday, but many of them have not even made their maiden speeches. Why, then, do they come here? You find that when somebody says something, they say, "Yes, yes, yes." They have not come here only to cheer people but also to say something in order that people know what they are saying. I believe that the constituencies which are represented by people who believe that they do not want to open their mouths are unrepresented in this House, and the sooner the constituents know this, the better so that they can remove these people from this House. Some people think that if they keep quiet in this House it is better, but I say it is not better to keep quiet, it is good for the public to know what you believe, what you think. This is a House for debates, it is not a House for people to come here and sit down. The hon. T. J. Mboya said these people want to be known: Mr. Speaker, look in the papers and you will find there is not a single day when you find a paper where the name of T. J. Mboya is not mentioned. Every day it is there. This is the very Member who says if a Member comes here and does not speak it is all right. This is wrong. We refuse this monopoly and we say that we must—

Mr. Ngala: On a point of order, Mr. Speaker, is it in order for the hon. Member speaking to misrepresent what the hon. T. J. Mboya said? In fact, the hon. T. J. Mboya did not say that it is all right for any Member to come here and not speak. He did not say that.

The Speaker (Mr. Slade): If he did not say that you must not pretend that he did, Mr. Anyieni.

Mr. Anyieni: Mr. Speaker, I was here when the hon. T. J. Mboya was speaking. I was sitting there and I noted down what he said, and I decided that when I had the chance I would reply

to this. I, therefore, do not see why the hon. Member—maybe, Mr. Speaker, what can solve this—

Mr. Omar: On a point of information, Mr. Speaker—

The Speaker (Mr. Slade): Order! Order! We are dealing with a point of order at the moment, Mr. Omar.

Mr. Omar: It is a point of information, Mr. Speaker.

The Speaker (Mr. Slade): No, we do not have points of information in the middle of points of order, Mr. Omar: You carry on, Mr. Anyieni.

Mr. Anyieni: No, Mr. Speaker, I have given way for the point of information, Mr. Speaker.

The Speaker (Mr. Slade): I do not think points of information are going to help us here.

If you believe Mr. Mboya said that, then you are in order to reply to it, but if you find afterwards that he never said it, then you must acknowledge that to the House. You will, you not, Mr. Anyieni? If you find later that you were wrong in thinking that Mr. Mboya said this, you will acknowledge it to the House. That is the way in which it do that.

Mr. Anyieni: Mr. Speaker, I heard it very, very clearly. I—

Mr. Ngala: On a point of order, Mr. Speaker, the hon. Member has just said that the hon. T. J. Mboya said that it is all right for any hon. Member to come to this Chamber and keep quiet, not speak anything. Now, that is what I am querying. Therefore, having agreed that the hon. Member will substantiate that, I would like to seek your guidance, whether you will give him a time, say, a number of hours, when he can substantiate.

The Speaker (Mr. Slade): If he is proved wrong he should acknowledge that tomorrow, after Question Time.

Mr. Anyieni: Mr. Speaker, Sir, I do not want the Member for Kilifi South to try and pin me down on the exact words which the hon. T. J. Mboya did say. I must make my position clear here so that if I have to substantiate I can substantiate something. What the hon. T. J. Mboya did say is, that there was a Member who had spoken and that Member said that this question of eight days' absence was not fair because there are Members who have been here for a longer time than eight days without making any statement in this House. The hon. T. J. Mboya then did say that some people who were criticizing such Members were not right because such Members may be doing more in their constituencies than

Mr. Kase: On a point of order, Mr. Speaker, the hon. Member for Trans-Nzoia and the hon. Member for Majoge-Bassi are both suggesting that the Bill be withdrawn. Now, would it need a formal procedure to move that this Bill be withdrawn later, because some Members share the same view?

The Speaker (Mr. Slade): I dealt with that point the other day and I am always sorry to have to repeat advice to the House on questions of this kind. If hon. Members would study HANSARD a little more they would find the answers to these questions without asking them again and again. There is no procedure by way of Motion for withdrawal of anything that is before the House. Any Member who has brought something to the House by way of Motion can himself, again, of his own initiative, withdraw what he has brought before the House with the leave of the House, and only with the leave of the House. He does not require a Resolution, he requires no Member objecting.

Mr. Anyieni: Mr. Speaker, thank you very much.

Now, I see that this Bill is intended to take care of the Members, but, Sir, we have been in this House now for over two years and we have already lost very many Members. There are very many dangers which the Members of this House face. For example, I cover not less than 1,000 miles per week on the road and the chances of Members of Parliament having an accident are so high that I do not see why the Attorney-General is anxious to introduce more dangers for Members of Parliament.

Mr. Speaker, the Members of Parliament have a lot of difficulties, they have political opponents who are harassing them all the time whether they are in Nairobi or in their constituencies, and Members of Parliament have people who worry them all the time. "I want employment, I want what, I want food." I do not see why the Attorney-General should give any more headaches to the Members of Parliament. I think the Members of Parliament already have too many headaches. The position of being a politician, Mr. Speaker, particularly these days is known by everybody to be a very dangerous affair, because what is going on in Africa today shows this. I do not see why any Member here with any sense can really introduce more danger to himself when he already faces so many dangers.

Mr. Speaker, Members of this House know very well that there is not a man in this world who is like a god, who is righteous. I bet you, as I told the Attorney-General, that every Member here if chased for only twenty-four hours

would be found to have committed some little mistake. There is no Member here who could not make a mistake. Maybe you may drive and not keep to the left, maybe you may park your car and not put the money there, maybe you go to drink and you have one bottle of beer and then the *askari* might follow you and tell you that you are smelling of drink, and take you to the police station and the doctor there would say, "This man is drunk." But you are not drunk, Mr. Speaker. They say that they have been telling people that they must—

The Speaker (Mr. Slade): Mr. Anyieni, I am sorry to interrupt you but we have had this argument from a great many Members now, so if you just could say that you support it—

Mr. Anyieni: Thank you very much, Mr. Speaker, but I was going to give an example—

The Speaker (Mr. Slade): We have had so many, you see—

Mr. Anyieni: I want to give one more example and then I will move from that one.

The Speaker (Mr. Slade): Well, try to make it a new one. We have had this one—

Mr. Anyieni: I hope we have not had this one.

Mr. Speaker, for example, we know very well that the hon. Shikuku does not drink any beer but the hon. Shikuku was arrested the other day and it was said that he was drunk. When he was before the doctor, the doctor said, "This man is not drunk." But, Mr. Speaker, we are saying that something could be cooked up.

Now, Mr. Speaker, yesterday the hon. T. J. Mboya says that every Member has a conviction. Yes, we have convictions, but these convictions are interfered with and that is why we say that a thing like this must be thought of very carefully. I know, Mr. Speaker, that some Members here say, "Oh! people like Anyieni who speak on Bills like this and they oppose, this Bill is intended for them, it is all right for you and you do not have to worry." But let me warn these Members that law is law. It can apply, it cuts both ways and I can assure these Members that if they do not think Members of Parliament have enough problems and they want to give them more problems, then they must know that very soon they are going to face a problem.

Mr. Speaker, we know Macharia. Macharia went to court because he was given about Sh. 30,000 and he gave false evidence against Mzee Kenyatta. Mzee Kenyatta was imprisoned for seven years, then while Mzee Kenyatta was finishing his sentence, Macharia comes here and says, "No, no, no, I lied. They gave me money and I lied."

The Speaker (Mr. Slade): We have been reminded of that two or three times in this debate.

Mr. Anyieni: But, Mr. Speaker, what can I speak about now?

The Speaker (Mr. Slade): Order! Order! It is entirely up to the hon. Member about what he speaks. All I ask, and I think it is all that the House asks, is that it be something new, not repetition of what has been said half a dozen times, and relevant to the debate. I am sure you will find something, Mr. Anyieni, within those bounds.

Mr. Anyieni: I quite understand the problem involved, Mr. Speaker.

Mr. Kamuren: Mr. Speaker, I remember the other day when the Minister, Mr. Mwendwa, was speaking in this House, he was given more time to define exactly what he was talking about. Now, I thought it would have been in order for the hon. Member who is speaking, to widen and take more time to give his views on this particular Bill.

The Speaker (Mr. Slade): I do not think you understood the point, Mr. Kamuren. My complaint against Mr. Anyieni is that he is saying in this House exactly what has been said in this debate by at least two, if not three, other Members. First of all, on the danger of being wrongfully arrested for being drunk. Secondly, on the occasion when Mr. Shikuku was wrongfully arrested for being drunk and then found by a doctor not to be drunk. Thirdly, the occasion when Mr. Macharia gave false evidence at Mr. Kenyatta's trial, and afterwards acknowledged it to have been false. There are all relevant to this debate, and very interesting, if you have not heard them six times already.

Mr. Anyieni: Mr. Speaker, I quite understand the problem because you are sitting there almost all the time and you are listening to these speeches. But, then, all Members do not stay all the time and so I hope that you will be a little bit lenient with me in reminding hon. Members of some things they must remember because we have not come to the time when we must close and these things must be properly put into the minds of the people.

Now, Mr. Speaker, we must know that when we pass the law, the people in power can use the law and we know that it is possible for them to use it if they want to do so. So, Mr. Speaker, Sir, for the reasons I have given I do not think it is necessary at this particular time for this House to legislate that a person who goes to jail for six months should forfeit his seat.

Now, Mr. Speaker, when the Attorney-General was speaking, and when the hon. Tom Mboya was speaking yesterday, they said that if it was a civil debt and you went to jail you would not forfeit your seat. But, then, Sir, it does not matter. What they are saying is that they are trying to do this in order to protect constituencies. Constituencies do not count here. Whether you go to jail for a criminal offence or a civil debt, any case, does not matter, because all they want is to have you there. So, the idea of saying that if it is a question of money, and you are in prison for one year, you do not lose your seat, is not in the interests of the constituencies. Every Member who goes to jail knows that he has a debt which he has not paid off.

The Speaker (Mr. Slade): I am sorry to interrupt you, Mr. Anyieni, but there was an explanatory statement of the legal position given by the Attorney-General at the start of this debate yesterday, where he pointed out that, under the law, no one can be imprisoned for civil debt for more than six months. That was why he said this cannot possibly apply.

Mr. Anyieni: Now, Mr. Speaker, the hon. T. J. Mboya yesterday did say that when we are opposing this Bill we are trying to say that Members of Parliament are different from any other people. It is true, Members of Parliament are different from other people because our people have given us the mandate to rule this country. We are given a contract for only five years. If a Member goes back after five years he will lose his seat. So, I do not see why there should be any other regulations to interfere with us and the Government, the contract is between us and the constituencies. The constituencies are the only ones who can decide. If after five years they say, "Oh, look, we elected this man, he has made mistakes and was sent to prison." They will then say this man is not careful and we will elect a more careful person now. The only way out which we will accept is this: when a person has been imprisoned he should not receive any salary. There should be another stipulation, namely that he should be able to write and say that in his absence Mr. So-and-so will act as a Member of Parliament, and that very person should be the person to receive the allowances the Member would be getting. He should also receive the salary. When he comes out of jail if the person he had recommended has become powerful, then he will stand for election. He may lose and that will be the end of him. But, Mr. Speaker, to say that soon after you put me in maybe for seven months I should forfeit my seat is bad. Maybe



[Mr. Omuti]

President some time ago, before independence, some people said that he was the Leader of the Dark. Now, Sir, the country has realized that he is a true leader, who believes in democracy and who acts according to the wishes of the majority, and even those foreign countries who were doubtful about Kenya were convinced that once it had achieved independence, and if Kenya was under the leadership of Mzee Jomo Kenyatta, then things would not go well, but, Sir, Kenya is regaining its proper place in the world, investment is coming into the country, and so, if power is given, then some people will misuse this power for their own benefit. The blame will not then go to the immediate officers of that department but to the President himself.

Now, Sir, we passed a Resolution here that we had confidence in the President. But, Sir, once he has been given this power and uses it on the instruction and advice of the officers, and if some people are dismissed, those people who are going to lose their jobs in the services will blame the President which will result in the masses who will not have confidence in the President.

So, Mr. Speaker, Sir, with these few words, and with what I said yesterday, I strongly oppose and reject this amendment Bill.

Mr. Muliro: Mr. Speaker, Sir, I rise to speak on this Bill, but, Sir, I only have about one or two points to make on this Bill.

Firstly, Sir, I would like to say something with regard to the question of eight consecutive days. Sir, some of us were here in 1957 when this was introduced. It was introduced initially as one of the Standing Orders in 1957. The reason why this period of eight days was introduced is because the eight African Elected Members at that time were disappointed, and walked out of the House when the then Governor spoke to us, because we had demanded increased African representation but it never materialized. Mr. Speaker, Sir, when we walked out of the House we were suspended for four days, but on top of that we gave ourselves another four days, which amounted to eight days, which we had out of the Chamber. Mr. Speaker, Sir, the then colonial benches passed this as a Standing Order shortly after that, and any Member who stayed out for eight consecutive days lost his seat. That, Sir, was possibly aimed at us. It was only a Standing Order then, and not part of the Constitution.

So, Sir, I find, when I look now at this entrenchment which the Government would like to see, the former Colonial Standing Orders

entrenched in the Constitution of Kenya. I tell Sir, to understand the logic of this behind a clause like this one, Sir, I would not have worried if this was going to be included as part of our Standing Orders. That would have been understandable. But, Sir, to be entrenched in the Kenya Constitution is sheer madness. Sir, I think the Minister who is in charge of it, the Attorney-General, should have withdrawn this Bill. I cannot see how we could be regimented as schoolboys. The President himself has said that we must go back to the land, and sooner or later the rains will be setting in. If I sit on my farm planting my maize for two weeks, then I cease to be a Member of this House. When I am doing the very honourable task, which the President of this country has employed us all to do, to give the people an example, I cannot send a telegram to the Speaker, or even if I send a telegram there is no guarantee that I will get a reply in time and therefore will not be included in the list of absent Members. So, Sir, I feel that this definitely should not have been included in this Bill.

Another point, Sir, which I would like to raise is in connexion with section 56 (2) where it is being sought to give the Speaker of either House of the National Assembly a casting vote. I do not think that we should introduce the Speaker into the quarrels of the National Assembly, either of this House or the Senate. I think the Speaker, Sir, should remain a person without any vote, at least, no casting vote, because if there is a time, today we have one party that is all right, but still, Sir, within one party we have arguments and continue to see the Government being defeated by its own party. Now, Sir, if a Bill comes before us which requires a casting vote of the Speaker to pass it as law it might have very serious repercussions. Mr. Speaker, Sir, I feel that this should not be the case. So, Sir, the question of a casting vote for the Speaker should be out of the Bill.

Now, Sir, the second main point which I want to talk about is with regard to the question of the Public Service Commission. When we were creating this body called the Public Service Commission in London, I said that in Africa there was nothing called Independence Public Service Commission, and this is becoming much more true now that someone holding an office in the Public Service in the Republic of Kenya will hold that at the pleasure of the President. If that is the position, Sir, we should abolish the Public Service Commission and say that everybody will be appointed by the President. But, Sir, to be told definitely that the Public Service Commission is independent and then be told in the Kenya Constitution, which entrenches the

[Mr. Muliro]

Public Service Commission, and at the same time urge the President, that whoever holds a post in the Kenya Public Service, will hold that post at the pleasure of the President. I think that is a very serious inroad into independence of the Public Service Commission. The President has his prerogative in his political functions, whereby he has the right to appoint and dismiss any Minister without consulting anybody else. His Ministers are political people who are subject to being dismissed, and the President at any moment, according to his wish, can dismiss him as long as that Minister does not satisfy the President.

But, Sir, someone who is in the Public Service Commission, holding a position there should only be subjected to the normal discipline, the code of discipline, which governs all civil servants, they should not be there at the whim of the President. Today, Sir, we have a very respectable President, what guarantee have we, what assurance have we, that tomorrow's President will be as fair and just as the present one? This, Sir, human nature being what it is and knowing Africa to be what it is, in a state of complete flux now. The whole state of Africa is one of flux. If the hon. Members do not know what I mean, then I am sorry, but I am not here to teach them English. Mr. Speaker, Sir, I suggest that this should never have been placed on the President, because it is creating discredit to the President. Whoever is dismissed will say, "Oh, the President does not like me." We would like our President to remain respected as he is today, so that he has nothing to do with the Public Service.

These, Sir, are the few points which I would like to raise in connexion with this Bill. The final point I would like to raise is this question of six months' imprisonment. I feel, Mr. Speaker, Sir, that this should remain as the position is now. The arguments which we advanced when we went to the London conference in 1960.

Mr. Somo: Who were you at that time?

Mr. Muliro: We were Members of Parliament and representatives of the people of this country when the hon. Member speaking behind me was possibly a schoolboy.

Mr. Somo: On a point of order, Mr. Speaker, Sir, could the hon. Member substantiate whether I was in school at that time, when he went to London, or not?

The Speaker (Mr. Slade): Order! No, I do not think he need do that. He only threw it out as a possibility.

Mr. Muliro: Mr. Speaker, Sir, thank you very much. The young man is too provocative.

The Speaker (Mr. Slade): The hon. young Member, Mr. Muliro!

Mr. Muliro: The hon. young Member is very provocative.

So, Mr. Speaker, Sir, at that time we argued that unless the order in council, which debarred the former President of the Kenya African Union, the hon. Mzee Kenyatta, today the President of the Republic of Kenya, is revoked to enable him and those who were in prison with him, to come to Parliament. We were not ready to negotiate with the British on the Kenya Constitution at all. These were the arguments at that time. They were convicted as criminals. When the hon. Attorney-General was speaking in this House he said a crime was a crime. Of course a crime is a crime. But a crime can be cooked up against an individual. We do not want hon. and respected Members in this House to suffer humiliations and indignities because of cooked crimes.

In view of this, Mr. Speaker, I feel that knowing the madness now in Africa by ambitious young politicians, that this clause should be eradicated from the Constitution.

Now, with admission, Mr. Speaker, I do not see any other alternative open to the Attorney-General than withdrawing this Bill and, therefore, Sir, I submit that this Bill should be withdrawn.

Mr. Anyieni: Thank you very much, Mr. Speaker.

An hon. Member: Support it!

Mr. Anyieni: I hear one hon. Member saying "Support it", but he knows very well that Anyieni cannot support a thing like this, and he should have known this by now.

Mr. Speaker, I must join the other hon. Members who have spoken, particularly the Member for Trans-Nzoia who has just spoken, and who suggested that the Attorney-General should withdraw this Bill. It is important that this Bill should be withdrawn for we do not see why this Bill has been brought at this particular time.

Now, Mr. Speaker, if we see the sections in connexion with Members, and maybe, as one hon. Member was alleging yesterday, there might be some reason why this particular Bill is being introduced. I cannot blame the Attorney-General because he was not in London when the Constitution was being discussed, but then I must blame those other Members who were at the London Conference and who were Members of Parliament.

[The Speaker] and he told me he was ready to give his substantiation today. Would you like, Mr. Anyieni, to make the substantiation that you promised to make now? If you remind the House of the statement you were asked to substantiate, then we know what you are talking about.

### PERSONAL STATEMENT

#### WITHDRAWAL OF ALLEGATION

Mr. Anyieni: Mr. Speaker, Sir, I do not wish to follow this matter any further, and so I withdraw it.

The Speaker (Mr. Slade): Well, the House must be reminded of what statement you withdraw, if you will just do that.

Mr. Anyieni: Mr. Speaker, the statement I made was to the effect that when the hon. Mr. Mboya and the hon. Mr. Gichuru went to West Germany, I think in 1962, they made a statement to the effect that they wanted independence and they were going to negotiate with the British Government for any troops which the British Government wanted to station in Kenya, and there would be no taking over of land without compensation. Then Mr. Mboya did ask me to substantiate, but I have decided not to follow up the matter any further. I therefore withdraw.

Several hon. Members: Apologize.

The Speaker (Mr. Slade): One does not always insist on an apology as long as there is withdrawal. I think the allegation that is withdrawn has to be a pretty serious one for insistence on apology, and it did not seem to be a proper case for that. It is withdrawn, and openly withdrawn.

Mr. Agur: On a point of order, Mr. Speaker, when a Member says he has decided not to follow up something any further, is the House now informed that he cannot get the facts or that he does not believe in what he said?

The Speaker (Mr. Slade): The House is informed that he withdraws his statement.

There was another matter which Mr. Oduya alleged also due for substantiation; I do not think he is here. But I understood that he was going to substantiate in private to Mr. Mboya. I do not know whether he has done so?

The Minister for Economic Planning and Development (Mr. Mboya): He has not done so.

The Speaker (Mr. Slade): Oh, well, we shall hear more about it.

Next Order.

### POINT OF ORDER

#### SUSPENDED MEMBERS MAY NOT SIT ON FRONT BENCH

Mr. E. D. Godana: On a point of order, Mr. Speaker, may we know from you whether Ministers suspended by the President have the right to sit on the Front Bench on the Government side?

The Speaker (Mr. Slade): No. According to our Standing Orders now, the Front Benches are reserved for Ministers and Assistant Ministers. A Minister who is suspended is not, during the period of suspension, a Minister.

Mr. Mboya, you have a point?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I was just going to say that it is most unfair that when the hon. Member for Majoge-Bassi has withdrawn a statement he then sits there and shouts back at me that I know that I said what he has withdrawn. Either he has withdrawn it or I insist that he substantiates it or else he should not continue to make these remarks here or in any other place.

The Speaker (Mr. Slade): I did not hear that. Did you do that, Mr. Anyieni?

Mr. Anyieni: What I said, Mr. Speaker, was—

The Speaker (Mr. Slade): No, order! Fortunately, I do not hear everything that is said in this House, but that does not prevent it from being offensive or out of order, simply because I have not heard it. I want to know if, immediately after withdrawing the statement, you said, loud enough for other Members to hear, "You know that it is true" or words to that effect.

Mr. Anyieni: No, I did not say that.

The Speaker (Mr. Slade): What did you say?

Mr. Anyieni: I was teasing him, you know, as we tease each other always. I never said—

The Speaker (Mr. Slade): What did you say?

Mr. Anyieni: What I said, Mr. Speaker, was "Don't chase me too far, please."

The Speaker (Mr. Slade): That all?

Mr. Anyieni: Yes, Sir.

The Speaker (Mr. Slade): Order! I must get this absolutely clear. Do you flatly deny, Mr. Anyieni, that you said anything to the effect that it was, after all, true? You flatly deny that, do you?

Mr. Anyieni: I did not say that, Mr. Speaker, what I said was: "My friend, don't chase me too far."

The Speaker (Mr. Slade): I am sorry, I insist on a straight answer here. Do you flatly deny that you said anything to the effect that what you had just withdrawn was, in fact, true? I want yes or no.

Mr. Anyieni: Mr. Speaker, I do not know why you—

The Speaker (Mr. Slade): Order! Unless you can answer me, yes or no, you will have to leave, Mr. Anyieni. This is a serious matter.

Mr. Anyieni: I did not say so, Sir. What I said is what I have stated.

The Speaker (Mr. Slade): Very well. Next Order.

### BILL

#### First Reading

#### THE CENTRAL BANK OF KENYA BILL

(Order for First Reading read)

The Minister for Education (Mr. Koinange): Mr. Speaker, Sir, I understand that His Excellency, the President has signified his consent.

The Speaker (Mr. Slade): That is, his consent to the Central Bank of Kenya Bill? Yes.

(Read the First Time)

The Speaker (Mr. Slade): I understand that the Second Reading is today, by leave of the House?

The Minister for Education (Mr. Koinange): Today, Sir.

The Speaker (Mr. Slade): When we come to that Order, we will take the leave of the House, to see if it is allowed.

Mr. Khasakhaha: On a point of order, Mr. Speaker, when the Minister stated to the House that the President had signified his consent to this Bill, he did not make it clear that he has, in fact, done so. He said he "understood". Could we be told whether it is true, that the President has, because he only said he "understood".

The Speaker (Mr. Slade): Yes. It should be a little more specific. It is a fact, is it, Mr. Koinange?

The Minister for Education (Mr. Koinange): Yes, Sir.

The Speaker (Mr. Slade): Very well.

(Ordered to be read the Second Time tomorrow)

### BILL

#### Second Reading

#### THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(The Attorney-General on 22nd February 1966)

(Resumption of debate interrupted on 23rd February 1966)

Mr. Omar: Mr. Speaker, Sir, yesterday, when the House adjourned, I was speaking on the Trust Land which is to be set aside for the purpose of any registered company formed for public purposes. Now my point here is that the companies and the Government would not require any rent for the purpose of a company so that the landless people and particularly those in the Coast Province are provided with enough land for cultivation and other purposes.

I would like also, Sir, to speak on section 87 of this Bill, 87A (2), which says: In this section "office in the service of the Republic of Kenya" means "office in or membership of the public service, the armed forces of Kenya, the National Youth Service or any other force or service established for the Republic of Kenya." Now in 87A, the clause gives the President the power to dismiss any officer in the armed forces or National Youth Service or any other force or service. I think that our President is not a dictator by birth or in his political beliefs. If we are to give him this power, it will mean that we are giving him dictatorial power under the Constitution. With due respect, we believe that he cannot apply for dictatorial power. But if we do give him them, some members of the Civil Service or in the National Youth Service are not suitable and I know that the Minister will not have a clear picture of such an officer. Therefore, the President might be misled and he might take action to dismiss such an officer from the service.

Now, Sir, if such an officer is dismissed from the Service it will not be the fault of the President himself, but it will be the fault of the person in charge of that particular department, and then such a dismissed officer will bear a grudge against the President. He will go back to his people, his tribesmen, and spread rumours to the effect that the President has victimized him, and this will make the President unpopular. Whereas, Sir, he really is popular, believes in democracy and therefore, he will be put in a position which he does not really warrant. So, Sir, I do not think it is proper at all that the President should be given such powers, because he will not know exactly what is going on, for example, in the National Youth Service, armed forces, or any other force. In the Civil Service and in the National Youth Service, there are terms and conditions of service which every member in their respective service has to observe. If he does not observe these conditions or terms, then his officer immediately above him has the power to dismiss him according to the terms and conditions of the service of that particular department. So, Sir, I do not think that it is right for the President to be given such powers, because our

**[The Minister for Works, Communications and Power]**

Road has thirteen miles. The Machakos-Konza Road to the junction with Tawa Road has four miles. That is a total of sixty-four miles.

Mr. Speaker, at the moment, if the hon. Member were interested in his constituency at all, he would have found that the Government is all out to tarmac the Nairobi-Mombasa Road, and we have already the heaviest machinery on this road working in his own constituency.

Mr. Ndile: Mr. Speaker, Sir, I am aware of the facts the Minister has mentioned, but is the Minister aware that the road he has mentioned—Machakos to Kangundo—was never tarmacked by the Ministry of Works. In fact, the County Council of Machakos obtained a loan from the International Bank to do the job?

Mr. Mwanjumba: Mr. Speaker, Sir, I will tell the hon. Member that I, myself, opened the Machakos-Kangundo Road and this was done by Central Government which provided money for the County Council in Machakos. Machakos could not tarmac that road because they had no money.

**Question No. 336****NUMBER OF CASES FILED IN THE INDUSTRIAL COURT**

Mr. Omar asked the Minister for Labour:

(a) Would he tell the House the number of Industrial Court cases filed in 1964 and 1965.

(b) Would he say if he was satisfied with the services rendered by the Industrial Court.

The Minister for Labour (Dr. Kioko): Mr. Speaker, Sir, I beg to reply. (a) The Industrial Court, was established in July 1964, and, since then, trade disputes filed are as follows: July to December 1964, 18; January to December 1965, 65.

(b) The Industrial Court has been kept very busy since its inception and this is a clear indication that the employers and the trade unions are prepared to make use of the court in the event of their failure to reach amicable agreement. It is important to note that the use of the Industrial Court is voluntary most of the time and both parties in such cases must agree to submit issues to the Industrial Court. It is only in essential services and in cases where the Minister makes an order that the use of Industrial Court becomes compulsory. The numerous cases that have gone to the Industrial Court voluntarily make it self-evident that the parties find the court acceptable

to them and they have felt that their disputes will be given a good hearing. I am satisfied therefore with the services rendered by the Industrial Court.

Mr. Omar: Mr. Speaker, Sir, in view of the fact that there have been a large number of industrial cases between 1964 and 1965, would the Minister not consider it necessary to improve the existing industrial machinery to settle the disputes before they are taken to this court?

Dr. Kioko: As I said in my original reply, Sir, the cases go to the Industrial Court only when amicable solutions fail first. We try to bring conciliation between the two parties; and it is only when that is not operating that we suggest that they go to the Industrial Court. Therefore, we already have machinery, Mr. Speaker, to settle cases prior to their being submitted to the Industrial Court.

Mr. Jahazi: Mr. Speaker, Sir, would the Minister agree with me that, due to the popularity of the Industrial Court, these unions and employers—

Mr. Anyieni: On a point of order, Mr. Speaker, will the hon. Member who is speaking declare his personal interest in this matter before he asks his question?

The Speaker (Mr. Slade): That rule, strictly speaking, applies only to debate as opposed to questions. Nevertheless, I think it is desirable, if an hon. Member is asking a question which suggests confidence, for him to show that he is one of the persons concerned.

Mr. Jahazi: Mr. Speaker, I have no interest to declare because I represent the workers on the court. I am a member representing the unions and, therefore, I cannot say I have anything to hide with regard to this court.

Mr. Shikuku: Point of order, Mr. Speaker: In view of the fact that the hon. questioner has admitted his part in the court, is it not out of order for him to continue asking a question, when he has an interest?

The Speaker (Mr. Slade): Oh, no. He has told us his position; he can ask his question. Carry on, Mr. Jahazi.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that the court has become so popular with the workers and the employers, people on both sides, would the Minister agree with me that this court has served and is serving a very useful purpose?

The Speaker (Mr. Slade): I think that is about enough self-praise, Mr. Jahazi.

Mr. Jahazi: I have not finished my question.

The Speaker (Mr. Slade): You have asked enough question by way of praise.

Mr. Jahazi: But—

The Speaker (Mr. Slade): No, sit down, Mr. Jahazi. Do you want to answer the question, Dr. Kioko?

Dr. Kioko: No, Sir.

Mr. Shikuku: Mr. Speaker, arising from the Minister's reply, would he not agree with me that, despite the fact that the Industrial Court has done so well, the time has come when more wage claims must be stopped because we have too many people without jobs, and if you have a few people asking for higher wages—

The Speaker (Mr. Slade): Order! Not relevant.

Next question.

**Question No. 335****DUTIES OF HONORARY GAME WARDENS**

Mr. Omar asked the Minister for Natural Resources and Tourism if he would tell the House—

(a) what class of person was made an honorary game warden; and

(b) the duties performed by honorary game wardens.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. The answer to the first part of the question is that an honorary game warden is a person interested in conservation and control of wild life and who voluntarily offers to the Government his spare time in helping to enforce the game laws. He is not paid and receives no privileges under the Wild Animals Protection Act.

As to the second part, honorary game wardens undertake to report any infringement of the game laws to the Game Department and generally support the implementation of Government's game policy. Some of those living in the parts of the country which may not be readily accessible to the regular Game Department personnel take charge of the whole area and submit their reports to the Game Department.

The Speaker (Mr. Slade): We will go on.

Mr. Koinange tells me that he is already in a position to give hon. Members the reference for a statement to which Question 332 referred, and I think it would be desirable if he did that now, by way of brief Ministerial Statement.

**MINISTERIAL STATEMENT****RECRUITMENT OF TEACHERS BY MEMBERS**

The Minister for Education (Mr. Koinange): Thank you, Mr. Speaker, Sir. Actually, if the hon. Members look at HANSARD of Thursday, 22nd July 1965, page 1330, they will see, in the bottom paragraph, the following:—

"Now, if we go to school certificate level and secondary school education, we will still need more money and more teachers. Now, what are we going to do at this particular point? I want, Mr. Speaker, Sir, to make one or two suggestions, namely, to suggest that since this House has about 130 Members of Parliament, I would like at least one Member to give to us, at least to recruit from his own constituency, the maximum of ten teachers with secondary schools, equal to those 1,300 . . ."

I think that covers the whole thing.

Mr. Kibuga: On a point of order, Mr. Speaker, I would like to know whether I could ask a question based on that statement.

The Speaker (Mr. Slade): Well, we cannot start up again on supplementaries on the original question. It would have to be a question strictly relating to the circumstances in which that statement was made, that is all.

Mr. Kibuga: Mr. Speaker, Sir, arising from the Minister's statement, does the Minister remember that, immediately after he made this statement, and after receiving a lot of inquiries from my constituents, I did go to see him, rang him and also went to see him, but he told me that further information would be given when it was available?

The Speaker (Mr. Slade): No, I am afraid, Mr. Kibuga, we are getting back to supplementaries on the original question. We cannot have that, I am afraid.

Mr. Aremam: Mr. Speaker Sir—

The Speaker (Mr. Slade): Yes, Mr. Aremam, what do you want to do? Do you want to make a point of order or what?

Mr. Aremam: I would like to ask a question about that.

The Speaker (Mr. Slade): About this statement?

Mr. Aremam: Not a statement, a question.

The Speaker (Mr. Slade): No, I have explained that we cannot reopen that question.

Now there were two matters of substantiation which were required as a result of a debate some two or three days ago. One was by Mr. Anyieni,

[Mr. Gatuguta]

announcement? That is not the question here. We are not asking the question as to whether he made the announcement or not. Is it in order for us to ask the Minister to tell us the date when the announcement was made since that is not the question?

The Speaker (Mr. Slade): Yes, Mr. Gatuguta, you are quite right. The question itself acknowledges that such a statement was made, and I do not think anyone is challenging that fact. However, I, myself, for the benefit of the House and, I think, of Mr. Koinange, too, have suggested that he let us know exactly when the statement was made, so that Members can look at it again. I do not think there is any harm in that.

Mr. Komora: Mr. Speaker, Sir, since the Minister has not received any response from Members towards sending nominees, what has he done to revive the memory of the Members or otherwise?

The Speaker (Mr. Slade): Mr. Koinange.

Mr. Komora: On a point of order, Mr. Speaker, the Minister has not answered my question. Is he in order to evade my question?

The Speaker (Mr. Slade): Yes, he is.

Mr. Rurumbani: Mr. Speaker, Sir, in view of the fact that all constituencies are not on the same footing educationally, will the Minister give us an assurance that those districts which cannot produce boys with school certificates can bring boys with Kenya Preliminary Examination certificates?

Mr. Koinange: Mr. Speaker, Sir, I do not quite understand what the Member said, but all that I can add to what I have already said is this, that since this announcement, some Members have sent names to our Ministry on this specific matter. After they sent those names, we questioned those teachers and found that some of those teachers are already trained teachers, while others did not meet the required qualifications: That is why I am inviting the Members to make use of this opportunity and send us more names.

The Speaker (Mr. Slade): I think the hon. Member is asking whether you would consider somewhat lower qualifications for candidates from areas such as his.

Mr. Koinange: Unfortunately, Mr. Speaker, no.

#### Question No. 324

##### MOTOR VEHICLE INDUSTRY FOR KENYA

Mr. Ndile asked the Minister for Commerce, Industry and Co-operative Development, if he would tell the House whether his Ministry planned to start a motor car industry in Kenya.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. Owing to scarcity of resources and the smallness of the market, the Government does not consider it desirable to start a State-owned car industry. However, during the last three years, the Government has been pursuing the policy of co-operation with and encouragement of the private sector to establish not only a car-assembly industry but a general motor vehicle industry. As a result of this policy, a very encouraging basis for the industry has started developing. For example, several firms in this country are building bus and lorry bodies. In one or two cases, truck cabs are being made in addition to the body building. Tippers for Ministry of Works trucks are made locally and the locally made refuse-collecting vehicles have proved a great success.

In spite of this, the Government is anxious that progress should be made towards chassis assembly of motor vehicles. Experience in other parts of the world has shown that the manufacture of cars is the most difficult section of the motor vehicle industry and this therefore means that even if we were to start chassis assembly of motor vehicles in this country, the car assembly would probably be the last to be considered.

It is also the view of the Government that since the motor vehicle industry is mainly dependent on auxiliary industries, namely those that produce accessories and parts like springs, brake drums, bearings, pistons and several other items, these should be established to ensure the success of chassis assembly stage.

Mr. Ndile: Mr. Speaker, Sir, would the Minister inform the House whether with his small means he can start a scooter industry? I am not talking now about a car industry, but is he prepared to start a scooter industry?

Mr. Mwendwa: That is a different question, Mr. Speaker.

Mr. Glehoya: Mr. Speaker, Sir, arising from what the Minister says—that we are handicapped to a certain degree in terms of means—is he prepared to have as one of his programmes, as a new Minister in the Ministry of Commerce and Industry, a programme of starting making pistons as a part of the Government undertaking, so that in future we shall be in a position to have a complete machinery in Kenya?

Mr. Mwendwa: Mr. Speaker, I think the hon. Member knows pretty well that making pistons alone would not give us the things we want in this country. We do not want to make pistons only; we would like to make more than pistons. We would like to make chassis, we would like—

Mr. Glehoya: Pistons, pistons.

Mr. Mwendwa: We would like to make all sorts of parts—

Mr. Glehoya: On a point of order, Mr. Speaker, I did not mean "pistons", I meant "pistons".

Mr. Mwendwa: Whatever the Member meant, Mr. Speaker, I was only pronouncing the word as he pronounced it.

The Speaker (Mr. Slade): In fairness to him, Mr. Mwendwa, he did correct it afterwards.

Mr. Mwendwa: Therefore, it was for him to think what it was, Mr. Speaker.

All I am saying is that the Government is interested in making many parts of the car, apart from the one section he is talking about.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that car assembly is part of the car industry, would the Minister tell this House what progress his Ministry is making with a certain Japanese company which this House was told some time back—though not by name—was negotiating to start a car assembly factory in Kenya?

Mr. Mwendwa: It is very unfortunate, Mr. Speaker, that the Member should even mention Japan, which I am already quarrelling with in so far as the trade imbalance is concerned. However, Mr. Speaker, we are already negotiating with another company to start assembling—

An hon. Member: Which company?

Mr. Mwendwa: A British company, if I may say so—

Hon. Members: Why British?

Mr. Mwendwa: Mr. Speaker, if the hon. Members do not want to hear the name British, they should tell me where to go. I would not mind going to China or Russia, if those are the words they want to hear, so long as I am assured by the company or the Government that they are going to do what we intend to do in this country.

Mr. Anyieni: Mr. Speaker, is the Minister aware that continuing to allow foreign countries to export their cars into Kenya is allowing Kenya to continue to have an uneconomic economy which the former imperialists wanted it to be? If the Minister is aware of this, would the Minister seriously consider assembling cars in Kenya, cars which are popular and not British cars because British cars are not very popular here?

Mr. Mwendwa: Mr. Speaker, I agree entirely with one section of the hon. Member's question. I do agree entirely that if we continue importing, importing parts and cars from foreign countries, we will never grow up. I agree with that, but—

Mr. Speaker, I said earlier on that our getting into the motor assembly industry depends, one, on money and, two, on the market. Mr. Speaker, we are trying in my Ministry, apart from everything else, to start a steel industry here which will be the basis of other kinds of motor vehicle spare parts. This is the first thing, Mr. Speaker. Therefore, all that I am saying, Mr. Speaker, is that I am a new Minister in the Ministry of Commerce but the Ministry is old, and I would like the Members here to come and advise me how really to improve the Ministry.

Mr. Khalif: Mr. Speaker, Sir, will the Minister tell us what became of the Government intention to make an agreement with the Japanese Government on assembling Toyota cars?

Mr. Mwendwa: Mr. Speaker, I am surprised to hear the hon. Members still being keen on our trading with Japan. If it is the view of this Parliament that I should continue to negotiate with Japan on this subject, I will definitely do so and I would like the Members to tell me here and now whether it is their feeling that I should continue to negotiate with the Japanese in bringing their commodities here. I will definitely do so if that is their wish.

The Speaker (Mr. Slade): Next question.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

##### UNSATISFACTORY REPLY TO QUESTION NO. 324: MOTOR VEHICLE INDUSTRY FOR KENYA

Mr. Glehoya: On a point of order, Mr. Speaker, I wish to raise this as a matter on adjournment.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 325

##### TARMACK ROADS IN MACHAKOS DISTRICT

Mr. Ndile asked the Minister for Works, Communications and Power, if he would tell the House whether his Ministry had ever tarmacked any roads in Machakos District and, if not, what were the reasons.

The Minister for Works, Communications and Power (Mr. Mwanjumbi): Mr. Speaker, Sir, I beg to reply. I am surprised that the hon. Member should ask me to tell him what roads are tarmacked in Machakos District, from which he comes, but if he wants me to educate him a little, I will tell him what roads are already tarmacked in that district.

The main road to Mombasa is tarmacked for about thirty-seven miles in Machakos District. The Nairobi-Machakos Road—another one—has ten miles. Another one, the Machakos-Kangundo

**The Speaker:** I am sorry that the House is either too late to be accepted in any or rejected. Therefore there can be no question of introducing into the present Bill before the House any new ideas of this kind. Any such new ideas can always be the subject of another amendment Bill at another time.

We will go on.

**GRAL ANSWERS TO QUESTIONS**

**Question No. 344**

**LEADS FOR SOCIAL LEADERSHIP**

**Mr. Gopin:** Will the Minister for Agriculture and Animal Husbandry whether he would name the States that farmers who want their sons or daughters to be taken up for Government education in the field of laws if they had the income to qualify for it?

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Chagge):** Mr. Speaker, I beg to reply.

Any farmer wanting a piece of land of any amount for agricultural development is eligible for consideration for an agricultural development loan.

**Mr. Gopin:** Mr. Speaker, Sir, asking for the Assistant Minister's reply, is to even the benefits of loans from my constituency.

**The Speaker (Mr. Slade):** Speak up, please, Mr. Gopin.

**Mr. Gopin:** Mr. Speaker, Sir, asking for the Assistant Minister's reply, is to even the benefits of loans from my constituency. I am asking for the same of other areas to apply.

**Mr. Chagge:** Mr. Speaker, Sir, the House knows very well that the first Member from the Kibungo District was in 1954. Kibungo District did not send in any applications for any training loans. The only applications that we sent in were in 1965. Kibungo District has already received 60 per cent of the total amount applied for in the year 1965. It is not fair to say that it is the only district that has not applied for any training loans.

**Mr. Chagge:** Mr. Speaker, Sir, asking for the Assistant Minister's reply, would he tell me if the House is to be asked to do anything?

**Mr. Chagge:** Yes, Sir. There will be a Bill before the House which will be a Bill to provide for the establishment of a Ministry of Social Services.

and which could bring an amount of Rs. 2500 within a year. That is the first step that would be taken. The first step would be to set up a committee to look into the situation of the district and to report to the Government a year hence. At a later date a more detailed plan.

**Mr. Chagge:** I have two questions, Mr. Speaker.

**The Speaker (Mr. Slade):** One may be asked to do the other.

**Mr. Chagge:** The first one is asking for the Assistant Minister's reply to the question that in Kibungo District only 40 per cent of the applications have been given loans and 60 per cent will remain to be processed. I would like to know all the names of the people who have applied and who have not had the loans so that I can see that in some cases they are not being processed, only in theory?

**Mr. Chagge:** I am asking Mr. Speaker for the Minister for Education. Will he indicate to me I did not say 40 per cent of the total amount applied for was placed in Kibungo District, but any other district in the country. This has been allocated to the district agricultural committee to those farmers that had applied only, under the first Minister's conditions will come in the second 40 per cent only.

**Mr. Mullro:** Mr. Speaker, Sir, asking for the Assistant Minister's reply, are we to understand that the size of land is no criteria or factor in getting a loan in that one could be having a loan of 100 acres or more or having 10 acres or less, or the amount of land, or the number of children, or anything else?

**Mr. Chagge:** Mr. Speaker, Sir, the House would be interested to know that the Minister will be going to establish this sub-committee.

**Mr. Kariuki:** Mr. Speaker, Sir, asking for the Assistant Minister's reply, would he tell me how long it will take to establish this sub-committee? Has it been established in any other district?

**The Speaker (Mr. Slade):** I think it is to be set up in a year.

**Mr. Chagge:** Mr. Speaker, Sir, asking for the Assistant Minister's reply, would he tell me if the House is to be asked to do anything? I am asking for the same of other areas to apply.

**Question No. 332**

**SELECTION OF PUPIL TEACHERS**

**Mr. Odera-Sar:** asked the Minister for Education whether he had selected the ten pupil teachers from each constituency for the crash programme course he himself said he would undertake last year in Parliament.

**The Minister for Education (Mr. Koinange):** Mr. Speaker, Sir, I beg to reply. I called on each Constituency Member to submit names of ten School Certificate candidates for teacher training, but so far I understand, that no nominations have reached my Ministry. In the circumstances, selections of teacher training has proceeded normally. However, my Ministry is still prepared to interview members of candidates who will be sent forward by Members.

**Mr. Masinde:** Mr. Speaker, arising from the Minister's reply, would he tell this House on exactly which date he sent out these letters, because he might have sent them yesterday and these letters have not reached the Members?

**Mr. Koinange:** Mr. Speaker, Sir, I announced this here in Parliament some time back.

**Mr. Choge:** Mr. Speaker, Sir, would the Minister tell the House when he sent the letters to the Members because we are not aware of them?

**Mr. Koinange:** Mr. Speaker, Sir, I said that I announced this here in this House.

**Mr. Mullro:** Arising from the Minister's reply, does he consider an announcement in this House as a circular letter to the Members?

**Mr. Koinange:** No.

**Mr. Mullro:** Could then the Minister withdraw his earlier statement that he sent a circular letter to the Members to send ten names to him?

**Mr. Koinange:** Mr. Speaker, Sir, I did not say that I sent a circular. What I said was that I announced this here.

**Mr. Shikuku:** On a point of order, Mr. Speaker, I seek your guidance on this issue. We definitely heard the Minister tell us that he sent a circular to all Members and later on he spoke of an announcement. Is it in order for the Minister, in daylight, to try and confuse the Members in this House, and if so, what if it is found in HANSARD tomorrow that he did say what he has just denied? Can we ask him to leave the House for ever?

**The Speaker (Mr. Slade):** I do not think it makes very much practical difference if in the course of answering the same set of supplementary questions a Minister either contradicts or withdraws something he said at an earlier stage. What hon. Members are supposed to be seeking by way

of question is information, and the information they finally get as a result of their supplementaries is what matters; regardless of any question of what was said at the start.

**Mr. Tandi:** Mr. Speaker, Sir, arising from the Minister's reply, when he said that he announced a crash programme here, can he tell us whether he himself as a constituency Member has sent anybody to train?

**Mr. Koinange:** Mr. Speaker, Sir, the normal thing is to give opportunities to other people and I would have appreciated it if Members would consider one point: that they were requested to associate themselves in the recruitment of the teachers. They, having heard that, should have actually taken the opportunity and taken advantage of this instead of making all this fuss.

**The Speaker (Mr. Slade):** Mr. Koinange, I think I might save some supplementary questions. It would help if you could tell the House either now, or by subsequent circular, or by a statement on another day, just when you made this statement to the House, so that the Members could have it to refer to.

**Mr. Koinange:** Mr. Speaker, Sir, I made it soon after I returned from the United States. I will, after I return to my office, look up the previous HANSARD, and state specifically when I made that statement. However, I think it was soon after I returned from the United States.

**The Speaker (Mr. Slade):** Thank you, if you would do that, Mr. Koinange I think the House would be glad.

**Mr. G. G. Kariuki:** On a point of order, Mr. Speaker, Sir, I can remember the day the Minister announced this in this House because as a result of his announcement I went to his office to follow up what he said.

**The Speaker (Mr. Slade):** It does not sound like a point of order to me, Mr. Kariuki.

**Mr. G. G. Kariuki:** My point of order, Mr. Speaker, is this: in view of the fact that I remember when the Minister has announced in this Parliament what he is now talking about, I went to his office and I was told there was no such programme, what are you going to do?

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

**Mr. Gatuguta:** On a point of order, Mr. Speaker, the question here concerns the question as to whether the Minister is implementing what he announced to this House. Is it in order for this House to ask the Minister to tell us the date when he made the announcement which we know as a matter of fact that he did not make the

(Mr. Chawp) ]

have, therefore, the same allegiance of office for which they swear an oath. Would the Minister then tell us, after the Assistant Ministers have been sworn in, why they cannot deputize for their Ministers who happen to be absent?

Dr. Kiako: Mr. Speaker, Sir, we are all appointed according to different parts of the Constitution. As a matter of fact, Mr. Speaker, the hon. Members in this House also swear allegiance in accordance with the Constitution of the country and yet they are not Ministers.

Mr. G. G. Kariki: Mr. Speaker, Sir, supposing this House was to change the Constitution to allow the Assistant Ministers to be members of the Cabinet, is the Government prepared to accept that?

Dr. Kiako: Mr. Speaker, Sir, I think that is an entirely different question—

The Speaker (Mr. Slade): Not entirely a different question, I do not think.

Dr. Kiako: Mr. Speaker, Sir, I was saying that if any person wishes to change the Constitution, that person is free to make his proposal known, but I cannot commit the Government to an amendment of the Constitution until I have seen the wording of the amendment.

Mr. Godia: Mr. Speaker, Sir, will the Minister—

Mr. Eshiz: On a point of order, Mr. Speaker, Sir, is it in order that the Members on this side of the Chamber do not catch your eye at all?

The Speaker (Mr. Slade): Order! I think under the guise of a point of order, Mr. Balala is criticizing or questioning the impartiality of the Speaker. I have warned hon. Members that there is only one way of criticizing the conduct of the Speaker, and that is by substantive Motion which will go to a vote. I am not going to have this any more.

Mr. Godia: Mr. Speaker, Sir, arising out of the Minister's reply, will he accept a recommendation from this House to the fact that the Constitution be amended to make provision for Assistant Ministers to attend the Cabinet?

Dr. Kiako: Mr. Speaker, Sir, strictly speaking, and I would certainly not like to in any way, to suggest to you how to handle such a proposition, but if the hon. Member wishes the House to make a recommendation to the Government that Assistant Ministers be considered Members of the Cabinet or Deputy Ministers, I think that should come in the form of a Motion, Mr. Speaker, Sir, not as a supplementary question.

Mr. Makokha: Mr. Speaker, Sir, taking the Ministry of the Minister who is just answering as an example, that is the Ministry of Labour, previously, Sir, it was the Ministry of Labour and Social Services and now we have two Ministers, the Ministry of Labour and the Ministry of Social Services, could the Minister tell us what the two Assistant Ministers in his Ministry are doing? What are their specific duties, in view of the fact that one part of the Ministry was moved to a different Ministry?

Dr. Kiako: Mr. Speaker, Sir, I have already issued circulars to my two Assistant Ministers, as well as to the leader of the National Youth Service, who is not an Assistant Minister, as to what their specific duties are. This is already in writing and, Mr. Speaker, Sir, since I did not know that I was going to be asked this question, all I can say is that I shall request my Assistant Ministers to give me copies of the letters which I have written to them which will be circulated to the hon. Member, because there are quite a number of details in these letters assigning certain duties to them, and this has already been done. They have already received instructions of the kind of work they are to do.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the Minister's reply that he will request his Assistant Ministers to produce a copy of his circular, and since the Minister is answering on behalf of the President's Office, will the Minister assure the House that all Assistant Ministers, who are two in one Ministry, will get their functions and duties in a circular as such, because there are several Ministries with two Assistant Ministers and maybe they are at loggerheads at times, which might result in the Members of Parliament not knowing their functions?

Dr. Kiako: Mr. Speaker, Sir, it is correct that I have been answering on behalf of my colleague the Minister of State to the President's Office, although, Mr. Speaker, Sir, you will agree with me, that the last but one question was directed at me in my capacity as Minister for Labour, but, Sir, I would think that the question should even go a little further than that. Not only should we refer to the two Assistant Ministers in one Ministry, but even to the single Assistant Ministers in a Ministry if the House wishes to know what each Assistant Minister has had assigned to him, then I can undertake this, to go and report to the President.

Mr. Eshiz: Mr. Speaker, Sir, would the Minister agree with the feeling of this House that the Assistant Ministers are just for window dressing and white washing and that they do not have any specific responsibilities in the Ministry?

Dr. Kiako: Mr. Speaker, Sir, I have no intention at all of agreeing with that absolutely untrue observation.

The Speaker (Mr. Slade): With which we will go onto the next question.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

#### UNSATISFACTORY REPLY TO QUESTION NO. 321: FUNCTIONS OF ASSISTANT MINISTERS

Mr. Anyien: On a point of order, Mr. Speaker, Sir, before you know very well that I want to raise this matter on an adjournment, but my point of order is this, that in view of the fact that this is a very important matter, I do not know whether you will consider giving the Members of Parliament a chance to debate this matter next week, because Assistant Ministers with good education, good understanding—

The Speaker (Mr. Slade): Order! You have asked your question, Mr. Anyien.

It is not within the power of the Speaker to decide when matters shall come before the House, except those rather rare occasions under Standing Order 14, which certainly this is not a case for, and matters raised on the adjournment over which he has control. Otherwise, it rests with the Sessional Committee or with the Government as regard to Government time. If you are right in believing that the whole House would like to debate this question at an earlier date, I have no doubt that a Private Member's Motion put in by you would be given precedence by the Sessional Committee on Private Members' Day, but that rests with the Sessional Committee, and not me.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, on a point of order, is it really in order for a Member to imply that the Junior Ministers who are in the field and doing work are frustrated; that the Junior Ministers at the moment are really frustrated while, Mr. Speaker, Sir, there is a procedure in which a Junior Minister if he feels—

Mr. Anyien: On a point of order, Mr. Speaker, Sir—

The Speaker (Mr. Slade): I am dealing with a point of order: Will you please sit down, Mr. Anyien?

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): If he feels so frustrated, there is machinery through which he can complain to his Minister.

The Speaker (Mr. Slade): Order! It is, of course, completely in order for hon. Members to say things like this, however little justification

there may be for them and however much Government may dislike them. It is not out of order.

Mr. Anyien: On a point of order, Mr. Speaker, Sir, the first point of order, there are two which I would like to raise, is this. The Minister knows the Constitution very well and that now they are no longer referred to as Junior Ministers, they are referred to as Assistant Ministers, and we have, many times, been asked to refer to them in the correct term. I do not know whether the Minister is deliberately refusing to recognize the title which the Constitution has approved, Mr. Speaker. Now, Sir, my second point is—

The Speaker (Mr. Slade): I should forget about the first one.

Mr. Anyien: Mr. Speaker, Sir, I think the Minister has seen my point.

Now, Mr. Speaker, Sir, I think that this is a matter of national importance and therefore, I do not know whether I would be allowed to raise this matter under Standing Order 14 to be debated, maybe next week?

The Speaker (Mr. Slade): Order! My answer to that is quite definitely no. As hon. Members know, Standing Order 14 can only be applied to a definite matter of urgent public importance. I have explained this a good many times. Hon. Members are entitled to make a proposal to move a matter under Standing Order 14, but they always get the same answer, that unless it is quite definite, within the opinion of the Speaker, and very urgent, within the opinion of the Speaker, and a matter of public importance, within the opinion of the House, that procedure cannot be used. This is neither sufficiently definite nor sufficiently urgent for this Standing Order to be used.

Mr. Glehoya: On a point of order, Mr. Speaker, I want your opinion about this. We are amending the Constitution and the statutes which have confused us here are entrenched in the Constitution. Do you not think, Mr. Speaker, it is quite in order that during the amendment of this Constitution the amendments to the positions of Assistant Ministers could equally be incorporated in the amendment and, for that matter, it becomes necessary that we debate this issue before the Constitution is amended?

The Speaker (Mr. Slade): No. We are constantly having amendments to the Constitution. Each time we have before us a particular Bill proposing particular amendments of the Constitution, we are strictly confined to discussing those particular amendments. As hon. Members know, a Bill for the amendment of the Constitution cannot be amended even in detail in its

The Minister for Economic Planning and Development (Mr. Mboya): As the hon. Member is aware from the published Six-year Development Plan, 1964 to 1970, there are several development projects which are contemplated for Mombasa District during this period. Under the revised Development Plan which is due to be published soon, specific development targets have been set for this district. These include:

(1) *Commerce and Industry*.—The Government plans to expand the scope of the fishing industry at the Coast. Depending on the success of the plans, a fish-processing factory at Mombasa will be built, and marketing and freezing facilities will be developed. In addition, extensions to the existing oil refinery at Mombasa are contemplated, and an exploratory survey on the feasibility of establishing a nitro-geneous fertilizer factory at Mombasa is being carried out. Furthermore, the I.C.D.C. has investigated the economic prospects of a large number of small-scale industries and is prepared to issue and give advice as soon as local people with the necessary finance and competence can be found who are willing and able to establish small factories and workshops. These small industries include manufacture of coir fibre, salt, edible oil, ice, jute bags, suitcases, shoes, plastic pipes, furniture, glass jewellery and other products, as well as workshops for boat repairs and construction, metal tanks, hand weaving, bakery and concrete blocks.

(2) *Infrastructure*.—It is planned to make improvements to Mombasa Airport and make extensions to the telephone services in Mombasa

during the plan period. Other infrastructural investments include improvement of roads. It is planned to improve Mombasa-Maitani Road, and bituminize it in stages starting this year. It is also planned to bituminize the Mombasa-Lunga Lungu Road during the 1967/70 period. Improvements of these roads will improve communications between Mombasa and other areas in the Coast Province, and this will benefit the economy of Mombasa. Furthermore, as the hon. Member is aware, the construction work on the Makupa approach road to Mombasa Island is almost complete.

(3) *Social Services*.—In addition to the new mental ward which has been completed in the financial year, there is a new nurses' home for Mombasa, and this is a priority project for the next year. It is estimated to cost £87,000. On the field of education, the Mombasa Technical Institute will be reorganized to provide extended courses to reach a higher standard than any other "trade school" in Kenya except one. Eventually, it is hoped to develop the institute to full polytechnic standards.

(4) *Other Services*.—It is planned to establish television and broadcasting services in Mombasa during the plan period.

(5) *General*.—The Revised Development Plan envisages a considerable expansion of the economy during the next five years. Since Mombasa is the gateway to the country, the general expansion of the economy in the Republic will benefit the economy of Mombasa District considerably.

Thursday, 24th February 1966

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 Wafuwa Khaoya.

#### ORAL ANSWERS TO QUESTIONS

*Question No. 321*

#### FUNCTIONS OF ASSISTANT MINISTERS

Mr. Theuri asked the Minister of State, President's Office, if he could inform the House about the real work of Assistant Ministers, in view of the fact that the Assistant Ministers, were not in the picture regarding Government policy; and, secondly, why were they not permitted to act as Deputy Ministers when their own Ministers were away from their offices.

The Minister for Labour (Dr. Kiavo): Mr. Speaker, Sir, on behalf of my colleague, the Minister of State, President's Office, I beg to reply. Assistant Ministers are appointed by the President in accordance with the provision of the Constitution to assist Ministers in the performance of their duties. Assistant Ministers are not members of the Cabinet, and they are not therefore expected to know the whole range of Government policies. However, Assistant Ministers are expected, in assisting their Ministers, to carry out assignments in the whole range of Ministerial duties and, in effect, they do play an important part in the formulation of policies in their respective Ministries.

As regards the second part of the question, Mr. Speaker, it is necessary to maintain continuity in policy during the absence of a Minister and, as I have said, an Assistant Minister is not a member of the Cabinet. Ministerial powers and responsibilities are, therefore, transferred to another Cabinet Minister, who should be fully aware of Government policy. A Minister must be appointed in accordance with the provisions of the Constitution. There cannot, therefore, be an automatic assumption of Ministerial powers by an Assistant Minister, because an Assistant Minister would have first to be appointed to be a full Minister before he could assume Ministerial powers, positions and duties.

Hon. Members will agree, therefore, Mr. Speaker, that an Assistant Minister is not in a position to be considered as a Deputy Minister.

Mr. Theuri: Mr. Speaker, Sir, arising from the Minister's reply, if the Assistant Ministers are not members of the Cabinet, why does the Government have so many Assistant Ministers, consuming so much public money, if they are not doing useful work?

Dr. Kiavo: Mr. Speaker, Sir, I am sure that in my reply I did not in any way imply that they are not doing useful work. They are doing very useful work in assisting their Ministers. What I said was that they were not Ministers in accordance with the appointment of Ministers as indicated by the Constitution.

Mr. Khasakhala: Mr. Speaker, arising from the Minister's reply, could he tell the House that this House should not accept replies from the Assistant Ministers as regards Government policies, because they are not part and parcel of the Cabinet or because they are not as well informed as the Ministers are?

Dr. Kiavo: Mr. Speaker, no, Sir, because an Assistant Minister is usually briefed by his Minister as to how to answer a question. And, as I said in my original reply, the Assistant Minister is assigned responsibilities by his own Minister.

Mr. Gichoya: Arising from one of the answers given by the Minister, does he not agree with me that if, say, that an Assistant Minister, having been an Assistant Minister for a number of months or years, is really conversant with the policy of the Government and consequently he is indeed capable of holding a Ministerial position in the absence of the Minister, instead of getting another Minister from another Ministry to hold the responsibility of that Ministry he should be appointed?

Dr. Kiavo: I would like, Sir, to inform the House that not only Assistant Ministers but many other persons in this House may be, to some extent, conversant with the Government programmes and so on. But a Minister is appointed in accordance with specific provisions of the Constitution and, therefore, the hon. Member's statement that automatically an Assistant Minister, once he becomes knowledgeable, should be made a Minister cannot apply.

Mr. Gichoya: On a point of order, Mr. Speaker, the Minister has confused what I have stated—

The Speaker (Mr. Slade): That is not a point of order, I am afraid. You cannot have a point of order on your question being confused.

Mr. Omweri: Mr. Speaker, Sir, arising from the Minister's reply earlier on, he said that Assistant Ministers are appointed according to the Constitution, and also that the Ministers are appointed according to the Constitution: the two officers

[Mr. Anyim]

Mr. Speaker, what is unfortunate is that some of these people who are brought back very many of them are not even citizens of this country and yet they are put in places where the formulation of policy is carried out. When you have a certain policy being discussed in this House, then the policy you are discussing is the policy of a mind that is still colonial. We proceed here that we are independent, but actually the policy is an economic policy. For example, the Ministry of Finance, its economic policies for this country, the way the money should be spent, is completely colonial. So we come here, we have a black Minister saying, "Oh, this will be done." You dare not stop them from reading their speeches, because if you do so, then they sit down. A Minister will read what is prepared for him. If you say "no more reading," he will sit down. This applies to Ministers, not just one Minister.

Now, Mr. Speaker, we contend that we must not pretend. If we do not have somebody who can do the work, then we must allow the person who can do the work to do it. Until we have a reliable person to do the work, we should not allow somebody else to stay there to be briefed. We believe that there is no shame in a white man helping. As the Minister did say, there is no shame in somebody learning.

So, I believe that the Minister will look into this because there is no voting on this. He will look into this. If he cannot get another man to fill the positions we have mentioned here, then we have some Africans who are highly qualified. For example, this man Mr. Knight in the Ministry of Education, I do not think this man is educated. If this man is educated, I see that he speaks English, and English is his mother tongue. That is no education. We have educationists here who could work better in our secondary schools, but this man has a blank mind. He is colonial minded. If he was removed from that Ministry, then we could put in an African, an African who could do the work. It is no use picking a Standard VIII person, putting him there, then remove him and put the migrants back again.

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

Mr. Kiprotich: Mr. Speaker, Sir, I do not want to be tribal minded on this issue of expatriate officers. What I want to say is that it is that we have been asking for Africanization in all departments of the Government. We did know that when an African was being appointed to take over as Permanent Secretary, there would be somebody to

come in at the back door. We do not know why how this money is obtained to pay these back-door expatriate officers.

Mr. Speaker, Sir, I have no quarrel with the Ministry for Finance, because I know the Permanent Secretary does the work there very well. However, the Ministry of Education—I know what is happening there, I am not talking of what I have heard, I am saying what I know and in the Ministry of Education, we have white people as those who do not even want to see an African's face, not even that of a Member of Parliament. There are people who do not want to talk to a Member of Parliament, or even refuse to make appointments to see them. Why should we have such people? Why should we keep such people in this country? I remember when I was organizing congress in 1958 in Nakuru, this same person, Mr. Knight, was in Nakuru as provincial education officer. Whenever we spoke to him about education, he would say it was not his job. Yet, today, the Education Department has called him back. I do not know who brought him back. The Minister has just spoken, but we know who brought this man there.

Now, Mr. Speaker, we have heard complaints in the newspapers about leakages in the commission papers in the Ministry of Education. Now, this man must be doing things.

The Speaker (Mr. Slade): Order! Order! Mr. Kiprotich! Hon. Members must remember the complete privilege they have for what they say here, complete immunity and, therefore, the very great responsibility not to abuse that privilege, particularly when they speak about people who are not here to defend themselves. As far as possible, we should keep ourselves to principles and avoid personalities. Sometimes, we have to talk about personalities a bit, and I do not blame hon. Members to the extent they have done so far, but now, I think the hon. Member is going very near making very serious charges against a man who is not here to defend himself.

Mr. Kiprotich: Thank you, very much, Mr. Speaker. I will leave that man alone.

I come now to the Ministry for Settlements. We have a Permanent Secretary who should go. I am sure that the Members who are here as well as those who are in the gallery will support me on this issue. We have people in the Ministry who are just there as pictures, they do not do anything. They have people there who say they know what to do. Even in my own constituency, there is a man named Benson—I am sorry, Mr. Speaker, to have to mention the name of this man who is not here—who was re-employed

[Mr. Kiprotich] after doing bad work on his own farm before. We must tell the truth here, Mr. Speaker. This man was a failure and how can a failure advise somebody like Kiprotich who has a farm on the main road? Everybody can see what I am doing. I am a Member of Parliament and do not stay on the farm but every time I go to the farm I tell my workers, "Please do this and that."

So, Mr. Speaker, Sir, if we have such people in our Government, they will help to undermine the progress of our Government. We do not want such failures in our Government. Yet the Minister in the Office of the President comes here and tells us that these people are very good, they can do this and that. We know very well what they can do. We have been here in Kenya and we know what the people are doing here. Some of the people who have been employed do not even have a Kenya Preliminary Examination certificate and yet they are being employed by our Government. Mr. Speaker, Sir, we are not here to ruin our people, we are here to see that things are put right. There have been mistakes and these mistakes must be corrected.

If there are Africans who are taking courses in preparation for the system of Africanization I do not want them to be lazy in the offices. They must do their duty properly. If they do not do their duty properly and yet they take money of this Government, steal the money of this Government, I am sure they will not be there for long.

I also insist that you should not employ your tribe for the *chao* or the office boy.

The Speaker (Mr. Slade): Order! Order! Mr. Kiprotich, that is not relevant. We are talking about expatriates.

Mr. Kiprotich: I support the Motion.

Mr. Kerich: Mr. Speaker, Sir, I would like to declare that I support this Motion. On this question of expatriates, I feel these people do not understand Africans. There are expatriates who blew in here, in order to rule this country found Africans walking about naked. Today, Africans are ruling the country but these expatriates do not believe that the Africans are really capable of ruling the country. They are here only to undermine what is being done by our fellow Africans.

Mr. Speaker, Sir, I would like to quote one example. One day I went to Nakuru to speak to a trade officer and I told him that the people in my constituency wanted some commercial loans. He told me, "Africans do not know how to keep accounts and, therefore, in that case they should not be given commercial loans." Mr. Speaker, Sir, I asked him, "Should we leave these people

just as they are? What can we do about that?" He could not answer me. From this, I concluded that these expatriates do not understand Africans.

I would also like to warn Africans who have been promoted to high posts to behave differently. When you go to their offices and you tell them that you are a Member of Parliament, they do not even give you a chair to sit on. You have to stand until you leave the office. I remember one day I went to the East African Breweries in Nairobi and I was pushed out of the door. When I said that I was a Member of Parliament they began to shiver and shake.

The Speaker (Mr. Slade): They are not Government servants; are they?

Mr. Kerich: Mr. Speaker, I want to warn the Africans who are working in high posts in the Government that they should maintain proper manners or else we go back to employ former colonial people.

Mr. Speaker, even the ordinary man in the street should be treated equally like a Member of Parliament. There should be no discrimination. Today, Mr. Speaker, in our offices, an ordinary man has no chance to see a permanent secretary.

The Speaker (Mr. Slade): We are talking about expatriates, you know, Mr. Kerich. Are you talking about expatriates?

Mr. Kerich: Yes, Sir.

The Speaker (Mr. Slade): Well, keep to it.

You have one minute left.

Mr. Kerich: Mr. Speaker, the question is that we should Africanize the posts and, therefore, I was giving a warning to my fellow Africans that when they take these posts they should have good manners.

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

#### ADJOURNMENT

The Speaker (Mr. Slade): That is the end of our time. The House is now adjourned until tomorrow, Thursday, 24th February, at 2.30 p.m.

The House rose at Seven o'clock.

#### WRITTEN REPLY TO QUESTION

Question No. 338

MOBASA DISTRICT DEVELOPMENT PLANS: 1964-1970

Mr. Omar asked the Minister for Economic Planning and Development if he would tell the House what development plans he had for Mombasa District in the 1964 to 1970 development period.



The Minister of State, President's Office (Mr. Nyamweya): I want to speak now, Mr. Speaker, because I think—

The Speaker (Mr. Slade): I think there is some misunderstanding here, perhaps. There is no actual seconding, of course, because we are just talking on a Motion for the adjournment. It is unusual for the Minister to answer so soon, but we always allow him to answer when he feels disposed to answer.

The Minister of State, President's Office (Mr. Nyamweya): I am provoked, Mr. Speaker, for the first time, because the hon. Member for Trans Nzoia, for whom the majority of the Members of this House have great esteem and regard, has decided today to distort the facts as they were when I replied to this question.

The Speaker (Mr. Slade): I do not think you mean to say "he decided to distort". "He has distorted" is in order.

The Minister of State, President's Office (Mr. Nyamweya): He has distorted, Mr. Speaker.

Mr. Speaker, Sir, when the hon. Member tabled this question, he asked in his question No. 162 "how many senior expatriate civil servants whose posts were Africanized and paid compensation by Kenya Government are serving Kenya on contract basis; in which Ministries are these expatriates serving; does the Government contemplate getting more of these officers under these arrangements?". To this question, Mr. Speaker, Sir, I replied that we had no officer who had been retired under the compulsory retirement scheme who is serving on contract. Expatriate officers, I stated further, are only retained in the service in the absence of qualified African officers and, therefore, when posts have been Africanized, it follows that there is no vacancy in which expatriate officers could be re-employed.

I further stated that we have four officers who have been retired under the retirement scheme. Of these, two have voluntarily retired under the retirement scheme and were re-employed on contract terms. These officers are both employed in the Ministry of Health, respectively as nursing sister and senior entomological field officer, because we did not have suitable, qualified Africans to take over these jobs.

Also, there are four senior expatriate officers, Mr. Speaker, whose posts have been Africanized and who are working in Kenya in an advisory capacity under the technical assistance arrangement. These are in the Ministries of Finance, Home Affairs, Health and Labour, where they had previously served respectively as Permanent

Secretary, Commissioner of Prisons, Medical Officer and Assistant Commissioner for Labour. I stated in this House that officers working under this scheme are not regarded as civil servants of Kenya as their salaries and the cost of their transport are paid by the donor country.

Hon. Members: No, no.

The Speaker (Mr. Slade): Do continue, Mr. Nyamweya.

The Minister of State, President's Office (Mr. Nyamweya): In this case, Mr. Speaker, the four officers to whom I am referring—working in the Ministry of Finance and other places—are being paid by the British Government.

An hon. Member: What about Mr. Callender?

The Minister of State, President's Office (Mr. Nyamweya): He is under the technical aid programme and he is being paid by the British Government.

Mr. Speaker, Sir, the hon. Member for Trans Nzoia knows very well that the matter of the affairs of the Nairobi City Council does not strictly come within the purview of the Civil Service. Mr. Callender, whom I think the hon. Member was referring to, is working under the City Council of Nairobi. Mr. Knight, who is the Chief Education Officer, his post has not been Africanized.

After having said that, Mr. Speaker, I would like to say this. It is the declared policy of the Government to Africanize with a view to correcting the imbalance, as we have stated here previously. While we are committed to this policy, we want to ensure that there is maintenance of efficiency and a high standard of service throughout the country. There are certain basic academic and professional qualifications which are requisite to appointment in any grade in the Civil Service, but this is not all. An officer may acquire experience by doing the work, in order to be able to carry out his duties efficiently. This experience cannot be acquired, as most people think, overnight. In the past, Africans—even if they were qualified—were not given an adequate opportunity to enable them to gain the necessary experience in handling big responsibilities. Thus, when an expatriate is replaced, his successor requires some time during which to learn the job. It is in this period that the services of an adviser are needed, in certain cases, to assist the new officer. To do that, Mr. Speaker, is not to denote the office, as the hon. Member for Trans Nzoia has already put it. That is an insult, as a matter of fact, to our civil servants who are keen to maintain a high standard in the service.

[Minister of State, President's Office]

Mr. Speaker, Sir, I know most of us who came here for the first time were inexperienced, and as days pass by the hon. Members are gaining experience. We learned from Members like the hon. Muliro and other Members who were here previously before us. It is fair to some of our civil servants who are taking over the responsibilities to learn from their predecessors. There is nothing wrong in that. You are extremely inexperienced, Mr. Muliro—

Mr. Muliro: On a point of order, Sir—

The Speaker (Mr. Slade): Order!

The Minister of State, President's Office (Mr. Nyamweya): I beg your pardon. I was referring to—

The Speaker (Mr. Slade): Order! But you do not do that, you know, Mr. Nyamweya, you address the Chair.

The Minister of State, President's Office (Mr. Nyamweya): I am sorry, Mr. Speaker, Sir, it is not my habit, but I was deprecating the unnecessary, bellicose interjection of the hon. Member for Lurambi.

The Speaker (Mr. Slade): You can do that, but you must do it in the right way.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, I have done it; thank you very much.

Mr. Anyien: Mr. Speaker, I was very surprised to see that the Minister of State in the President's Office stood up to speak before I spoke, and now he is running away; it is very unfortunate. He knows very well that if we put the facts, they will hit him in his heart, and I am sure that is why he is running away.

I believe he was becoming unnecessarily emotional, trying to interrupt the hon. Member who brought the matter up.

Mr. Speaker, Sir, Government should look into this matter even though the Minister has deliberately walked out, perhaps thereby showing that he does not attach very great importance to this matter.

Mr. Speaker, the truth is this: we are saying that while we want Africanization, we should not carry out Africanization for the sake of Africanization. For that reason, Mr. Speaker, this House wants to let the people know that we could have had an African Speaker, but we decided that Mr. Slade should be the Speaker. I do not see why, for example, people might have said, "All right,

this man will be the Speaker." Then we put Mr. Slade there to be there, to advise this other man on how to deal with the House. This would be duplication of work, and it would be very unfair.

Another thing is that a person who has been in a Ministry, like the gentleman who I mentioned, has been there for a long long time—I must thank the hon. Minister for coming back—and when you bring in a new man, the man who is supposed to have resigned will lead to dictate to the new man who comes in. He will tell him, "Look here, my friend, I have been doing this job for the last twenty years. You have just come from school, so whatever I tell you, you should accept." This is very dangerous. I have seen some Ministers come here. The other day one Minister—I do not want to mention his name—came here and read something which was very important and on a national level. When we asked him when he saw this, he said he saw it here, he had not seen it before. Yet this thing was written from his Ministry. The man who is there as the boss is an African, but the man who really wrote this thing was this expatriate. So, Mr. Speaker, did we have to discharge this man before? I will give you an example here, and with all due respect. The Clerk of this House was said to be Africanized and then we were told, "All right, now we have an African because this man is going." Now you find that he is back here doing the work of the Clerk. Why did we have to Africanize him? Why did we not allow him to continue until we had an African who was ready to take over? The policy formulation is made by the Africans. If we have a European, it is all right to keep him in the post until we have an African, but the practice of trying to, for example, give my brother a job, then putting in a European to do the actual work is very bad. If we do not have a qualified African to take the post, I am not ashamed of saying, "No, this man should stay." For example, when I was a member of the Maize Marketing Board, Mr. Speaker, there was a man there by the name of Mr. King. I realized he knew his job and I said, "No, you should not Africanize this man, until we have another man to replace him." What our people normally do is, to say that we have an African so we are going to Africanize a certain post. Then when you have paid him a very large sum of money, then you bring him back again, give him even more money and he continues to exploit the country. This is not fair, Mr. Speaker. I think we must be honest and say that, as long as we are not ready to Africanize, we are not going to be ashamed of this. We will allow the expatriates who know more to continue with the work until we have Africans who can carry out the work.

[Mr. Omar]

be extended to the Tana River and Lamu Districts it will one day be extended to Malindi and Mombasa and Shifita activities will increase day after day until they probably take over the country.

Mr. Deputy Speaker, before independence was achieved the colonial rulers had arranged to obtain experts to go and find whether or not there was oil in Somalia in the North-Eastern Region, but now because of the Shifita menace the Shell Companies had to withdraw their staff, machinery and equipment and the whole project now has been abandoned. Now we are told to extend the Emergency Regulations, but I, as a Member for Mombasa and the Coast Province and Lamu District and the Tana River District, do not want the Emergency Regulations to be extended to the Tana River. Members from this area have always said, from time to time, that the people living in the Tana River and Lamu Districts should be allowed to carry effective weapons to fight the Shifita. They have asked for rifles to arm themselves with and so on and yet the Government has refused. We are told that some of the civil servants—it may be true or it may be wrong, but this is a report that we hear—do not concentrate on fighting the Shifita. Instead they try and come to bother the people in this area. We want to be told the reasons why the Emergency Regulations are going to be extended to the Tana River and Lamu Districts, we cannot accept it, because if we accept it we will be creating fear among the coastal people, as well as the country. Even the General Service Unit cannot fight, how strong are these Shifita, Mr. Deputy Speaker? We can fight them.

Another point, Mr. Deputy Speaker, is about the Electoral Commission. The Constitution stated that the report of the Electoral Commission on the constituency boundaries would be out by 12th December 1965, and several meetings of the Electoral Commission have taken place in Nairobi, in this building here, and this commission is spending a lot of money because when the Members attend the Electoral Commission they are paid mileage, attendance allowance and so on, and the report or memoranda were submitted during April last year and so far we have not heard anything about the report. We would like to know the report of the Electoral Commission and to be shown all the boundaries so that when we go back to our constituencies we can tell the people that the boundaries of our constituencies are such and such, and also Members can concentrate on the constituencies where they intend to stand in the coming election. We want to be given ample time to know the constituency boundaries so that those Members who

want to be returned in the House can concentrate on those constituencies and build themselves up there. We do not want to be given short notice of two or three months as regards the change of the constituency boundaries, because we also want a new voters' roll to be made before the general election takes place in 1968. We feel it is important to have a new voters' roll because the present voters' roll, Mr. Speaker, is misleading and—

The Speaker (Mr. Slade): Mr. Omar, that is outside this particular Bill. You see the alteration of constituency boundaries is the subject of the Electoral Commission's Report and the Bill covers that, which is something quite different from revision of the voters' roll. It is independent of constituency boundaries; so you must leave that subject, I am afraid.

Mr. Omar: My point actually, Mr. Speaker, was about the money that is spent on paying the members on the Electoral Commission.

The Speaker (Mr. Slade): That is all right.

Mr. Omar: I know when they come here they are paid allowances—

The Speaker (Mr. Slade): Order! But it is only all right so far as relevant to this particular job of revising constituencies. That is all that this Bill is concerned with. If you say that money is wasted on them with reference to that work, all right. You cannot go into all the activities of the Electoral Commission, and I do not say that merely because I am vice-chairman.

Mr. Omar: However, Mr. Speaker, I urge that the Government should get this report of the Electoral Commission out even before the end of this year.

Another thing, Mr. Speaker, is about the Trust Lands. It is stated here, on page 52, clause 2(7), the purpose of the amendment to section 209 (1) is to enable Trust Lands to be set apart for the purpose of any registered company formed for public purposes in which the Government of Kenya has a financial interest.

This is a very touchy matter as far as we Coast people are concerned. Mr. Speaker, and the country as a whole. We ourselves said here a few days ago, possibly last week, when we complained about the question of landlessness in the Coast Province, that this is serious because of the fact that the Coast was known as a Mwambao or the Coastal Strip which belonged to the former Sultan of Zanzibar. There are a lot of Trust Lands in the Coast Province and if we agree to pass this amendment then the Government will have the power to set apart any piece of land for any registered company formed

[Mr. Omar]

for public purposes and in which the Government will probably have a financial interest. Here people are suffering, Mr. Speaker, they have no land to live on or to cultivate and so on. If the Government is going to be allowed to acquire a piece of land together with the companies, which will probably have a joint venture with the Government, before the question of land is settled, it is not fair. It was said last week that the Ministerial Commission will soon visit the Coast Province and make inquiries into the land problem. This should have been done before this.

The Speaker (Mr. Slade): I think, again, Mr. Omar, you are getting off this particular provision for expropriation in certain circumstances. It is time now for the interruption of business, but you will be able to continue when the debate is resumed.

#### MOTION FOR THE ADJOURNMENT

##### CONTINUED EMPLOYMENT OF SENIOR EXPATRIATE CIVIL SERVANTS

The Speaker (Mr. Slade): I will now call on a Minister to move that the House do now adjourn.

The Minister for Information and Broadcasting (Mr. Achieng-Onyok): 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. Muliro: Mr. Speaker, Sir, I raise this question on the adjournment because I found, when I asked my question of the Minister, that he did not give me a proper explanation or any convincing reasons why we should continue employing expatriates to whom we have paid out a lump sum of money for the termination of their services.

Here, Sir, I do not want to bring in any individuals or mention any names, but when we take the Ministry of Finance—the Treasury—we find that today the adviser to the Permanent Secretary in the Treasury is the former Permanent Secretary. If that man was so important that we did not have a person in Kenya to fill his place, we should have negotiated terms under which he should have continued serving the Republic of Kenya, rather than dismissing him and then calling him back again on contract and paying him a bigger salary. This, Sir, is most discouraging—

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, the hon. Member is misleading the House, because I remember—

An hon. Member: That is not a point of order.

The Minister of State, President's Office (Mr. Nyamweya): It is.

The Speaker (Mr. Slade): I doubt whether it is, Mr. Nyamweya. If he is wrong in his facts, you will have your opportunity at the right time.

Mr. Muliro: Mr. Speaker, I wonder whether the Minister will deny that Mr. Knowles and Mr. Butter are not at present working in the Treasury.

There is another officer, Sir—the City Education Officer—who is earning a very high salary today; possibly he is earning a higher salary than any of our Ministers in the Kenya Government. An officer like that is not indispensable. We could get an African in Kenya who could become the City Education Officer for the Nairobi City Council, and yet why should we employ this expatriate who, himself, does not even have a degree? He is a school certificate person with two years' teacher training and he has been working in Kenya for many years, and now he is looked upon as the man to direct the city education, rather than getting a local Kenya citizen to do the work.

There is another case, Mr. Speaker. There is a certain Mr. Knight in the Ministry of Education. He is the Deputy Chief Education Officer. If we are Africanizing various posts in the Kenya Government, for the sake of Africanizing, we say no, we should Africanize the job only if there is a person fit to do the work. It is no use saying that we have a Chief Education Officer in Kenya, when actually his work is being carried out by someone else. These decorations, Mr. Speaker, are wasting the country's money, ruining the country, without any services being given to the country. This, Sir, was the reason why I said the Minister should tell this House: does the policy of Africanization mean having the post filled by a black face when this black face is incapable of doing the work, or not? If someone does not know the work, Mr. Speaker, I think the best thing would be to say, let the person who is most fit to do the job, do it. If we do not have an African now, let us employ the expatriate, agree on terms on which he should work for us and when we have an African, then let the post be Africanized.

It is this, Sir, that made me raise this Motion on adjournment.

With these remarks, Sir, I beg to move.

The Minister of State, President's Office (Mr. Nyamweya): I would like to speak now, Mr. Speaker—

An hon. Member: Let us speak first.

**[The Deputy Speaker]**

certain hon. Members are likely to commit criminal offences, because I cannot understand myself, how he could know any particular person would commit a criminal offence and go to jail. I am afraid I do not see your interpretation, I think it is a bit far-fetched. It is possible that this is what might be interpreted, but I do not think this is the correct interpretation.

Mr. Omar: Mr. Deputy Speaker, I do not see any reason why my friend stood on a point of order on such a straightforward thing. We, as Members here, Mr. Deputy Speaker, are real hon. Members and we do not want to lower our dignity or our dignity to be lowered.

As it is stated here, Mr. Deputy Speaker, that the purpose of amendments to section 41a and 42 is to cause a Member of either House of the National Assembly to vacate his seat if he is sentenced to a term of imprisonment exceeding six months. Now, Mr. Deputy Speaker, I say that if we allowed this amendment Bill to be passed, after a few days we shall find ourselves here, reduced probably by half the number of Members here. I can say this, Mr. Deputy Speaker, because I know for certain that some Ministers—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is the hon. Member for Samia and Bunyala and, the Assistant Minister to the Minister for Agriculture, in order to call the hon. Member speaking a criminal? Can he substantiate that?

The Deputy Speaker (Dr. De Souza): Order! I certainly did not hear him. If he said it, I think he should withdraw it. It is a serious allegation.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Deputy Speaker, Sir, the hon. Member for Mombasa Island had said that we know for certain that we are and I interjected "criminal".

The Deputy Speaker (Dr. De Souza): Order! But I am afraid, Mr. Osogo, you are confirming what he is alleging you said. If you say that we are criminals then, of course, I am afraid that you have to withdraw. I do not think you mean it in that sense, but you might as well withdraw it.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, when an hon. Member is thinking for a word to put forward in his speech, and I happen to know a word that could be put, can't I, in that case, say that word?

The Deputy Speaker (Dr. De Souza): No, no. I am afraid it is not. When you put in an interjection of this nature, you are in fact, making an

allegation, even though as it were through his mouth, but you are still making an allegation. Perhaps it was intended to be humorous, and I think that we have to treat this very seriously, and I do not think you intended to seriously say that Members were criminals. I am sure you will withdraw it.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Deputy Speaker, if my interjection when trying to help the hon. Member was wrong, then I withdraw it.

Mr. Anyieuk: On a point of order, Mr. Deputy Speaker, that is not a withdrawal, that is a conditional one.

The Deputy Speaker (Dr. De Souza): No, I accept the withdrawal. I think it is reasonable.

Mr. Omar: Mr. Deputy Speaker, Sir, for the information of the House I have never been convicted, and if I am to become a criminal I shall be the murderer of this Bill. I am going to kill this Bill.

Mr. Deputy Speaker, I am speaking for the benefit of every Member here, in every group, whichever group he may belong to. I know we have some Ministers here who have got friends or relatives or tribesmen who are officers of the police or who are district commissioners—

The Minister for Home Affairs (Mr. arap Mui): On a point of order, Mr. Deputy Speaker, I think you did indicate before that the Member who spoke earlier and stated that this Bill is intended to unseat certain Members. That question you accepted, Sir. He kept on saying that certain Ministers have certain police officers. Is that not a real allegation? He should substantiate by bringing a document to prove that there are certain Ministers who have relatives and friends, who have done this. This House ought to know and the public ought to know.

The Deputy Speaker (Dr. De Souza): Order! Mr. Omar, I think I am beginning to see clearly what Mr. Gatungu means, because if you are alleging, which I did not understand clearly earlier on, that certain Ministers have relatives or friends in the police and, through these friends or relatives, they are going to get people arrested and put in prison, this I think is getting a little clearer. When Mr. Gatungu interrupted you, I did not understand. If this is what you are saying I am afraid it is wrong. You must withdraw it. At least you have not said it, if you are not saying it I would suggest that you do not proceed on this line, it will be quite out of order.

Mr. Omar: Mr. Deputy Speaker, I was coming to the point and the Minister should be patient and wait for the point I was going to make. I

[Mr. Omar] said at the beginning. Mr. Deputy Speaker, that the Ministers here, and Members of Parliament too; not the Ministers alone but even the Assistant Ministers and Members of Parliament themselves, we have friends in the police force; we have friends who are district commissioners, we have friends who are district officers. If I do not want a certain Member to be a Member here and be unseated, I can go to my police officer who has a friend in that particular constituency and conspire with him to see that this Member loses his seat. That is possible, this can happen to anybody here in this House, irrespective of what group he belongs to, even the Minister himself, I can undermine him if I have a friend who is a police officer in his particular province or constituency.

The Deputy Speaker (Dr. De Souza): If I might make a ruling, I think that as far as this is concerned you are not wrong, because an hon. Member is entitled to point out the dangers of what might possibly happen. I do not think that you are making a specific allegation against any particular person or group of persons, you are merely pointing out the dangers. I think that can be accepted.

Mr. Omar: This is the point I was making Mr. Deputy Speaker, and I am going to concentrate on the clause which says that if a Member does not attend eight consecutive sittings in Parliament his seat can be vacated, and if a Member is sentenced to six months' imprisonment his seat can also be vacated. I am going to oppose the whole Bill because of this clause.

Mr. Deputy Speaker, most of the Members in this House are senior Members and they took part in the London Lancaster House Conference, of creating this Constitution and it was agreed by most of them that this Constitution should not be imposed on Kenya, this was agreed upon by the majority of senior Members and who, most of them today, are Ministers.

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

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

Before this Constitution was made the colonial rule had a clause of the same type and the Ministers who participated in the Lancaster House Independence Constitution did not want Members to be unseated by being absent from the House for eight consecutive sittings and they foresaw the danger, because they had experienced this during the colonial rule. I know a certain Member, Mr. Speaker, Mr. Mathenge, who is now the Leader of the Senate, who went to America and he was

absent for eight sitting days of the House and as a result his seat was vacated. This was the sort of thing that made some of our senior Members not have such a clause in the Constitution. Today, here, instead of talking or debating matters of national importance as to how we can obtain employment for our people, we come here and discuss amendments for the Constitution, such as that if a Member does not attend eight consecutive sittings of Parliament he is unseated, and if a Member is imprisoned for six months he is unseated. I think the Ministers and this House have more important national matters to debate and discuss than this amendment Bill. Most of us as Members of Parliament are devoting our time to our constituencies and although our pay is Sh. 2,000 we do not have any savings at all and this is because of the unemployment conditions in the country. We do not have a provident fund or a pension. Now, if I happen to be imprisoned, Mr. Deputy Speaker, my family would expect to be looked after but I do not have the pennies and, therefore, it is right that if I am imprisoned I should still get my salary as Mr. Gacita has been getting, and the Members who are imprisoned should also get their salaries because we do not have a provident fund or a pension and we have no sort of social security whatsoever. You cannot compare a politician with a civil servant, a civil servant has a lot of security, he has a provident fund, a gratuity and a free house allowance. Now even if he is imprisoned he does not lose his pension or his provident fund and so on. Now this is a matter, as I have said, which concerns not only Members of Parliament but the Ministers themselves, and we cannot accept it for the reasons that I have given, Mr. Deputy Speaker.

Now, another thing which surprised me, Mr. Deputy Speaker, is about the extension of the Emergency Regulations to the Tana River and Lamu Districts. Can we be told in this House whether the strength of our military forces here are defeated by the *Shifia*. Why is it necessary that these Emergency Regulations should be extended to the Tana River and Lamu Districts? Is it because our forces there are very weak? Or are they running between the boundary of Kenya and Somalia? We would like to be told. If the forces there are not strong enough and if we do not have enough troops, why does not the Government bring a Supplementary Estimate here to increase the troops and then send them there to the border. In fact, Mr. Deputy Speaker, I may be right or wrong, but I am told the forces are not on the boundary between Somalia and Kenya and the *Shifia* menace is increasing every day, which is very bad. If the Emergency is going to

**[The Minister for Economic Planning and Development]**

true that the best representative is the one who makes the most noise. There are some Members in this House indeed who are dignified and very effective and influential but who speak least; and I think it is most unfair for any hon. Member in this House to try to suggest that just because some of his colleagues do not jump up every time he jumps up that they are less effective as representatives. Mr. Speaker, our effectiveness or influence will not be measured by the number of words that appear in the HANSARD. There are many Members in this House who have done a lot for their constituents, who have intervened on behalf of their constituents in a quiet, effective and dignified way, and had a lot of things done for their areas without making noise. It is up to each Member to decide whether he wants to be recognized as a man who will speak on any subject and every subject or whether he wants to be an effective representative of his people and do the bit he can. How effective a Member is, in the final analysis, will not be determined by the number of words in the HANSARD but by the results which his people feel they are getting from him.

So, Mr. Speaker, the absence of a Member from the Chamber, from this House and from the country is an entirely different question and it cannot be compared with the position of a Member who takes his responsibilities seriously, who is dedicated to his work, who comes to this House regularly, who meets Ministers to discuss the problems of his constituency, who tries to discuss problems with his colleagues and does his duty as a representative. The position is entirely different and I regret very much that anyone should have raised this matter on that basis.

Mr. Speaker, I have already shown that many lesser bodies adhere strictly to this need for attendance and this Parliament, if it is seriously regarded as the main legislative body for this House, must take this question of attendance just as seriously. I am sure, therefore, that the public at large, our voters in particular, will feel puzzled by any suggestion that we would like to facilitate deliberate and callous irresponsibility on the part of any Member. I do not think there is very much need to labour this point because I feel that the point is quite clear.

Another point which has been made regards the provisions for a casting vote for the Speaker. Here, I think, is a slight misunderstanding that has arisen. I think Members feel—and this is my impression—that this is an attempt to give the Speaker a vote so that he could always vote with

the Government on issues in which there is a tie. For the last nearly ten years in which I have been in the legislature we have never had, in fact, a case in which a casting vote would have been necessary. I cannot recall one instance when this became necessary, but it is a provision, and I would like to make this explanation. If we leave things as they are at the moment, then the position is, as I understand it—and I stand to be corrected if I am wrong—that if there were a tie the Motion would be considered lost and, I believe, withdrawn. Thus, the matter is left in a somewhat unresolved fashion. On the other hand, the casting vote of the Speaker, as the Attorney-General explained when moving this Bill, is intended to be used—and by convention this has been quite clearly established—only so as to preserve the *status quo*. In the event that there is a tie it cannot and may not be used in order to change the position, or in order to introduce a new situation. It is always the established convention that it is used to retain or maintain the *status quo* giving all parties concerned the opportunity to consult further, to discuss the matter and to determine whether they wish to raise it again, and thereby to bring it back to the House. However, there is no case, and there is no question, and one hopes—at least, this is the stipulation—that no Speaker in this House or the Senate will wish to abuse this position.

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

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

In fact, Sir, I believe this is the most harmless provision in the Bill, and I was surprised that it was raised at all. If a Member of this House, such as we are now going to have, takes over the Chair in the form of the Deputy Speaker, he retains his original vote as a Member of the House, and may exercise it if he so wishes. However, if, when he is in the Chair, and he is also a Member with an original vote, he would then also be entitled to a casting vote when exercising the functions of a Speaker. The conditions, however, under which such vote may be exercised, is quite clearly stipulated and has been defined by the Attorney-General.

Therefore, I, myself, am satisfied that that particular provision does not require too much from the Members of this House. It merely puts us in line with other similar Parliaments in other parts of the world. I fail to see the objection to it.

Mr. Deputy Speaker, I think these are the three main points that have created so much heat during this debate, and on which I felt I should, at least, intervene.

**[The Minister for Economic Planning and Development]**

In conclusion therefore, I will only say this, that as far as these three issues are concerned perhaps we are making a mountain out of a mole hill. There is no question that these are important procedural matters, but they do not, in any way, take away from the dignity or status of the Members of this House. On the contrary, they strengthen that dignity and they make our position unassailable in the eyes of the public. A point which I believe should be seriously considered.

One point I meant to mention when discussing the prison question, is to remind Members that we have talked very, very strongly against crime from time to time, when we debated, for example, the Trade Union Bill, only recently, we imposed very strong and severe sentences, apart from fines, we even imposed corporal punishment, and we even have in the law today, that a convicted person may not be an official of a trade union movement. When we do that for other people, and say that for us there must be licence and complete freedom, then we must also be aware that the public are looking to see how we treat ourselves as against how we are prepared to treat other people. When we discussed the question of stock thefts we were prepared to take the most severe steps, including corporal punishment, in fact Members advocated for some very strong measures and yet, Sir, when it comes to ourselves, we say it does not matter very much. Some of us could easily decide to go and steal someone's *ngombe* tomorrow, and we would want to come back to this House. We would want to continue to be Members. We would want to continue to earn our salary, and yet, for the other men who steal the same *ngombe*, we have been saying here that he should be severely dealt with. Mr. Deputy Speaker, there cannot be two standards on this question. One for the Members of Parliament, and one for the ordinary people. That is the simple issue before us, whether we have different standards. The Attorney-General pointed out that in the case of the civil servants, a Permanent Secretary, the Director of Medical Services, an ordinary doctor, or in the case of a person working in an office, or even a messenger, if they are convicted and sent to prison even for one week they lose their jobs, they lose their pensions, they lose every benefit, and yet, some Members say that that is all right. It is all right for them. But we, Members, even if we go to prison for six months we should not lose our salaries, we should not lose our jobs, we should not lose our seniority, we should continue to be hon. Members. Mr. Deputy Speaker, how many standards do we

want in this country? A standard for hon. Members, and a standard for the ordinary people.

Mr. Makore: On a point of order, Mr. Deputy Speaker, is the hon. Minister not repeating himself in view of the fact that the Motion will be put today?

The Deputy Speaker (Dr. De Souza): No, I am sorry I think—Order! Order! I believe he is at the end of this speech in any case, but I do not think there is any likelihood of the Motion being finished today.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, I know that what I am saying goes very deep, and Mr. Deputy Speaker, it may be unpalatable for Members to hear this said so bluntly, but it has to be said, so that when we vote we all know what we are voting about, and so that we do not go about pretending that the issues are not as serious as they are.

Mr. Deputy Speaker, I beg to support.

Mr. Omar: Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, I rise to oppose and reject this Bill. Mr. Deputy Speaker, this is a straightforward Bill which I think is mainly intended to unseat certain Members in the House. Let me make it clear, Mr. Deputy Speaker, Sir, that the Members who are intended to be unseated come from every grouping in this House. The danger here, Mr. Deputy Speaker—

Mr. Gatiguta: On a point of order, Mr. Deputy Speaker, I think this is a very serious allegation and all the Members should know whether, in fact, this Bill is intended to detain certain Members because, if it is so, we might be prepared to change our minds. Mr. Deputy Speaker, Sir, could the Member substantiate this?

The Deputy Speaker (Dr. De Souza): Order! I think the Bill is self-explanatory. It is meant to unseat Members who go to prison for more than six months. I do not think there is any other substantiation—Order! Order!

Mr. Gatiguta: On a point of order, Mr. Deputy Speaker, is it not the implication from the speech made by the hon. Member that the Bill is, in fact, intended to unseat certain Members? The Bill speaks of people who are absent for eight days or Members imprisoned for more than six months, but the hon. Member is trying to imply that more than that, there are certain hon. Members who are intended to be unseated under this Bill.

The Deputy Speaker (Dr. De Souza): Order! I do not know. If that is what he said, if that is what was intended, it is wrong. If, in fact, said, and this is what I understood him to mean, that

Mr. Anylen: On a point of information, Mr. Speaker, Sir, if the hon. Member does not want to—

The Speaker (Mr. Slade): Order! He was inviting Mr. Shikuku to make something clear. I think that was all.

Mr. Shikuku: Mr. Speaker, Sir, the hon. Member has just said that I have repeatedly shouted the name "Macharia", and he is wondering who this person is. I would like to tell him that Mr. Macharia is someone who gave false evidence against the President of the Republic of Kenya, and that, Sir, can happen again.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, do I understand that the thesis of the hon. Member for Butere is that the courts of law would not have meted out justice? Is this the contention?

Mr. Speaker, Sir, if someone—

An hon. Member: Give way!

The Minister for Economic Planning and Development (Mr. Mboya): I will not.

Mr. Speaker, Sir, the only point that has been made with which I would like to deal again, is the suggestion that some Members who were at the Lancaster House Conference did not see it fit to include this particular provision in the Constitution at the time, and even the suggestion that this particular provision was discussed and that it was decided not to include it at that time. The answer to those suggestions is that at no time was this particular provision discussed at Lancaster House and at no time was it ever withdrawn at Lancaster House. Any such suggestion is therefore entirely misleading. Mr. Speaker, Sir, if the accusation is that during those very many weeks of laborious negotiations we forgot to include in the Constitution everything that needed to be included in it, then we plea guilty, but who, among us here, can today guarantee, for example, that the laws we pass here every day will not require an amendment tomorrow? Certainly, one reason why we included an amending clause in the Constitution is to cover this very eventuality. That amendment will be needed and here is a case where they are needed, and I think that instead of some Members becoming emotional about this, while one sympathizes and understands some of the grounds for caution expressed here, we must actually face this issue, and whereas we should give warning that this should not lead to victimization or misuse of power, or a witch hunt for Members of Parliament as possible criminals, but the question must be faced truly and squarely, namely that if people must be forced, as a result of committing a crime and being sent to prison, not

physically being able to represent their constituency, then democratically those constituents are entitled to consideration, and that is, very simply, what is being said.

Now, Sir, the second point which has been made is on the question of attendance. It is proposed in the Bill that if a Member absents himself from the House for a period of two consecutive weeks of sitting, that is eight days, in fact, that he should forfeit his seat. The stipulation is that, in fact, a Member may be absent, because this has not even been stated here, for more than two weeks providing he takes the simple precaution of writing in to the Speaker, or speaking to the Speaker, and telling him—

Mr. Shikuku: On a point of order, Mr. Speaker, the hon. Minister has just stated that a Member may absent himself for more than two weeks. Is he not misleading the House when the Bill says eight days?

The Speaker (Mr. Slade): It is the same thing from the point of view of the House.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I agree with the hon. Member for Butere, it means eight sitting days, but we do eight sitting days in two weeks. I thought that was quite simple.

But, the point is that in the case of a Member who wishes to go away for more than two weeks, all that is required is that he should inform the Speaker and get his permission. Now, Sir, this may appear very unpalatable to Members because some Members feel it is below their dignity to ask for permission. Mr. Speaker, let me quote instances where people who are more grown-up than the hon. Member for Butere do get permission. It is written in the Constitution, for example, and we do it, that no Minister may absent himself without written permission from the President. That is one case in point.

Now, Sir, another case is that Members in this House who sit on different boards know that in some of these boards if you absent yourself from three meetings without previously securing permission to do so, you cease to be a member of the board.

Now, Mr. Speaker, I go further. They might say the board is different because the members are not elected by constituents. But it is also true that in every county council, in the City Council of Nairobi, in the Municipality of Mombasa, where people are elected by the public, that if you do not attend meetings for a given period as a councillor, you cease to be a member of the council.

The Speaker (Mr. Slade): Order! Order! Hon. Members on that side, a little group of them, make loud noises at the end of every remark. We cannot continue debate that way. If they have to go on being noisy they will have to make that noise outside.

The Minister for Economic Planning and Development (Mr. Mboya): Now, Mr. Speaker, this is exactly the point I am making. I hear Members shout, "Oh! but that is the board, it is below our dignity. Oh! but that is the county council, it is not as important as the Parliament." Mr. Speaker, if the county council is not as important as this House, and I agree that it is not as important, then surely it is logical that if the county council which is less important requires that all councillors attend meetings and that if they do not attend they receive permission to be absent, then the most important legislative body in the country should be even more strict. It cannot be logical on the one hand to claim that this is the highest legislative house in the land and, at the same time, to say that it is all right for county councils to be strict with their attendance but that we should be left free to do what we like.

Mr. Speaker, some Members have suggested that there is a danger in this provision because a Member may have a car accident, he may be stuck up in the mud or the floods of the Tana River, or that he may be beaten up in hospital, whatever it is, or he may be held up somewhere. Now, Mr. Speaker, first of all let us be logical. Whose Member who is going to be stuck up in the mud for two weeks? In what part of the country could this happen, apart from Butere?

Mr. Komoro: On a point of information, will the hon. Minister give way, please?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I can assure the hon. Specially Elected Member, Mr. Komoro, that even a fire engine could not be stuck for two weeks.

Now, Mr. Speaker, I am sure that when you come to look at this thing logically you cannot help feeling that we are merely trying to build a case against the provision, but without really being able to support it. If it had been stipulated that absence for so many days would automatically lead to disqualification I would have supported the hon. Members, then I would myself disagree with it because there must be circumstances when a Member is bound to be absent, even myself. But if a Member goes away and cannot even ring the Speaker, or write, or send a message, then something must be wrong.

Mr. Gichoya: On a point of order, Mr. Speaker, is it in order for the Minister to try to translate what is exactly stipulated to mean a different thing altogether, because here it is stated that one has to get permission from the Speaker, and not just merely contact the Speaker?

The Speaker (Mr. Slade): Order! The hon. Member has not yet misrepresented what the Bill says. He is saying that you ought to be able to get into touch with the Speaker, no doubt for the purpose of asking permission. I do not see anything wrong in what he has said so far.

The Minister for Economic Planning and Development (Mr. Mboya): Now, Mr. Speaker, Sir, the position therefore, as I see it, must be quite clear: that the people who elected us to this House expect of us a certain degree of responsibility and dedication to duty. If we all agree that we are all going to be responsible and dedicated to duty, then this provision cannot threaten anyone. But if we are suggesting that we should condone irresponsibility and lack of dedication to duty, then we will oppose this provision. But unless that is the provision, I cannot see the grounds for opposition to this provision.

Now, I remember—and those of my colleagues who were in the Legislative Council will remember—that these provisions did apply quite strictly, and I cannot recall any day in which we lost our sleep thinking about this provision, because we always turned up in the House and we always wished to be present for every debate. Now, I believe that every Member here does wish to be present for every debate except when it is important for him to be away. If that is the position, what is it that we are arguing about? Is it the mere fact that as hon. Members we are asked to get permission from the Speaker? Do we regard this as reducing our dignity and status? Surely, in any organised society there must be some form of procedure and way of doing things. In this House, Mr. Speaker, the hon. Members who say they would not like to get permission from the Speaker have to get permission from the Speaker to speak here. The Speaker has the entire prerogative to decide whether this man, that man or the other man speaks. Those are Standing Orders and so will this be part of the regulations. So, Mr. Speaker, I cannot accept the argument that it will degrade any Member to have to ask for permission. I, for one, will be quite happy to ask for permission if I am going to be away.

Mr. Speaker, one hon. Member said that it does not matter whether they stay here or they are out, that some Members sit here and do not speak, and what is the difference then if they are away? My answer is very simple. It is not always

The Minister for Economic Planning and Development (Mr. Mboya): I am glad, Sir, to hear the hon. Member for Majoge-Bassi confirming that if he votes against this Bill it is to protect himself personally. Let the public know that and let us not fool around with them.

Mr. Speaker, I heard Members yesterday—and this is a reasonable question—asking if this provision included crimes, for example, in respect of civil debts or civil cases. The answer is very simple. Civil cases would never fall in this category because, in the normal way, if a Member has a debt and is sued in court, his salary will be attached. You are never sent to prison for a civil debt if you are able to pay it, and if there is a means by which the court can extract the payment from the person concerned. There have been many cases of salaries being attached.

Another point is that if, indeed, the complainant in a civil case demands a prison sentence, the court requires that he personally pays for the upkeep of the prisoner for the entire duration of his prison sentence. It is not the case that the Government would send you to prison in a civil case and pay for the debt and pay for your upkeep in prison. The experience is that most people would never even be able to afford to keep an hon. Member in prison for three months, paying for his food.

Mr. Speaker, I would be interested in the proposition made by the hon. Member for Butere, that a person sent to prison should forgo his salary, although remaining a Member of the House—

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the hon. Minister to state that I said that somebody in prison would forgo his salary and continue to be a Member of this House? I did not say that, Mr. Speaker.

The Speaker (Mr. Slade): I very clearly recollect your saying exactly that, Mr. Shikuku.

Mr. Shikuku: On a point of order, Mr. Speaker, I think what I said—and it is on record—was that any Member who has been sent to prison should not be allowed to earn a salary which comes from the public funds.

The Speaker (Mr. Slade): Yes, but that he should not forfeit his seat.

Mr. Shikuku: I did not say that.

The Speaker (Mr. Slade): We will have to look at HANSARD. But my recollection is that so you cannot blame the hon. Member for believing that you said that.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I think I am right in saying that the hon. Member

for Butere states that a Member imprisoned should retain his seat but should not earn his salary. Do I understand that the hon. Member for Butere now says that the Member imprisoned should forfeit his seat and his salary?

Mr. Shikuku: That is your opinion.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, since I am now free to express my own opinions, I would like to suggest that the thesis, that a Member could go to prison and forfeit his salary, is a very curious and interesting one, because if it is carried to its logical conclusion then it should also follow that when a Member fails to attend a Session, he should be deducted that day's salary for failure to attend the Session. That, Sir, is what is amounts to. If you say that when a person is imprisoned he should not be paid a salary, then we should also say that when a Member fails to attend, for the days he does not attend he should forfeit his salary, regardless of whether he is imprisoned or not. If we do not say that, then it would be unfair for a man who is in prison to forfeit his salary while a Member who goes walking around the street, refusing to come to the House, but continues to earn his salary. There is no logic at all in this thing.

Now, Sir, I find this quite a curious debate, in that we were saying, I believe that some Members, if I may continue with the points which I was originally making, I believe that most Members who spoke yesterday, particularly put forward the question of the civil cases and wanted to know whether these would fall into this category. As I have explained, the likelihood of them falling into this category is virtually nil. It would, in fact, mean straightforward criminal offences, and the question which the Members must be able to answer is whether they now contend that where a person has committed a straightforward crime, under the penal code, tried and convicted and sentenced to six months imprisonment, this man should continue to be a Member of this House. Mr. Speaker, Sir, the question is as simple as that, as I see it.

Now, Mr. Speaker, as one Member rightly pointed out yesterday. If we assume that a Member imprisoned continues to be a Member as suggested by some hon. Members here, and continues to earn his salary, this Member will be drawing, not only his salary, but during the period he is in prison, he will also be fed, housed and clothed by the State. So, Sir, he will be receiving twice benefits for failure to work for his constituency. Mr. Speaker, Sir, for failure to serve his people, the man will be fed free, housed

[The Minister for Economic Planning and Development]

free, clothed free, given free medical treatment as well as earning Sh. 2,000 at the end of every month, and, at the same time, continue to be honourable. Now, Mr. Speaker, Sir, if that is the privilege of being a Member of this House why should it not be accorded to other criminals in the country? Why should the Members seek to have a special privilege over and above the ordinary criminal in this country?

Mr. Speaker, Sir, hon. Members rise in this House every day and say that they represent the poor people. They rise and say that they do not wish to be removed from the masses. They rise and say that there must be equality of treatment and fair play and yet they would say that a criminal who is an hon. Member of this House, must be treated as a better criminal than other criminals.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, for the last twenty minutes the hon. Minister has spoken, but all he has dealt with is the question of imprisonment. Is he not repeating himself, Mr. Speaker, Sir, and therefore should he not move to another point and give the hon. Members a chance, because he has taken much time?

The Speaker (Mr. Slade): The hon. Member has been dealing with the same point, but I think he has been producing a whole series of new arguments in relation to the same point. I would point out that we have had much more than twenty minutes aggregate from other hon. Members on the opposite point of view. I think probably the hon. Member is pretty near the end of his argument on this particular point now.

Mr. Balala: On a point of order, Mr. Speaker, Sir, can the hon. Minister substantiate as to who the Member is who said that he wants different treatment from the ordinary man?

The Speaker (Mr. Slade): No, it is not a question of substantiation, but just a question of comment on what has been said and the implication of what has been said. You do not substantiate things like that, you agree or you do not agree.

Mr. Omas: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance on this point. In view of the fact that some of the Members of Parliament are senior to others, and they took part in creating this Constitution in London, would it not be in order for them to be given an opportunity to those Members here who never took part in the discussions at the Lancaster House Conference in London?

The Speaker (Mr. Slade): Order! I have so often told hon. Members that they cannot raise their own desire to be heard in a debate as a point of order. Please do not do it.

The Minister for Economic Planning and Development (Mr. Mboya): If the hon. Member for Bassi Majoge did not interrupt so often, then in twenty minutes I would have said much more. Mr. Speaker, Sir, I would like to state quite categorically.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, I do not like interrupting my friend, but what my friend, Mr. Oduya, is referring to is very incorrect. My constituency is not Bus, it is Bassi, which is a Kisii name.

The Speaker (Mr. Slade): I am afraid none of us are perfect in our pronouncements. If we were to raise a point of order every time we had these little imperfections, I am afraid we would be seriously held up. Please be patient with our shortcomings on these things.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I am sorry about these interruptions. But, Sir, the last point which I would like to make with regard to this question of imprisonment is that I think there is to be considered by all Members here, the fact that we should aim at creating a parliamentary institution that is going to enjoy the confidence and trust of the public of this country, and whether we like it or not, and although some of us may feel that this may threaten our own security as Members of Parliament, whether we like it or not that image and confidence is bound to be tarnished if it were to be established that one day we could end up, within the four-year period, with a House completely consisting of ex-criminals and ex-convicts. Mr. Speaker, Sir, I hear someone saying that the President was charged. But, Sir, the President was not convicted for petty-thieving, fraud and so on. It was a political trial, and if anyone in this House is contemplating committing treason, then he will be dealt with according to the law.

Now, Sir, if anyone is suggesting that he is going to commit a political crime during this period of independence in Kenya, then he had better tell us here and now what he intends to do.

Mr. Speaker, Sir, the hon. Member for Butere continuously mentioned someone by the name of Macharia. I would like to give way so that he can tell us which Member of this House is Macharia and who has been imprisoned. Which Member of the House is Macharia?

**[The Minister for Economic Planning and Development]**

as the hon. Member for Butere has rightly said, should have the courage to do what is right, regardless of the consequences, and sometimes to do what is right even if it clashes with our own individual and personal interests; we should still consider only what is in the interests of the country.

I am sure the hon. Member for Majoge-Bassi will be speaking later, and if he would allow me to say my piece, I will listen very carefully to what he has to say later.

Mr. Deputy Speaker, two points have been made about the Member's own position which I would like to deal with immediately, because it is here, I believe, that there is very much caution and very much expressed fear or concern. But it is necessary that we face up to this issue and face up to it quite squarely. The first question arises from the proposal that when a Member of Parliament is sent to prison, convicted of a crime, for more than six months, he should cease to be a Member of the House.

Some Members have contended that this is not right, that it interferes with the right of a Member to continue to be a representative of his people. But let us look at this in its entirety and not just from the point of view of the Members' own interests.

The first thing is, as the Attorney-General right put it, to consider that the reason we are in this House, the reason we are Members of Parliament, is so that we may represent our people. That is the reason we are here; we are not here to earn a salary, we are not here to represent ourselves; nor were we elected to come and safeguard or guarantee our own interests or continuity in office.

The reason we are here, therefore, is to represent our constituents and the first question is: is a man who is in prison for more than six months representing his people? The answer is, of course, no. He is not. He cannot physically do it, and he is not, therefore, in a position to represent these people. The question then is: are these people of X Constituency to be victimized, to be denied representation, because their Member deliberately, wilfully and out of his own personal interest, committed a crime? He did not call a meeting in his constituency to ask his people whether he should commit the crime, so that they gave him permission to do so. He did not consult his people as to the consequences of the crime; and if the crime he committed resulted in his personally, gaining in any way, he did not share the gain with the people of his constituency.

And yet the people of the constituency—supposing the Member stole or committed a fraud, whatever fraud it might be: supposing he stole and he consumed the money with his family or with his friends; he is then sent to prison for six months. We are being told by some Members that this is quite democratic, it is quite all right, his people should be victimised, should have to representation in this House, until he comes back. Mr. Deputy Speaker, this is a point where democracy has gone wild; it is anarchy, it is not democracy any more.

But what is even more interesting—coming from the hon. Member who represents the poor people—is that this Member would like to convince this House that the poor people of this country should continue to pay a salary of Sh. 2,000 and more to a Member who is in prison.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, is the hon. Member in order—

An hon. Member: The hon. Minister.

Mr. Shikuku: Is the hon. Minister, the hon. T. J. Mboya, Member for Sophiatown, in order to state that I would like to see the poor people being exploited by having a Member in prison still earning Sh. 2,000, when I said that salaries should be done away with? Is he in order to mislead the House?

The Deputy Speaker (Dr. De Souza): Well, I do not know if you said that, Mr. Shikuku. If you did say that a Member in prison should be deprived of his salary, then your point is correct. If you did say that, you are correct; I do not know, I was not here during the whole of your speech. If you did say so, then I think Mr. Mboya is wrong.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, it is entirely inconsistent because a Member of this House continues to get a salary for as long as he is a Member. If he is a Member, therefore, he continues to get a salary. He stops getting a salary when he stops being—

Mr. Shikuku: Point of order.

The Deputy Speaker (Dr. De Souza): Order! Please sit down, Mr. Shikuku. If you said, Mr. Shikuku, that a Member who goes to prison should not be paid his salary, then, Mr. Mboya, I think you would be misquoting him in so far as you say that he advocates that the country should pay a salary to a Member when he is in prison. He certainly does not advocate that if he said that they should not be paid.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, I do not know that we are not spitting hairs here. Members have stated—including the hon. Member for Butere—that when a Member of this House is imprisoned, he should continue to be a Member. And my thesis is—

Mr. Shikuku: On a point of order, Sir, is it in order for a Member on the Floor not to pay heed to the ruling from the Chairman? All I have said is that anybody convicted should not go on earning the public funds and he insists on implying that I said he should go on earning a salary. Is it in order for him not to accept your ruling?

The Minister for Economic Planning and Development (Mr. Mboya): I am prepared to accept the explanation, except to say this: if that, in fact, is what the hon. Member for Butere said, then, in fact, he agrees with us that when a Member goes to prison he should cease to enjoy the privileges of being a Member. One of these privileges is a salary. Now if you stop this salary—

Mr. Shikuku: Point of order!

The Deputy Speaker (Dr. De Souza): I think you have made your point clear, Mr. Shikuku. Do you want to repeat it again?

Mr. Shikuku: Is it in order for me to continue pointing out to the hon. Member to sit down when I am on a point of order?

The other issue, the point of order really, is this. Sir, I do not think the hon. Member has withdrawn what he has said because he is still continuing in a different way. Is he in order to do that?

The Deputy Speaker (Dr. De Souza): No, no, no. The hon. Member has withdrawn and I think he has explained it. This is a point of debating tactics or debating policy, I think, of an hon. Member. He has said—and what he has said now is perfectly correct—that the salary is one of the privileges of a Member and that you do accept that, if a Member goes to prison, he should at least be deprived of one of his privileges, namely, salary. I think he is perfectly correct in that regard.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, I do not know what is eating the hon. representative of the poor people, but the point is—and I am still making it, and I want to emphasize it—that I think we are likely to make a serious mistake here of confusing issues, and perhaps feeling, in some quarters, that we are defending ourselves. But the position must be put very clearly. If a person commits a crime and is sent

to prison for more than six months, should he or should he not vacate his seat, and should the people he represents be given the opportunity to determine whether they want someone else to represent them?

There are two aspects of this question. One is the one I have already referred to, namely, that during the period of imprisonment, the people of that constituency will be denied the opportunity for representation; physically the Member cannot come from prison to represent them here. The second one is that, because of the crime committed, the record of the man in question, depending on the nature of the crime, the people in the area may very well feel that this person is not longer suitable to represent them with that criminal record. They should not be denied the right to decide whether they want a criminal to represent them. If there was a fresh election, they would be able to express their views. If they chose otherwise, it is their right, so to choose. But they cannot, just because this House wishes to protect itself, be required or demanded to continue to have a criminal as their representative without being given another choice.

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

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

Mr. Speaker, we all talk so much about democracy and everyone in this House quite frequently wants us to believe that we base our entire approach to life on democratic ideals. But where is this democracy now, when we say openly and publicly that it does not matter what happens to a constituency after a Member deliberately has decided to commit a crime and has been committed by a court of law to prison?

Mr. Speaker, there is a lot to this, which this House must take into account, and the full impact of the consequences of this will be felt if this House were to vote against the Bill, and the only reason that can be put forward is that we vote against the Bill because we wish to protect our own positions.

Several hon. Members: No!

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, what is the other reason? Are we to vote against this Bill because we are protecting democracy? Are we to vote against this because we are protecting our constituencies? The answer is that we are voting against it to protect ourselves individually.

Mr. Anylenk: What is wrong with that. You are always protecting yourself.

[The Deputy Speaker]

to insist on being in the Civil Service or the armed forces or anywhere else; the President can, if he wants, remove any person he likes in the armed forces or Civil Service.

Mr. Shikuku: Thank you, Mr. Deputy Speaker, I am getting the point. Nevertheless, I do not think I have misled the House. What I understand by that is what I am just saying. If the hon. Member differs with me, well he will have the Floor some time, but this is what I understand by that.

May I come to another point which is on page 50 of the amendment Bill where, under section 122—

An hon. Member: There is no 122.

Mr. Shikuku: Mr. Deputy Speaker, unless I have the wrong Bill, the last section I have on page 49 is on authorization of expenditure from Consolidated Fund by appropriation. This is section 122 and I think it continues on to page 50. Mr. Deputy Speaker, I do not know why there are some Assistant Ministers who go on sleeping in this House.

The Deputy Speaker (Dr. De Souza): Please continue, Mr. Shikuku.

Mr. Shikuku: Mr Deputy Speaker, here under 3 (b), which is continued it says, "a supplementary estimate or, as the case may be, a statement of excess showing the sum required or spent shall be laid before the National Assembly . . .". Mr. Deputy Speaker, I only have a quarrel with one word here and that is "spent". I feel if we have to allow this question of people spending money and then coming to this House to tell us that they have spent the money and get an O.K. from us to have done so, then our power or our being Members of Parliament to look into the expenditure of public funds is completely infringed. That power is infringed; because if we pass this, then we are actually allowing the Minister for Finance to spend money and only report to us on the expenditure. I am of the opinion, Mr. Deputy Speaker, that we should be told before all the money is spent and our agreement sought if we have to get on with the expenditure of public funds. If we have to allow them all to be spent—I think we should delete the word "spent", so that it reads ". . . showing the sums required shall be laid before the National Assembly . . .", and not after spending it. I think—

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Deputy Speaker, this is exactly on what I am quarrelling with the hon. Member. Is the hon. Member really right in misquoting

sections out of context? What I would like the hon. Member to do is to quote section 122 before he quotes the subsection, and, then you will see that, in fact, what you have just said is not true.

The Deputy Speaker (Dr. De Souza): The point is this, Mr. Njonjo. I see your point of view, but any hon. Member can make his speech as he chooses and if he has not quite a correct interpretation as he understands it, I think you can correct him later on, which I am sure you will do very eloquently.

Mr. Shikuku: But I thought I said, Sir, that this was on section 122, and then I said on page 50. Then I quoted this. It will be found in the HANSARD. I said the continuation of 3 (b), Mr. Deputy Speaker. Therefore, if the Attorney-General is just trying to chase me for nothing, he will find that he is really not rising on a proper point of order.

Mr. Deputy Speaker, I am quarrelling with the word "spent". They should first get the approval of this House before they spend and not spend and then inform the House. That is what I refer to accept, Mr. Deputy Speaker.

On behalf of the poor people, I come to section 124 on page 50 of the amendment Bill, and the Order-in-Council, 1963, page 94. On page 94, section 124, which they say should be amended—

An hon. Member: They say insert.

Mr. Shikuku: There should be inserted the following—I quote—"Parliament may make provision for the establishment of a Contingencies Fund and for authorizing the Minister for the time being responsible for finance, if he is satisfied that there has risen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need."

Mr. Deputy Speaker, if you read the original Constitution—this is on page 94 of the Constitution—I feel there is no need for amending this clause at all. I would like the Attorney-General to give me concrete reasons—

The Attorney-General (Mr. Njonjo): Clarity.

Mr. Shikuku: Not clarity, concrete reasons; you can not clear anything. I want concrete reasons why section 124 of the Constitution should be amended to this effect. In my opinion, Mr. Deputy Speaker, it is not necessary at all to have any amendment. If I read this, Mr. Deputy Speaker, I would take too much time of other hon. Members, but if they refer to page 94 of the Constitution, they will find that there is no need to amend it at all.

[Mr. Shikuku]

Mr. Deputy Speaker, I feel that the amendment is not quite unnecessary but, as regards other parts which I have not touched, I feel it is quite in order, and that there is no quarrel with this. But, with regard to the other issues of interfering with the Members of Parliament and to the question of eight days, I believe it is completely unnecessary because you will find that even with eight days, if one is sent to prison for one month, he is automatically disqualified, because he will definitely be absent from this House for more than eight days. So if one is sent out for one month, he is automatically disqualified, because the eight days of his absence from this House shall have elapsed, unless the hon. Attorney-General wishes to make us believe that once you are in prison for one month, you would also be attending Parliament! Certainly, you shall be absent for thirty-one days which is more than eight days. Mr. Deputy Speaker, I feel that this question should be left to the people of this country, and I am opposing this Bill because of this.

In order to give other Members time to speak, I do not wish to take a long time, I think I should say, Mr. Deputy Speaker, quite categorically that I oppose this and if there is any Member who fears to oppose this, he is only killing himself and the future generation. I am of the opinion, Mr. Deputy Speaker, when I speak against the Bill in this House or whenever any Member speaks against a Bill in this House, he is not speaking against the President. There is a fear among some hon. Members, Mr. Deputy Speaker, that if they said this, then they would be chased round, and so forth; but if this country is to progress, people must have independent minds and speak their minds here, whether they please the hon. President of the Republic of Kenya or not. The President of the Republic of Kenya is a democratic man and surely he would not like to be associated with cowards who can never speak their minds; I do not think the hon. President of Kenya is interested in cowardice; he himself is not a coward. So I do not think Members of this Parliament should be afraid to express their free feelings in the belief that they will be victimized. I speak frankly in this House in the interests of the nation, and any other hon. Member too should speak frankly without fear of being sent to prison.

Mr. Deputy Speaker, grouping on such an issue, which is vital to the country, will not help. If you are there, you are there in your personal capacity; whatever good or whatever bad you are getting out of that group is your own affair. It is not that of the country. So, Sir, I would appeal to the Members not to camouflage the freedom of

the people of this country, because of their grouping and just being told to say, "Yes", when they should not say "Yes".

With these few remarks, Sir, I beg to oppose the amendment.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, the hon. Member who has just sat down has concluded with an appeal to the Members, but he has implied in this appeal that some Members in this House do not decide according to their conscience. I would like to disagree with him and to say that I believe very strongly that every Member in this House, who takes any decision or votes on any issue, is always doing so out of his own convictions and out of his own conscience. Even if I disagreed with what they decided, I still would respect their right to decide and to vote according to their consciences. But apparently the hon. Member for Butere assumes that some of his colleagues have no convictions or consciences—

Mr. Shikuku: On a point of order, Mr. Deputy Speaker—why does he not sit down?

Is the hon. Minister in order to try to misrepresent what I said when what I actually said was "that any hon. Member, he should not fear to speak his mind." Is he in order to misrepresent me?

The Deputy Speaker (Dr. De Souza): Well, I see your point, Mr. Shikuku, but this, I suppose, is a sort of debating twist that is often applied. He is having a good debating point at your expense. You made an appeal for hon. Members to have the courage of their convictions, if I understood you rightly; he says that that implies that some Members do not have that courage. It is a point which people can make, though you may disagree with this twist to it.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, it is quite true that the hon. Member did imply that some Members in this House vote according to groups, and that they do not have their convictions. And after it is stated in those clear and simple terms, he is now trying to wriggle out of it.

Sir, I will not take too long in dealing with this matter, because I believe that, in effect, this is a very simple Bill, except that it does arouse some emotions, especially in those parts which touch on the position of the Members themselves. This is understandable and one does sympathize; it is human to try to protect yourself, and sometimes to feel that there is a need for self-preservation. But the question here is that we, in this House,



[Mr. Shikuku]

as the Member for Gatundu, that this eight days business is too much and therefore it should be done away with.

Mr. Speaker, some people did touch on the last point that the actions of a Member in this Parliament are subject to question. It will be the decision of the Speaker, and the President will have to decide whether his explanation is accepted or not. To prove that you had a reasonable reason to be outside this Parliament for eight days will be subjected to a decision by the President or the Speaker of this House. I feel, being a politician and these Members being politicians, that every Member has definitely got an opponent, and these opponents will do whatever they can in their power to ensure that they fix that particular person in some way. We have heard of stories in various places where people were kidnapped. I feel, Mr. Speaker, that if this law is allowed to pass, hoodlums will be able to hold up any Member, because they feel that if he was present they would not fix him politically, because they cannot always fix him at the elections, but they could get hold of that particular Member and send him anywhere even for three weeks, and when the honest man comes back he will not be able to prove his case and these people would have got away with it. I feel that if we allow this sort of business to go ahead it will be misleading the House and also playing about with the true future representatives of the people, because there are those who are true representatives and those who might not have the blessing of the people as such.

I am in full support. Now, Mr. Speaker—

An hon. Member: Are you speaking on behalf of the poor people?

Mr. Shikuku: Yes, I am speaking on behalf of the poor people. Mr. Speaker, I now come to the same page 48, section 56 (2), Order in Council 1963, page 60, you will find that the original says that the person presiding in either House of the National Assembly shall, if he is a Member thereof, have original vote but he shall have no casting vote. Mr. Speaker, here we are being asked that the Speaker, this is referring to the Speaker, the Speaker of the House of Representatives or the Senate, should give a casting vote if you cannot reach a decision where we have equal votes or a tie. Mr. Speaker, I feel that this is not necessary at all, because the Speaker is supposed to be above parties, I mean he is not supposed to be siding with any group or groups in the House, and though people feel here that we have one party, you never know, in the future we might have an opposition party, and—

An hon. Member: Poor man's?

Mr. Shikuku: Yes, you may have a poor man's organization coming up, do not forget that for a minute. I agree with the hon. Minister for Information that the party exists, but it has not got very many members in the Parliament. One day we might have the poor people's party existing here also and it might be in the opposition or in the Government—

An hon. Member: But you are not poor. You earn Sh. 2,000 a month.

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

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

Mr. Shikuku: But, if we have—

The Deputy Speaker (Dr. De Souza): Order! Order! Let him continue his speech.

Mr. Shikuku: What I am trying to put across to the House is this. If we have to allow the Speaker to have a casting vote, I think that will tend to draw him to one side, because in the future there might be two parties whereby the Speaker might decide to give the casting vote to the party in power, and of course the people in the House at that time might think—although the Speaker is very impartial, I do not want to reflect any bad motives to him—that he has given the casting vote to the Government because he knows that the Government is in power and therefore he is duty bound to try and side with the Government. But if he gives it to the opposition then they might feel that this Speaker is trying to help the opposition to let the Government down. Therefore, Mr. Deputy Speaker, I feel that the position of the Speaker as such should remain as it is today. Let him have nothing to do with the voting of the House so that he remains very impartial and he can conduct the House in an unbiased way. Mr. Deputy Speaker, we are, at present, enjoying that very independence of the Speaker in this House—both the hon. Speaker and the Deputy Speaker—and I think we should continue to enjoy it. Therefore I do not think that the amendment of giving a casting vote to the Speaker should be allowed at all. I reject it.

Now, on page 48, which refers to section 87 (a) where we are being asked to delete the whole section and substitute it with a new section which is already on page 48, I feel, Mr. Deputy Speaker, that these powers at the moment are such that I do not have any quarrel with the present President, because with the present President we have known him for a long time and he is doing fine and the only thing that I do not want is for the Members to be misled by this clause that the

[Mr. Shikuku]

President shall have the power to fire any civil servant at his pleasure. Members should not think of the present President, because with the present President we are doing fine, but we should think of the future President and, Mr. Deputy Speaker, if I may recall one of the hon. Members—I think it was the hon. Mbogoh—said that if the hon. Mr. Shikuku became the President then God help the people of Kenya. He says, Mr. Deputy Speaker, that if I became the President, all the Kikuyu would have it. I think they would have it: not all the Kikuyu but the Kikuyu from Kiambu would have it.

Mr. Deputy Speaker, I am a very frank man. I like my points to be very, very clear. If I am given such a power, that the people in the Civil Service will be at my mercy—and I know what is going on now, where there is all this tribalism here—surely, Mr. Deputy Speaker, Sir, I will really wipe out all the people. Therefore, to stop this chance for me—to be fair: I am referring to myself and not to anyone else—in order to curb me, this question of people in the Civil Service being at the mercy of any President in future is very, very absurd. We want the civil servants to work well and if any civil servant misbehaves, or does not comply with the laws of the day, that particular civil servant on his merit will either be sacked or something else done to him. But if he is going to serve, shaking, wondering whether the president of the poor people is going to sack him tomorrow or the day after, I do not think he will do his job well. I do not think we should allow this clause, Mr. Deputy Speaker, to—

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Deputy Speaker, I wonder whether it is in order for the hon. Member really to mislead the House because the hon. Member did tell us that he did some homework last night and I am beginning to wonder whether, in fact, he did any homework at all? The effect of this clause that he is referring to has no relation to what the hon. Member has been saying. Is he in order in misleading the House?

The Deputy Speaker (Dr. De Souza): Order! Order! I do not really know. I am sorry, but I have not been able quite to follow what the hon. Mr. Shikuku is saying. I think he has been wandering around quite a bit about what he would do when or if he became President. I think perhaps, Mr. Njonjo, the right idea would be either to explain what it means; rising on a point of information, or asking another Minister immediately after you to—

The Attorney-General (Mr. Njonjo): On a point of information, Sir—

The Deputy Speaker (Dr. De Souza): Yes, if Mr. Shikuku will give way, and I think he will.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, could I elaborate more on this, because I do not think I am misleading the House?

The Deputy Speaker (Dr. De Souza): Yes, well, you are on the Floor; you do not have to stand on a point of order. But if you give way—

Mr. Shikuku: I am not giving way, Mr. Deputy Speaker. I did my homework.

As a matter of fact, I think there is a point of correction there. It should be 87 (a); there is 87 and 87 (a), and I am referring to 87 (a) where the President shall have the power to fix up some of the boys—

The Attorney-General (Mr. Njonjo): That is precisely what I am saying the section does not do, Mr. Deputy Speaker.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker—

The Deputy Speaker (Dr. De Souza): No, no. I do not think I can, at this stage, decide what the section does not or does not do. I think he is giving his interpretation and the best thing is if you speak or a Minister speaks on behalf of Government, he can explain what it does do. If Mr. Shikuku is deliberately misleading the House, then, of course, he can be stopped, but it is difficult for me to say he is. In fact, I do not have a copy of the Bill just now.

Mr. Shikuku: I am not misleading the House, Mr. Deputy Speaker, and I submit this very strongly. May I read the section?

On page 49—if the hon. Member for Karachuonyo could only pay attention—the section reads as follows: "Save in so far as may be otherwise provided by this Constitution or by any other law, every person who holds office in the service of the Republic of Kenya shall hold such office during the pleasure of the President."

The Attorney-General (Mr. Njonjo): What does that mean?

Mr. Shikuku: Mr. Deputy Speaker, it is the pleasure. When I am not pleased with a guy, that guy goes. This is what I understand by it.

The Deputy Speaker (Dr. De Souza): Order! Order! I think I could correct you on this. What it does mean is that if the President decides to sack a man, he can do so. If that is what you mean, it is correct. The word "pleasure" is a technical term used to say that he has no right

[Mr. Shikuku]

present President because the present President is not going to be the President of Kenya for ever and a day. He will be passing away one day, and somebody else will be the President. If somebody becomes the President, like the hon. Wariithi, we do not know what he is going to do to us, we must not allow this to go through.

Mr. Speaker, my last point on that issue is that if we have to revise the imperialist law then the Attorney-General has a duty to this House, to explain to us whether we are going forward or backward. If we are going to reinstate this very law here, then surely he will agree with me that we are moving backward. I am only interested in moving forward.

The other issue, Mr. Speaker, is the disqualification after eight days of non-attendance in this House. Mr. Speaker, this is a very absurd clause. I say it is absurd, because the Member has been subjected to discipline, with all due respect to the Chair, I have nothing against the present Speaker of this House or against the Speaker of the Senate, but I am talking of the future. I have got a long way to go biologically, I am only thirty-two now, and I can go another thirty years. So I am talking of the future. Mr. Speaker, here a Member has more or less been subjected to a sort of school boy discipline, who has to obtain permission from the headmaster to go and buy meat for his mother, and tell the headmaster how long he will be absent and how far the market is. Mr. Speaker, I feel that this is completely unnecessary. If the Member of Parliament fails to attend this Parliament for eight consecutive days, or does not represent his people in this House, surely the ordinary man knows who is working for his people. The only way the public can deal with that particular Member is to fix him when it comes to the next elections. They can vote him out, and that is the way. If that is the way, they can fix the Member who is a sleepy Member, at the next election. Mr. Speaker, if the argument is that by being absent for eight days, a Member is not serving his people, then how many Members are there in this House who are sitting on their buttocks, from the day they come to this House who have never spoken? Are they representing their people by sitting on the benches? Mr. Speaker, this falls short of logic. If any hon. Member finds it ideal to sit on these benches and earn public money without fighting for his people in this House, surely he will be fixed at the next election? If this is not so, and the Government is interested in saving the public funds why do they not introduce a Bill here that any Member who has been attending this House and without speaking on behalf of his

people, he should be done away with. I will report that. If the Government is only prepared in the absence of a Member, and does not worry about those who are sitting on their buttocks here from the day they came and have never spoken, then the Government is not sincere in its endeavour to try and save public money from being misused and should not try to camouflage the intelligence of the masses. Mr. Speaker, I oppose this strongly. I oppose this because there is no logic in it, and I feel the people who elected the particular person to this House are watching his movements. If he is not representing them well he will be kicked out by the voters, it is not the business of the Government. If it is the business of the Government because the man is earning money without being in this House, it should also be the business of the Government to make sure that those Members who do not speak are sent out of this House and disqualified. I challenge them to take that and surely they will be voted down by the very Members who sit without speaking.

Mr. Omar: On a point of order, Mr. Speaker, the hon. Member who is speaking has alleged that there are some Members who do not speak in this House, can he substantiate that?

The Speaker (Mr. Slade): It is a general comment and it is true. It does not require substantiation. I think it is exactly parallel to the statement that was made yesterday, which was challenged for substantiation, that some hon. Members come into the House for one minute and go away for the rest of the day, just to earn their pay.

Mr. Shikuku: Thank you, Mr. Speaker, for your ruling. If the hon. Member, I know he is not serious, but if he would only read the Parliament index he would find out who does not speak.

Mr. Speaker, I feel that the other issue which I reject entirely, is the question of having the Speaker, with all due respect to the Chair, and the President of the Republic of Kenya to decide whether such an hon. Member having been absent from Parliament for eight days, should come back to this Parliament or not.

Mr. Speaker, if we approve this we are again violating the freedom of the people to decide who should represent them.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker. Do I understand that the hon. Member is speaking about eight days because eight days is not in the amendment. I thought it was two weeks.

The Speaker (Mr. Slade): It is eight consecutive days.

The Minister for Economic Planning and Development (Mr. Mboya): I beg your pardon.

Mr. Shikuku: I thought you would beg for my pardon. He must be congratulated. I know what I am talking about. I did a lot of homework. If you do not know—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, Sir, is the hon. Member right in sitting on the Front Bench?

The Speaker (Mr. Slade): Yes, I had allowed him to stand at the Table. If hon. Members rise on a point of order he has to sit somewhere.

Mr. Shikuku: Mr. Speaker, Sir, I thank you for your ruling. I was not supposed to stand when the Speaker is on his feet. I know my Standing Orders. At any rate, Mr. Speaker, I think I am standing here with permission and I am speaking on behalf of the poor people, which is a very big post, they are the majority.

Mr. Speaker, Sir, I was talking of eight days where the Members coming back to this Parliament will be decided by the Speaker of the Senate or the House of Representatives and also in consultation with the President of the Republic. Mr. Speaker, I feel that this is completely unfair. I do not recall any day, with all due respect to you, Mr. Speaker, when the Speaker was consulted in Butere to get Shikuku here. All I know, when I am in this House I am under the power of the Speaker according to the Standing Orders, but if they are going to decide as to whether I should continue to be here, then the right of the people to decide whether I should be here or not is violated and therefore I oppose this section, Mr. Speaker, because it is denying the people of whatever constituency or of whatever Member in this House to decide who should be in this House and who should not be here.

The other issue, Mr. Speaker, is that you will find that some people come from very remote parts of Kenya, let us say Tanu Lamu where sometimes it is flooded, I remember once when we were voting, there was an amendment, and we had a lot of trouble getting our Members from Tanu Lamu because it was flooded there, there was no telephone, they could not come by road, there was no airstrip, it was flooded, so these people could not come. It can so happen that somebody might not be able to get in touch with the Speaker and inform him of what is happening. There are remote places like Turkana and so forth, he may have a car breakdown and get stuck in the bush, there is no garage near by, and he has punctures in all four tyres, and he will

just have to sit there and wait for another truck which might come after a week in order to get a lift into town to get his car repaired. Mr. Speaker, I feel this question of permission should not be allowed at all, because if I do not do my job, if a Member of this House does not do his job, the people in his constituency will know that he does not do his job, and it will be up to those people to fix him up and not this Government. Therefore I oppose very, very strongly that we should be subjected to the Speaker and to the President of the Republic of Kenya, with all due respect, I feel that the wishes of the people take paramount importance over the wishes of any individual in this country.

Mr. Speaker, if I may go on again you will find on that issue of eight days: I think that the hon. President of the Republic of Kenya is a Member—I do not only think, but he is a Member—of this House representing Gatundu. Now, I want to know how many times Mr. Speaker, the hon. President of the Republic of Kenya will be writing to the Speaker of this House for his absence in this House. I think that there will be a lot of stationery wasted. Every time he will say "Mr. Speaker, I will be out again," because this, Mr. Speaker, does not make sense. He is a Member of this Parliament and he will have to write a lot of letters apologizing or asking for permission for him to be absent from this House, because he has not been to this House since he became the President, so he will be writing a lot of letters. Because they have not provided this—

The Assistant Minister for Information and Broadcasting (Mr. Onanu): On a point of order, Mr. Speaker, Sir, I think the hon. Member is going very far. I thought the President was above the law and he should not be being discussed here.

The Speaker (Mr. Slade): No, the President is not free from any provision of the Constitution as to his right to be President, or his right to be a Member of this House. He is free from attack in courts of law for things that he has done personally. That does not affect qualification for office. He is not above the law in that respect.

Mr. Shikuku: Thank you, Mr. Speaker, for your ruling. I thought so. The Assistant Minister should have read his Constitution and found that there will be a difficulty because there is no provision in this Bill, Mr. Speaker, for the President, so it means that he will have to be consulting you and asking for permission every time. I think you will get tired. Therefore, I feel that it is not necessary and it is also infringing upon the President of the Republic of this country and I think that he will definitely agree with me,

[Mr. Shikuku]

to section 24 (2) (d) here I find it is a violation of section 24 of the Order-in-Council 1963 where, if I may quote, it is stated: "Except with his own consent no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons, in particular to form or belong to a trade union or other association for the protection of his interests." If you read the amendment in section 24 (d) you will find that this is actually denying the freedom of any individual in any trade union who may differ with the leaders of that particular trade union, to form or associate himself with another group with a view to produce a different policy. So, if we amend this clause we shall be really denying the people in this country to differ with any registered organization and thus they will be unable to form their own organization. Therefore, Mr. Speaker, I feel that amendment is not necessary. What we have in section 24 of the Order-in-Council 1963 on page 41 is quite in order. So, I wish to submit very strongly that by amending that clause we shall be denying the freedom of the people here to associate or to assemble in order to further their own interests. Of course, I will be the last person to break this because I fought very hard for the freedom of this country and I am not going to let the hon. Attorney-General get away with it.

If I may come, Mr. Speaker, to page 48 of the Amendment Bill, in clause 41 (a) I note that it has not been stated what type of crime—however, the Attorney-General made a statement a few minutes ago in which he has clarified the matter because it is not stated in the Amendment Bill what is the type of crime that will stop a Member from being a Member of this House if he was convicted. I feel this clause here is completely unnecessary despite the clarification of the Attorney-General. I remember there was a time when we people who went to London for the constitutional talks realized there was a similar law during the time of the imperialists and in order to make it possible for the hon. President of this country and all his colleagues and other people who were detained to come to this House, we had to do away with this clause. One thing the Attorney-General dwelt on very much yesterday was that we are not going to have criminals in this Parliament, sitting in this hon. House with other hon. Members and be looked upon as hon. Members. May I make one point very clear, Mr. Speaker, to the Attorney-General. I do not intend to defend criminals at all but it must be made known to the Attorney-General that the wishes of the people of this

country are paramount. You may not like the size of a certain hon. Member here just as the hon. House did not like the face of the hon. Mzee Kenyatta and made sure he could not come to this House by having that law. However, the wishes of the people were realized and we amended the Constitution and the President came to this House.

Mr. Kall: On a point of order, Mr. Speaker, the hon. Member many times while speaking in facing the Attorney-General instead of facing the Chair.

The Speaker (Mr. Slade): That is in order. As I have said on other occasions, hon. Members are required to address the Chair but are not bound by that to the ordeal of looking at the Speaker all the time. But they should not turn right away, that is all.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Speaker, Sir, could I have your ruling, is it correct that when he faces the Attorney-General that he ought to wink at him, too?

Mr. Shikuku: The point of order so far raised, Mr. Speaker, I think you will agree with me was not really a point of order. I will go on. My trend of thinking has been interfered with but nevertheless I will go ahead.

We having amended that Constitution, we made it possible for these hon. Members now who are hon. Member of this House, to get into this Parliament, because they would not have, otherwise, Mr. Speaker, been able to get into this House. At the same time, Mr. Speaker, the Attorney-General must remember, and it is so recent that the Attorney-General cannot forget, in that during the trial of the "Old Man" and his colleagues, there were untruths, so if it is a question of conviction, conviction can also come about by cooking evidence. In this case, Mr. Speaker, if I may refresh the hon. Members' memory here, Mr. Macharia gave evidence which, at that time, Mr. Speaker, everybody believed was the truth. Mr. Macharia was only trained to give this evidence in the court of law, and it appeared to be true. The result was that the "Old Man" and all his colleagues were convicted. Now, Mr. Speaker, is there any guarantee that the Attorney-General can give this House that there will be no repetition of such a thing? There is no guarantee, Mr. Speaker, because all are human beings and it can happen again. Therefore, I submit, Mr. Speaker, that this question which the people were being asked to pass in this Parliament, I would warn the hon. Members today, there is a quotation in the Bible which says "the dead said to me, today for

[Mr. Shikuku]

me, and tomorrow for thee", so what happens to your neighbour may not affect you now, but one day it will be your turn, and, therefore, do not look at the question as Members of this Parliament, but we should look at the question as to what is going to happen in the future, where the freedom of certain people will be impaired.

Mr. Speaker, it was only the other day when I was stopped on the road and told I was drunk, whereas the very people who stopped me—there were three of them—were themselves drunk and I was only one, so in the court of law if I had not made up my mind to be checked by the doctor before they charged me, they would have given evidence in a court of law, three people against one, that the hon. Member for Butere, Mr. Shikuku, was drunk. What would have happened, Mr. Speaker? Me, Shikuku, could have gone in because there was only one against three. This is the sort of thing that can happen. The other day, Mr. Speaker, if I may—Mr. Speaker, I am trying to enlighten the Members as to what is going to happen to them if they left this unchecked.

Mr. Speaker, I feel that this section here, we should leave things as they are at the moment, but if it is the Attorney-General's argument that if we have convicts here to earn the public's money, it is very unfair. I agree with the hon. Attorney-General, because this man having been convicted would not be working for the country he would be in prison. There is no reason why this man should earn the public's money. That is an easy thing for us to do, all we should do here is to make sure that once this man is convicted, he does not earn public money. We stop that. But when he comes out, as to whether the masses would like him that is a different thing. Let us not underestimate the intelligence of the people of this country. If an hon. Member in this House is convicted, and if he wants to stand at the next election, surely the people in that part of the country will decide whether they want him back or not? Why should the Attorney-General and other people in the Government worry about the intelligence of the people? The people will say—well, boy, you stole so much during your time, you are not going to get our vote, that is the only way to discipline you—the Government is trying to discipline this man, and under-rate the intelligence of the people, then they are very much mistaken. Let them leave this man to come out and try his luck, and then if he goes through, it is up to the people, because whether you consider the man a criminal or not, the "Old Man" was considered a criminal, and he was voted into this Parliament. Why do you not give the people

this freedom to find a suitable person for them? I feel, Mr. Speaker, that this section is completely unnecessary.

At the same time, Mr. Speaker, as far as the crime is concerned we have only one definition, where the Attorney-General has just said that if one is sued for failure to pay his debts and so on, this will not be considered as one of the disqualifications. But he forgets that we are politicians in this House. We, Mr. Speaker, there may be one or two of us sued for this or for having said the other, but once he is convicted it is a criminal offence and therefore, he is debarred from coming to this House again. Mr. Speaker, I would quote an example again. The other day the report from the Special Branch which was read here in substantiation, said that the hon. Shikuku was saying that all thieves should be killed. This is completely untrue, because, Mr. Speaker, I know exactly what I say at my meetings. Why? Because I do not smoke, I do not drink, I do not take tea, I don't even take coffee, I do not even—Mr. Speaker, they are asking me to say if I eat. That is not true, I do eat. There is no time, Mr. Speaker, when my brain is confused with any liquor or any smoke. My brain is very pure, I do not smoke opium. Therefore, I know exactly, Mr. Speaker, what I say, and I know it is completely untrue for the Special Branch or the Criminal Investigation Department, or whatever you call them to have reported that I said that thieves should be killed. What I said was that thieves should not be killed but tied to a tree, and the police be called. It has been put the other way round that I said that they should be killed.

The Speaker (Mr. Slade): I think you are getting away from the point, Mr. Shikuku.

Mr. Shikuku: Yes, Mr. Speaker, my point here is that I am trying to put across how these people can cook up a story—

The Speaker (Mr. Slade): Yes, you have done that already.

Mr. Shikuku: Thank you, Mr. Speaker, I was trying to elaborate.

Mr. Speaker, I feel that this sort of thing can happen and some of the Members of this House will disappear.

The other thing, Mr. Speaker, some of us are known to be tough-headed boys, who will speak their minds without worrying about anything, and this is another way of getting hold of these people on any pretext, and lock them up, then have things their own way. This is politics. It can happen, we have seen some places in the world where opposition leaders have been locked up for their beliefs. If we let this part go, anybody who comes into power, I do not say the

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the National Assembly (Powers and Privileges) (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 NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the National Assembly (Powers and Privileges) (Amendment) Bill and approved the same without amendment.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): 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. Murgor) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to move that the National Assembly (Powers and Privileges) Act be now read a Third Time.

The Speaker (Mr. Slade): I think you have the title a little wrong, Dr. Waiyaki, would you just move it again?

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to move that the National Assembly (Powers and Privileges) (Amendment) Bill be now read the Third Time.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor) seconded.

(Question proposed)

The Speaker (Mr. Slade): Are you wanting to speak, Mr. Omar?

Mr. Omar: Yes, Sir.

Mr. Speaker, although we have agreed to pass this Bill, it was most unfortunate that I did not have time to speak during the Committee stage, but I was going to suggest to the House that when they appoint the Committee of Privileges they should seriously take into account the appointment of Members of Parliament who have

legal backgrounds. I am saying this, Sir, because this committee is of great importance and sometimes it will be required to hear evidence from some persons and, since there is a law required in evidence, I think it is important that we get Members with a legal background because they would be able to ask technical questions of persons who give evidence to such a committee. The law background of these committee members will be very useful to this committee because they will not be able to make a wrong judgment on any Member who shall have appeared before that committee for question, for witness or for any person who will be required to give evidence.

I am glad that the Attorney-General is appointing this and I hope he will take this into account seriously. I believe we have a number of Members of Parliament who are advocates and I think I am not wrong to say that they are enough in number to the extent that they can make up fully the composition of this Committee of Privileges.

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

Mr. arup Sol: Mr. Speaker, Sir, I rise to oppose the hon. Member's views. I am sure that most of the Members of Parliament are advocates; I am sure that you Mr. Speaker and one or two Members are judges. We are not trying to bring a group of judges to the House, but we want Members who are judges to sit on this committee because of their ability to judge things.

So, Mr. Speaker, Sir, I oppose this very strongly, that any ordinary person should be allowed to sit on this committee.

The Speaker (Mr. Slade): You want them to be judge and jury!

Mr. Seroney: Mr. Speaker, I would simply like to refer to one aspect of this Bill which we are being asked to have read the Third Time, and that is removal of all references to the House of Commons and the privileges and immunities. Here we are getting rid of the references which might remind Members that they have not done what they were entitled to have done. I can only say that I regret this deletion of section 20 of the principal Act. I would again urge Members to think seriously about having a comprehensive legislation instead of this half-baked legislation.

The Speaker (Mr. Slade): If no hon. Member wishes to speak I will call on the Mover to reply.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I do not have much to say except to mention that there will be no objection to having lawyers within the committee, but there are not enough lawyers as it is

[The Assistant Minister, Vice-President's Office] within this House or the other House. So, even if you appointed lawyers, there would also be room for other people.

Section 20 that the hon. Seroney refers to provides that the Journals of the House of Commons shall be prima facie evidence relating to privilege, but it does not look necessary now to have this provision because it will no longer be required by virtue of the foregoing additions which we have put from section 7A onwards.

(Question put and agreed to)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

(Next Order called—Continuation of Second Reading of the Constitution of Kenya (Amendment) Bill—interrupted on 22nd February 1966)

The Speaker (Mr. Slade): Mr. Ochwada was speaking but he is not here to conclude his speech.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, Sir, you asked me yesterday whether I would clarify one point in regard to imprisonment for civil debt in respect of hon. Members of the National Assembly.

The Speaker (Mr. Slade): Yes, I think Mr. Ochwada and several hon. Members wanted to know whether this would extend to imprisonment for civil debt.

If you have a statement to make Mr. Njonjo, I think with the agreement of the House, this would be an appropriate time for you to make it.

## MINISTERIAL STATEMENT

### MEMBERS AND THE QUESTION OF IMPRISONMENT FOR CIVIL DEBT

The Attorney-General (Mr. Njonjo): Mr. Speaker, I am most grateful for this opportunity. I am happy that you have afforded me this opportunity for dealing with one matter which every one of the five hon. Members who spoke yesterday raised. This is a matter which, unless I make the position clear, is likely to continue causing unnecessary debate.

I am referring to the question on whether or not imprisonment served as a result of committal for civil debt would, under the present Constitution proposals, result in a Member being disqualified. I wish to make it quite clear, Mr. Speaker, that imprisonment for civil debt will not result in a Member vacating his seat. This is because the Civil Procedure Act, in section 42

provides as follows: "Every person detained in prison in execution of a decree shall be so detained, (a) where the decree is for the payment of a sum of money exceeding Sh. 100 for a period not exceeding six months; (b) in any other case for a period not exceeding six weeks."

This means, Mr. Speaker, that, under the law, it is not possible to send a debtor to prison for a period exceeding six months. This being the case, it is not possible for a Member of Parliament to be disqualified if he is sent to prison for a civil debt.

I should like to add, Mr. Speaker, that in all cases of committal for civil debt, the debtor's subsistence in prison is paid by the creditor and, therefore, if an hon. Member owes me money, if I want him to be in prison for six months, I will be the one who will pay for his keep in prison for six months.

## BILL

### Second Reading

### THE CONSTITUTION OF KENYA (AMENDMENT) BILL (The Attorney-General on 22nd February 1966)

(Resumption of debate interrupted on 22nd February 1966)

Mr. Shikuku: Mr. Speaker, Sir, I rise to speak on this amendment and I will take—

An hon. Member: How long?

Mr. Shikuku:—I shall take my time because, Mr. Speaker, I have done a lot of homework. For the information of the Attorney-General and the House I would like to say that I slept at 2 o'clock this morning. I was doing nothing but reading the amendments so far put to the House.

First of all I do not see the need for the amendment because if there is any amendment surely I should have supported any amendment of the Constitution which would provide the unemployed with jobs. I would have done that if it was an amendment how best we could amend the Constitution to provide employment for the hungry man. Now, are the people going to eat this amendment? What is the ordinary person seeking, what are the poor people going to profit from this amendment? They are not going to profit, anything at all from this amendment. I would therefore like the Government always to consider the interests of the poor people and what they are going to gain out of such a Bill. In this Bill they have nil.

Mr. Speaker, on page 47 of the Amendment Bill, the First Schedule, I have no quarrel at all with the Attorney-General's amendment up to Chapter I, section 6. However, when you come

[Mr. Seroney] deal with what is provided for under section 2, paragraph 7A, which is only the behaviour of the Members within the precincts of the House. So, Sir, why should we not call that committee for what it really is instead of calling it something which it is not?

Mr. arap Soli: Mr. Chairman, Sir, I am not qualified in law, but I would like to ask a question. In case an hon. Member stands in this House and speaks about a company in Nairobi or in Nakuru and that company feels that that hon. Member has misrepresented the company and they want to know certain things, would this committee be consulted, as a Committee of Privileges, because as a Member in the House will be privileged to say anything here, but, Sir, will they have to refer to that company?

The Attorney-General (Mr. Njonjo): This committee, if I may tell the hon. Members, is to deal purely with matters that arise and affect this House. If a Member does misbehave himself outside this House, of course, there will be other ways of dealing with him, but this is purely to regulate the conduct of the Members in this House. If somebody misbehaves, and this committee and the Speaker decide that this matter should be taken before this committee, then it will be taken, for example, in my own case. Some Members will remember that when I had a dispute with another hon. Member, that matter was referred to a body which heard evidence from both sides and came to a conclusion and reported to the House.

Mr. arap Soli: Mr. Chairman, Sir, what I said is that if the hon. Member was in this building and said something which may affect a certain company and that company or body or firm may want to say that that Member was telling lies or suggesting something that was not right, will this committee be expected to be privileged, because the Member has the privilege?

The Attorney-General (Mr. Njonjo): Well, Sir, fortunately for the Members of this House, what happens and the deliberations that take place are privileged, and they cannot be questioned outside. But, Sir, I sometimes wish that hon. Members would repeat what they say here outside.

Mr. Gichoya: Mr. Chairman, Sir, the Attorney-General has just referred us to a case which was decided by a committee comprising of Members of this House in connexion with a difference of opinion between the Attorney-General himself and the hon. Member. Therefore, Sir, how does it become necessary for us to make a law to facilitate an arrangement which has been working smoothly here. For example, in the past Mr.

Khalif versus Mr. Njonjo's problem was dealt with without having a Bill of this kind, Sir. Now, Sir, why does it become necessary to have it? Secondly, I would like to know whether this code of regulation, which to me is a kind of code which curtails the freedom of the Members in the building of this National Assembly, Mr. Chairman, Sir, I am not being protected by a piece of paper.

Mr. Chairman, Sir, why does this become necessary when it is expected that every Member is a responsible person and that whatever is done here is done within the compound of freedom. Therefore, Sir, why should we make another law, can the Attorney-General explain this to me? What difficulties does he experience in this House or in the compound?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, Sir, I am surprised at the hon. Member for Gichugu. I was assuming that he, like every Member in the House, had come to the conclusion that the conduct of the Members within the precincts of this Assembly is an important part of the image that Members of Parliament want to project to the public. When we had the incident to which he refers, it was necessary to appoint an *ad hoc* select committee of the House, which did not have any procedures laid down or any precedence for the work to which it was appointed. Arising from this experience, most Members, at least this is my understanding, felt that we should have, as indeed is the case in all other Parliaments, a standing committee that will deal with the privileges of Members, powers within the Assembly and which, and where necessary, as defined in subparagraph 7, will conduct such inquiries as are referred to it. The purpose, Sir, is two-fold. One, to be sure that no Member is victimized, and secondly, to be sure that no Member behaves in a manner that might injure the image of all Members and the Assembly itself. I would have thought that the Member for Gichugu would have been the first to insist on this privilege, because I have heard him arguing very strongly for Members to be given certain treatment that is in keeping with their dignity and position.

The Attorney-General (Mr. Njonjo): In fact, Sir, I was hoping that the hon. Member for Gichugu would question paragraph 7 on page 10, because it says, "No proceedings or decision of either House or the Committee of Privileges acting in accordance with the provision of this Act shall be questioned in any court." I was hoping that the hon. Member suggested that we amend this so that what takes place before this committee can be questioned before a court of law.

[The Attorney-General]

My friend would not then have raised the question which he raised and the fact is that whatever is decided in this committee cannot be questioned outside.

Mr. Gichoya: Mr. Chairman, a case has been decided by this Committee of Privileges, although it is curtailing the privileges of Members. The Member feels that it is necessary that he should put that case in a court of law. Does the Attorney-General not agree with me that we are really curtailing the freedom of the Member to approach the court of law for justice, because a committee might come that the position of the committee of the six may be in favour of a Minister. I am taking this as an example, Mr. Chairman, that this should be in favour of a Minister because of certain fears. These are human things. And then the Member for Gichugu feels that it is better to test the validity of this decision by going to the court of law, but here I am told that I am now admitted and the decision of this committee is the supreme authority in Kenya. Mr. Chairman, then where do we get the privilege in terms of justice?

The Attorney-General (Mr. Njonjo): I find it very difficult that the hon. Member does not follow this. The answer is this; if there is an allegation made in this House against one—

An hon. Member: Address the Chair.

The Attorney-General (Mr. Njonjo): Although I am looking, I can look, if you do not know what "Address the Chair" means, I can look at the hon. Member and still be addressing the Chair.

Mr. Chairman, what happens is that if an allegation has been made here by one Member as against another, that can be decided here. But what I am suggesting, and my advice to the Member for Gichugu, is this. Repeat what you have said here outside and then you will see the law at work.

Mr. Shikuku: Mr. Chairman, I do not want to interfere with the Attorney-General in this issue and, of course, he is entitled to wish, but the Englishmen have a saying that if wishes were horses the Attorney-General would ride. Members in this House are very conscious of what they have to say within this building and outside this building, so they will never give you that chance if you are hoping for that. But, Mr. Chairman, on this clause here, where it is stated that the decision taken by the committee should not be questioned in any court of law, I think that should be amended, and I was wondering whether it would be in order for any Member to move an amendment to that.

The Chairman (Dr. De Souza): That is not possible now. In fact, the hon. Mr. Seroney a few minutes ago had a list of amendments which, I regret to say, we had to reject because notice of the amendments in writing must be given at least before the sitting starts.

Mr. Shikuku: Thank you, Mr. Speaker, but nevertheless I will leave it at that because I think the only Members who would find it very difficult to keep out of this building for some time and I do not think it would be necessary for them to go to a court of law—of course, we all behave well here except on a few occasions and such occasions can be dealt with by the committee of six.

(Clause 2 agreed to)

Clause 3

Mr. Omar: Mr. Chairman, I have something to say on this clause 3, about the quorum of the Committee of Privileges.

The Chairman (Dr. De Souza): I think you are a bit late. This clause has already been taken.

Mr. Omar: Mr. Chairman, under this clause 3 also I have something to say. It is about the composition of the committee. I was going to suggest, Sir, that the six we have—

The Attorney-General (Mr. Njonjo): What he is referring to is clause 3 (2) which we have already done.

The Chairman (Dr. De Souza): I am sorry, because we have, in fact—clause 3 on page 19. I will put the question that clause 3 stand part of the Bill.

(Clause 3 agreed to)

Mr. Seroney: Clause 3 (1)—

The Chairman (Dr. De Souza): I do not understand what the position is now, Mr. Seroney. You are a bit late in speaking now.

Mr. Seroney: No, no. Then there was another Member standing, Mr. Chairman, and he was trying to speak on clause 2.

The Chairman (Dr. De Souza): I am afraid it is a bit late. In any case, Mr. Seroney, clause 3 is only a clause which seeks to delete a section of the principal Act. I do not think there is very much on which you could really speak on that. You can, of course, if there is something about which you feel very strongly, speak on the Third Reading.

I will put the question again, if I may, that clause 3 stand part of the Bill.

(Clause 3 agreed to)

(Title agreed to)

(Clause 1 agreed to)

Mr. Anyien: Mr. Speaker, would the Minister for Home Affairs substantiate the allegation that I have been to Cuba when, according to the proper information, I have never seen a place called Cuba in my life (though I would like to go there, of course)?

Mr. amp Moli: Mr. Speaker, Sir, in the interest of the security of the State, I cannot disclose such an answer.

#### POINT OF ORDER

##### RULING ON MINISTER'S PRIVILEGE NOT TO ANSWER A QUESTION

Mr. Tanni: On a point of order, may I seek your guidance, Sir, as to whether that is a satisfactory reply to a Member of this House?

The Speaker (Mr. Slade): Yes. If hon. Members will read Communication which I made from the Chair on this very subject, some eighteen months back, they will see that I said there was an exception to the ordinary rule that a Member required to substantiate must either substantiate or withdraw, and that was where a Minister was asked to substantiate something which, on the grounds of security, he said he did not feel entitled to do. It is a big responsibility for a Minister, which he must not abuse. But he must have that privilege of saying so, and the Minister is exercising that privilege.

You will find it all in a long Communication from the Chair if you read HANSARD.

Mr. Anyien: On a point of order, Sir, that raises a question—

The Speaker (Mr. Slade): It raises a lot of things, but we will not discuss it now. Order! I would point out to hon. Members that on the adjournment, Mr. Muliro is to raise the matter noted on the Order Paper.

#### 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

SESSIONAL PAPER No. 2 OF 1965/66:

##### AMENDMENTS TO THE PENSIONS REGULATIONS

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

THAT this House approves the proposed amendments to the Pensions Regulations as set out in Sessional Paper No. 2 of 1965-1966.

Mr. Chairman, section 3 (2) of the Pensions Act, Cap. 182, enables the President, from time to time, to amend, add or revoke any of the Pen-

sions Regulations contained in the First Schedule to the Act. The proviso to section 3 (3) provides, however, that no amending regulations shall have retrospective effect, unless it has received the prior approval of the National Assembly, signified by Resolution.

The following amending regulations, which contained retrospective provisions, were made and published with the approval of the Cabinet or former Council of Ministers, but, through oversight, prior approval of the Legislature was not obtained for the introduction of the retrospective provisions. Firstly, the Pensions (Amendment) Regulations, 1961, Legal Notice No. 84 of 1961; secondly, the Pensions (Amendment) Regulations, 1963, Legal Notice No. 241 of 1963; thirdly, the Pensions (Amendment) (No. 2) Regulations, 1963, Legal Notice No. 731 of 1963; fourthly, the Pensions (Amendment) Regulations, 1964, Legal Notice No. 261 of 1964.

The retrospective provisions contained in the above amending regulations are invalid by reason of the fact that they were not first approved by the legislature, and it is, therefore, necessary to make those provisions afresh, with the prior approval of the National Assembly, signified by a Resolution. The provisions involved are set out in the Schedule to Sessional Paper No. 2 of 1965/66.

The opportunity has also been taken to incorporate in the Schedule two other retrospective amendments which have been approved by the Cabinet, and which also require the prior approval of the National Assembly before they can be made and published. These are: (1) an amendment of regulation 21 (1) of the Pensions Regulations, to delete, with effect from 4th September 1962, paragraph 7 of the proviso therein. The purpose of this amendment is to remove a provision which operates to the disadvantage of an officer, contrary to Government's intention. (2) An amendment to rectify, with effect from 10th December 1963, a drafting flaw in the second proviso to regulation 12 of the Pensions Regulations.

No additional expenditure will be incurred beyond that already incurred or likely to be incurred in future as a result of the publication of the earlier amending regulations which are now being validated. It is not possible to estimate the expenditure which has been, or will be, incurred by the amendments published earlier because the number of persons affected, or likely to be affected, cannot be determined.

Mr. Chairman, I beg to move.

(Question proposed)

(Question put and agreed to)

#### 113 Report

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Sessional Paper No. 2 of 1965-1966 and its approval of the Resolution without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

#### REPORT

##### AMENDMENTS TO THE PENSIONS REGULATIONS

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, namely that this House approves the proposed amendments to the Pensions Regulations as set out in Sessional Paper No. 2 of 1965-1966.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa) seconded.

(Question proposed)

(Question put and agreed to)

#### 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 NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) (AMENDMENT) BILL

Clause 2.

Mr. Gichuru: Mr. Chairman, Sir, I would like to speak on clause 2, 7A. I see here, Mr. Chairman, Sir, that the Chairman of this Privileges Committee will be the Speaker of the Senate and the Deputy Chairman will be the Speaker of this House. Now, Sir, in the absence of the Speaker of this House, who will take his place and become the Deputy Chairman? That, Sir, is not provided for here and it is not necessary that the Deputy Speaker of this House be in the Sessional Committee. How does this work? This, Sir, is what I would like to know from the Minister concerned.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Chairman, Sir, when either of the Speakers is absent, then obviously the committee will elect a temporary chairman.

Mr. Seroney: Mr. Chairman, Sir, the name of this committee is really a misnomer. Apparently, this committee which is called by the flashy name of Committee of Privileges has only one function to perform which does not really justify being dignified with something that denotes a great deal more. Although, Sir, it is true that when we are dealing with privileges, then the Members collectively can decide to discipline and deal with individuals amongst themselves whose behaviour they do not approve of, but, Sir, this name is misleading. It ought to be called what it really is, because, Sir, in other Houses in other parts of the world the Committee of Privileges deals with a wide range of subjects. It deals, for example, with what the House does if a newspaper misrepresents the proceedings of the House, if they suppress speeches given by particular Members, or if anyone tries to misinstruct a Member or if anybody tries to obstruct a Member from carrying out his duties. Now, Sir, such a committee would then be called upon to decide whether any privileges of the Members have been infringed, and the House, where there is appropriate legislation, can take action, even to the extent of imprisoning the culprit. So, Sir, this name is really misleading and if the Government seems to be concerned about the code of conduct of the Member then they really ought to reconsider the name of this committee, and call it by what it is, namely a disciplinary committee, which, in fact, what it is, instead of this big name which is misleading the public as to what the functions of this committee are going to be.

The Attorney-General (Mr. Njoro): Mr. Chairman, Sir, I am surprised that an hon. Member who used to be a member of my profession should stand and say that this committee should be called a disciplinary committee. This, as he should know, and I will remind him if he has forgotten, is a technical term, a drafting term, which means precisely what this body is going to be, and if the hon. Member will look at the back page, page 19, at the Memorandum of Objects and Reasons, you will see the duties of this committee, and I think it is wrong for an hon. Member, especially an hon. Member who has been a lawyer in his time and should know drafting, to come here and try and mislead the House. This is a proper terminology and a registered technical and drafting way of doing it.

Mr. Seroney: Mr. Chairman, Sir, I do not know what the hon. Attorney-General is getting at. But, Sir, according to the original Act there was no provision for this kind of thing but it is now being sought to introduce it, and as far as I am concerned, this committee is only going to

[The Assistant Minister for Lands and Settlement] assistant. In addition, a small charge is made for the use of furniture, ranging from Sh. 35 to Sh. 20 per month.

They pay Sh. 40 per month for electric light, but water is provided free.

Subordinate staff pay nothing.

Mr. arap Bly: Mr. Speaker, Sir, when a settler has bought a house, say, in a certain scheme and officers of the department continue to use the house, when they pay rent, to whom does that money go?

Mr. Gachago: Mr. Speaker, Sir, I hope the hon. Member is not raising his own case, where he occupies a house without the authority of the Ministry and when he was actually required to vacate that house—

The Speaker (Mr. Slade): Order! That is not relevant unless he is field staff of the Department of Settlement. Keep to the point, please, Mr. Gachago.

I do not know whether you have answered the question. You were not answering it then.

Mr. arap Bly: Mr. Speaker, I asked a question and the Assistant Minister has not answered it.

The Speaker (Mr. Slade): Will you repeat it then?

Mr. arap Bly: The question, Sir, was: when a settler has bought a house, has signed a letter of allotment, and the staff of the Settlement Department are given a chance to continue living in the house, and they pay rent, to whom does that money go, to the owner of the house or to the Ministry of Lands and Settlement?

Mr. Gachago: Mr. Speaker, Sir, this is exactly what I was answering, and I was referring to a case which concerned the hon. questioner, where he bought a house from us, which is very different because the position is that—

Mr. arap Sol: On a point of order, Mr. Speaker, is it in order for the Minister to explain something concerning the Member when the Member was asking a general question?

The Speaker (Mr. Slade): If it is relevant, he can. But I cannot see yet how this is relevant. You may explain, Mr. Gachago; go on, but try to explain how it is relevant.

Mr. Gachago: Mr. Speaker, I was giving the hon. Member's case as an example, where he went into the house without authority and when the house, sold to him, had not legally been released to him. In this way, he does not become the legal owner of the house until the house has been legally released to him. This is what happens

when a person purchases a house; if we have some field staff who use that house, it is not legally released to him until the men have ceased to occupy the house. So long as we occupy the house, he is not the legal owner of it.

Mr. arap Sol: Mr. Speaker, Sir, arising from the former answer of the Minister, when he said that water is provided free, would he tell the House whether they are using Government diesel to run the engines which provide water and, if so, why can the officers not pay for the water?

Mr. Gachago: Mr. Speaker, I do not know what the hon. Member means by "Government diesel". But since the water is free, and it has to be provided from some source, of course, some diesel has to be used, from some source, to run the machines that pump up the water, to be provided free, as I have said.

Mr. Tanyi: Mr. Speaker, Sir, will the Assistant Minister agree with me that it has proved completely inconvenient for that person who is going to purchase the house, when he is sent a list of allotment and someone else goes to look at the house, and then does not clear the cobwebs around the house and later, when the man comes to take over, the house is in a complete mess and falling down? Should this man not be compensated?

The Speaker (Mr. Slade): I think you are getting rather far away now. Can you answer that, Mr. Gachago?

Mr. Gachago: Mr. Speaker, I was going to say that that question is completely irrelevant.

The Speaker (Mr. Slade): Yes. Next question.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

#### UNSATISFACTORY REPLY TO QUESTION NO. 34: SETTLEMENT FIELD STAFF RENTS

Mr. arap Bly: Mr. Speaker, in view of the unsatisfactory answer, I beg to raise this on adjournment.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 319

#### WHEREABOUTS OF STANLEY MATHENGE

Mr. Theuri asked the Minister for Defence if he could inform the House whether the former Field-Marshal Stanley Mathenge Mwangi was still alive; and, if so, why was he not allowed to come back to his home.

[Mr. Theuri]

If he was dead, why were statues of him and other generals like Dedan Kimathi not being built to honour them? Could the Government arrange, if he was dead, to bury him with full military honours.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. I regret that I do not know whether Stanley Mathenge is dead or alive. Rumours, which cannot be verified, have it that he may be alive and living outside Kenya. In these circumstances, Mr. Speaker, the form and manner of his burial does not arise.

Mr. Theuri: Mr. Speaker, Sir, arising from the Minister's reply, what is the Government doing, if there is a rumour that Stanley Mathenge is staying somewhere in Ethiopia? Could they not send someone there to find out whether he is there or not?

Mr. arap Moi: If the hon. Member could help the Government to trace where Mr. Stanley Mathenge is, the Government would very much appreciate that and be grateful.

Mr. Shikuku: Arising from the Minister's reply about tracing him, suppose Stanley Mathenge was in Ethiopia or in Somalia, would he agree with the first part of the question, about whether he would be allowed to come back here? Has he run away because of fear? If so, and if he came back, would he be allowed to live in the country?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member states that Mr. Stanley Mathenge is possibly in Somalia or Ethiopia. This is the sort of rumour we have received. If the hon. Member knows exactly the source of the information, the Government would very much appreciate it if he gave it to them.

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Minister not misrepresenting what I asked him? I did not state that Mr. Mathenge was in Somalia. I said: if he was in Somalia or Ethiopia, would he be allowed back into this country, or did he run away because of fear?

The Speaker (Mr. Slade): Your question is: wherever he is, would he be allowed back here. You confused it a bit; I think, by referring to Ethiopia.

Mr. arap Moi: Mr. Speaker, Sir, Stanley Mathenge is not a prohibited immigrant, and therefore this question does not arise.

Mr. Oduya: Mr. Speaker, Sir, the question here is whether Mathenge is alive or dead. What is the Ministry, therefore, doing to check on whether this man is alive or dead? And, if he is alive, why not ask him to come back, and

if he is dead, why not comply with the question, which says that he should be reburied with full military honours?

Mr. arap Moi: Mr. Speaker, the Government is anxious to find out whether Stanley Mathenge is alive or not. I do not know whether the hon. Member is interested in organizing premature ceremonies of reburial of someone who might still be alive somewhere! The Government is doing all it can. If he is found alive, so much the better.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that Stanley Mathenge was one of the people who took a very patriotic part in the struggle for independence, and in view of the fact that we are now independent, what has the Government done to find out the whereabouts of these gentlemen, in view of the fact that the family may be worried, and may not have any facilities to look for their husband or father?

Mr. arap Moi: Mr. Speaker, Sir, rumour had had it before that he was in Ethiopia, Somalia, Cuba and in this part of the world, and the hon. questioner, who was recently in Havana, could have asked those people there whether Mr. Stanley Mathenge was around that place. Government is interested in knowing whether this very distinguished person is still alive or is dead. We are interested. Therefore, I would urge the hon. Members to give us information, particularly those who travel abroad.

Mr. Oduya: On a point of order, Mr. Speaker, is it in order for a Ministry to try to throw the case to the Members when actually he is the Minister responsible for security, and only the other day? We approved some money for his investigation?

The Speaker (Mr. Slade): Order! I cannot make out if what you say is out of order?

Mr. Oduya: Is it in order for a Ministry, when a Member is asking questions on a particular item, to try to throw the whole burden on the Members, that they should become the police and try and find out information for him, when, in fact, he is himself responsible for the security of the State, and Mathenge's affairs are a part of this responsibility?

The Speaker (Mr. Slade): It is not out of order for him to seek assistance from hon. Members?

Mr. Anyieni: On a point of order, Mr. Speaker, is the Minister in order to state that I have recently come from Cuba, when I have never seen this place called Cuba in my life?

The Speaker (Mr. Slade): Order! He is in order to state it. You can ask him to substantiate it, if you like.

Mr. Anyank: Mr. Speaker, Sir, the Assistant Minister has very deliberately tried to evade my question. My question deals with what the Assistant Minister said in his reply to another question, that being a citizen of Kenya is applicable to all departments in Kenya, and is that the present Government's policy? If it is, how does he reconcile it with the reply which was given by the Minister for Commerce, Industry and Co-operatives who referred to some people as Asians irrespective of citizenship?

Mr. Kabak: In this respect, Mr. Speaker, Sir, I would say that we are dealing with one post.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No 334: AFRICANIZATION, CHAIRMAN, INDUSTRIAL COURT

Mr. Omar: Mr. Speaker, Sir, on a point of order, in view of the most unsatisfactory reply by the Assistant Minister, I would like to raise this matter as a Motion on adjournment.

#### ORAL ANSWERS TO QUESTIONS

Question No. 322

##### STANDARD OF ENGLISH BEING BROADCAST

Mr. Ndile asked the Minister for Information and Broadcasting if he was aware that the standard in the English broadcasting programmes had deteriorated considerably, whereas the standard in the Swahili broadcasts had remained quite high.

The Assistant Minister for Information and Broadcasting (Mr. Onamu): Mr. Speaker, Sir, I beg to reply. Whereas I admit that the English spoken on Voice of Kenya programmes may not always be what is termed the "Queen's English", the fact remains that our policy is to Africanize all sections of the Voice of Kenya as rapidly as possible. We must therefore accept the necessity of hearing English spoken with an African accent.

My Ministry realizes that this may not be a complete explanation, and that the present standard leaves something to be desired. The Voice of Kenya has this in hand, and I am sure hon. Members will have noticed considerable improvement in the quality of news reading recently. This is a direct result of training courses for the staff held at the language laboratory of the Kenya Institute of Administration.

Further, such courses are already in hand and a steady upward trend in standards can be expected in the future.

I am glad to note the hon. Member acknowledges an improvement in the standard of English. It is our aim that this trend should continue in respect of all languages used on the Voice of Kenya.

Mr. Ndile: Mr. Speaker, Sir, would the Assistant Minister tell the House what English he used for these announcements on the English programmes to pass before they are appointed in the Voice of Kenya?

Mr. Onamu: So long as they can read English well, Mr. Speaker.

Mr. Agar: Mr. Speaker, Sir, would the Assistant Minister agree with me that some very odd mistakes which are made by readers—like calling "colonel" "colonial"—could be avoided if the announcer were made to rehearse the news before he went to read it?

Mr. Onamu: The answer to that one, Mr. Speaker, is yes.

Mr. Shikoko: Mr. Speaker, arising from the Assistant Minister's "yes", would he assure the House that in future, if the Africans in the Voice of Kenya have to read English, they should be taught how to pronounce the names of various leaders before they make a mess of everything over the radio? Could he assure the House they will be training for these gentlemen to learn a bit of pronunciation?

Mr. Onamu: If the hon. Member had followed my reply, Mr. Speaker, he would have realized that I said there is training going on.

Question No. 329

##### PURCHASE OF FARM FOR SETTLEMENT

Mr. Mate asked the Minister for Lands and Settlement whether Nirimiri or Muri's farm had been acquired for the resettlement of Meru people.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. No, Sir.

Mr. Mate: Mr. Speaker, Sir, arising from the Assistant Minister's reply, when is Government going to acquire this land for the Meru people?

Mr. Gachago: Mr. Speaker, Sir, negotiations have already been initiated. The process has been started and as soon as agreement has been reached with the owner of the land, this land will be acquired, but at the moment we cannot say when.

Mr. Mate: Mr. Speaker, Sir, since the Assistant Minister said "as soon as possible", is it true that the people living at Kibiricia and Kimo in Meru are still in villages and this land is long overdue to be returned to the Meru people?

Mr. Gachago: Mr. Speaker, Sir, I have not said anything like "as soon as possible". All I have said is that discussions have started and if the hon. Member is willing to be patient, the Government is doing all in its power to make sure that these negotiations are completed very soon.

Question No. 347

##### FUNCTIONS OF AREA CONTROLLERS AND SETTLEMENT OFFICERS

Mr. arap Bly asked the Minister for Lands and Settlement:

(a) Would he tell the House the duties and functions of both area and deputy area controllers.

(b) Were senior settlement officers directly answerable to the Director of Settlement.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. The duties and functions of an area settlement controller and his deputy are to put into effect in their area the policy and details of day-to-day settlement as laid down by my Ministry. I have full confidence in their ability to do this, Mr. Speaker.

Senior settlement officers are answerable to the Director of Settlement through the usual channels, that is to say, their area settlement controller.

Mr. arap Bly: Mr. Speaker, Sir, as the Assistant Minister agrees that these senior settlement officers are directly answerable to the Director of Settlement, what are these middle men doing, the area controller and his deputy?

Mr. Gachago: Mr. Speaker, Sir, I did not understand the question.

The Speaker (Mr. Slade): Ask your question again, Mr. arap Bly.

Mr. arap Bly: Mr. Speaker, Sir, as the hon. Minister for Economic Planning says there are no middle men, I was asking what these people—the area controller and deputy area controller—are doing in that Ministry?

The Speaker (Mr. Slade): I do not think you heard the Minister's answer. He said answerable to the director through the area controller.

Mr. arap Bly: Why can the senior settlement officers not do that job without these controllers?

Mr. Gachago: Mr. Speaker, Sir, we think that their functions are important and very necessary and this is why, Mr. Speaker, as I have said, we have full confidence in these officers and their functions.

Mr. arap Sol: Mr. Speaker, Sir, would the Minister tell the House why, in some provinces, some of these area controllers have never been transferred from province to province, and why they have never been Africanized, because their jobs—

The Speaker (Mr. Slade): I think you have already asked two questions, Mr. arap Sol. Let us have one at a time. The first question was, why not transfer them from province to province?

Mr. Gachago: Mr. Speaker, Sir, I think that question is very irrelevant, because the question of transfer has nothing to do with the actual functions. The original question referred to the functions of the officers.

The Speaker (Mr. Slade): You had another question about Africanization, I think, Mr. arap Sol?

Mr. arap Sol: Mr. Speaker, I believe these area controllers are doing an administrative job and I am asking the Minister why these posts are not Africanized in most cases.

Mr. Gachago: Mr. Speaker, Sir, unless the hon. Member points out a specific case, that question is too wide and I hope that the hon. Member knows that the process of Africanization in the Government establishment goes on every day.

Mr. Tanti: Mr. Speaker, Sir, will the Assistant Minister agree with me that the settlement officers are living and using water at the expense of the settlers in the various schemes because there is a fixed rate for water charges and these people are not—

The Speaker (Mr. Slade): Order! That is an entirely different question.

Mr. G. G. Kerinki: May we know how many non-Africans are area controllers?

Mr. Gachago: Mr. Speaker, Sir, I need notice of that question.

Question No. 348

##### FIELD STAFF: SETTLEMENT DEPARTMENT

Mr. arap Bly asked the Minister for Lands and Settlement whether the field staff of the Department of Settlement paid any rent for houses, lights (from Government generators) or water.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. Officers of the field staff of the Settlement Department pay rent for the houses they occupy on a sliding scale according to their salary, ranging from Sh. 70 per month for a senior settlement officer, to Sh. 30 per month for a settlement officer.



Mr. Tumbi: Mr. Speaker, Sir, in view of the fact that our present Government wants to plumb slowly for what were less developed areas and not make rapid moves to catch up with the other areas which, under the colonial régime, were less developed, just as Turkana, would the Assistant Minister tell the House what are the rapid changes for such districts as Turkana on development in education in order that they should catch up with the rest of Kenya?

Mr. de Kromhelle: Mr. Speaker, Sir, I would say that was a very straightforward question. We, in the Ministry of Education, would like to see that the backward areas are developed. At the moment, since our independence, there is a very rapid change in Turkana because we have about 840 children in schools now, which is an improvement. In our Ministry, we are actually planning if we see an increase in figures in Standard VII, that between 1970 and 1971 Turkana will have a secondary school.

## Question No. 337

IMPORT AND EXPORT LICENCES HELD BY  
AFRICAN COMPANIES

Mr. Omar asked the Minister for Commerce, Industry and Co-operative Development whether he would tell the House the number of African companies holding import and export licences.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. The following companies have been issued with licences by the Import and Export Licensing Officer: (1) Associated Motors, a Kisumu company; (2) Kenyan Merchants; (3) Lagum Distributors; (4) Mwangi's Garment Manufacturing Company; (5) African Radio Manufacturing Company; (6) Tefa Overseas Agencies, Mombasa; (7) Kilonga and Kerania Company, Mombasa.

In addition to the above companies, the Kenya National Trading Corporation Limited, which is a State-owned company, formed to accelerate the Africanization of Kenya's whole distribution system, has been granted licences to import items such as khangas, second-hand clothes, khaki drill, sugar and rice, with the object of distributing these products through African wholesale companies.

It should be understood that any import or export licence which is issued by my Ministry covers a specific order and has only a limited application. The majority of goods imported into and exported from Kenya do not require licences, because licences are only required for

certain specified goods which have been subject to licensing restrictions under the operation of the Imports, Exports and Foreign Supplies Order, 1964. If an African company wishes to import or export, for that matter, goods which have been made subject to licensing, it can apply to the Director of Trade and Supplies, if it is the policy to issue licences for the particular items required, the African company will, of course, be issued with a licence.

Mr. Omar: Mr. Speaker, Sir, arising from that reply, can the Minister tell the House the number of African companies which applied either for import or export licences and which were refused licences by the Trade and Supplies Department?

Mr. Mwendwa: Mr. Speaker, Sir, I have been dealing with the companies which have applied and have been given licences. As to how many have applied and have been refused, Mr. Speaker, that information can be supplied to the House if the House wants to know.

Mr. Sonoo: Mr. Speaker, Sir, would the Minister tell this House why two of the African companies from the Coast have applied for licences since last year and they have been refused importing and exporting licences? Would he give us the reasons for this?

Mr. Mwendwa: Mr. Speaker, Sir, there can be many reasons for refusing licences. I have already refused licences to other companies. If a company applies for a licence for goods which have already been restricted, for example, Japanese goods, I will definitely—

Mr. Tumbi: On a point of order, Mr. Speaker, is it in order for you to allow the Minister to answer completely contrary to what is being asked? I can see here that the question is seeking information with regard to a number of African companies and all we have heard is contrary to what is asked in the question. Is it in order for the Minister to dwell on something which has not been asked for?

The Speaker (Mr. Slade): If any Minister becomes completely irrelevant in his reply I call him to order, just as I call hon. Members to order when they ask supplementary questions which are irrelevant. However, I cannot see that the information given by the Minister here is irrelevant. He was asked the number of companies holding licences, and he gave a list of the companies, from which you can get the number by simple arithmetic.

Mr. Mwendwa: Mr. Speaker, I have been dealing with African companies, not Asian companies. The ones I have mentioned are all

(Mr. Mwendwa) African companies. If the hon. Member knows that any of the companies I have mentioned are either Asian or European companies, he can tell me because I do not know.

Now, I have said, Mr. Speaker, that there are many reasons for refusing a licence and I have also said that I have already refused two companies. If a company applies for a licence to import items which have been restricted or banned, then I will certainly refuse to give him a licence.

Mr. Jahazi: Mr. Speaker, Sir, would the Minister tell the House the percentage of the companies he has named here and how they compare with those owned by Asians? What is the percentage of African companies?

Mr. Mwendwa: Mr. Speaker, Sir, there are many, and I repeat, many, Asian companies and many European companies. If hon. Members here wish to know how many Asian companies and how many European companies have licences I could easily produce the information. The question, however, here asks how many African companies have been issued licences. I have given this information.

Mr. Shikuku: Mr. Speaker, arising from the Minister's reply with regard to African companies, can the Minister tell the House, besides the reason that if an applicant applies for a licence for items that have been banned or restricted in this country, are there any other reasons which prevent people who have applied for licences from being given such licences?

Mr. Mwendwa: The answer is, yes, Sir.

The Speaker (Mr. Slade): Order! Order! I presume hon. Members want to hear the answers by the Minister; otherwise we should move on to the next question.

Mr. Mwendwa: Mr. Speaker, Sir, the answer is yes. The policy is to encourage the African, not the Asian, trader. If, therefore, I have any reason to believe that an Asian company applied for goods coming from Asia in the interests of the Asians, but uses the name of an African company as cover, then, certainly, I will refuse the licence.

## Question No. 334

## AFRICANIZATION: CHAIRMAN, INDUSTRIAL COURT

Mr. Omar asked the Minister for Labour if he would state the date when he intended to Africanize the post of Chairman of the Industrial Court.

The Assistant Minister for Labour (Mr. Kubai): Mr. Speaker, Sir, I beg to reply. The President of the Industrial Court is a Kenya citizen and, therefore, the question of Africanization of this post does not arise.

Mr. Omar: Mr. Speaker, Sir, arising from that reply, is not the Assistant Minister aware that the majority of the workers in this country are black Africans while the majority of the industrialists are white, and, therefore, the workers would like to have an African as Chairman of the Industrial Court?

Mr. Kubai: Mr. Speaker, Sir, the present President of the Industrial Court was a leading lawyer for many years in Nairobi. As we are short of lawyers in Kenya, I do not think there is any difference in his duties.

Mr. Kamuren: Arising from the Assistant Minister's reply, Mr. Speaker, could we be told whether there is no African, either within or outside the country, who is qualified to take over this post?

Mr. Kubai: Mr. Speaker, Sir, in order to build a strong nation which will not be accused of practising a colour-bar, a nation which embraces people of different colour and origin as citizens, I think it is high time for us to start pronouncing a new terminology, that is, "Kenya citizen" instead of "Africanization" the whole time.

Mr. Ngala-Aboki: Mr. Speaker, Sir, will the Minister agree with me that since the Kenya Industrial Court started functioning, there have been no complaints as to the rulings given this court either by the unionists or the employers and, therefore, a Member can only criticize when cases arise instead of just doing it on the basis of Africanization?

Mr. Kubai: I agree with the hon. Member, Mr. Speaker.

Mr. Anyieni: Mr. Speaker, Sir, the Assistant Minister has told this House that if a person is a citizen of this country, there will be no need for any Africanization. Would the Assistant Minister reconcile this with the statement, for example, made by the Minister in the former question, in connexion with citizenship? Would the Assistant Minister also tell us whether this applies to every department of Government, his question of Africanization, or is this for this particular post only?

Mr. Kubai: The post of President of the Industrial Court is held by a person who is qualified in law. As we are short of people who are qualified in law, that matter cannot be considered. Since we consider Kenya citizens as a whole, this question does not arise.

[Mr. ole Konchellah] that he was doing his "A" levels in 1957, there is nothing to show what he did after that year. Mr. Samuel Usoga Mwitima was given a Colonial Welfare and Development Scholarship, but was returned to Kenya as a mentally sick person in 1962. Mr. Sangili Njugu Njurull is still in the United Kingdom and for two years now the Government has been assisting him to complete his course.

Mr. Gutunga: Mr. Speaker, Sir, the list that has been read by the Assistant Minister shows that some of the students who were given bursaries by the Kenya Government are still in the United Kingdom, and the Government does not know what these students are doing there. Is the Minister prepared to tell this House what action the Government is going to take to get these students back into this country to work and help the development of this country, instead of them staying on in the United Kingdom, since this Government has spent money on them?

Mr. ole Konchellah: Mr. Speaker, Sir, I am sure the hon. Member who has just asked that question, knows very well that, in various parts of the world, we have student advisers and the main job of these student advisers is to see that the students from Kenya who are there for other studies, come back as soon as they finish their studies.

#### Question No. 330

##### NUMBER OF K.P.E. STUDENTS, 1965

Mr. Odero-Sar asked the Minister for Education if he could tell the House how many children sat for the Kenya Preliminary Examination in 1965 in each province, and how many had been selected to go to secondary schools from each province.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. It is too early to know how many children have been placed in secondary schools by provinces as yet, but the K.P.E. figures were as follows:—

1. Coast	6,448
2. Central	36,182
3. Eastern	20,204
4. Nairobi	5,348
5. Rift Valley	16,875
6. Western	29,759
7. Nyanza	33,609
8. N. Eastern	73
Total	148,496

Mr. Odero-Sar: Mr. Speaker, Sir, since the selection has taken place in the Nyanza Province, would the Assistant Minister tell us how many children from Nyanza have been selected for secondary schools?

Mr. ole Konchellah: Mr. Speaker, Sir, as I said earlier, it is difficult at the moment, because the selection is still going on right now, and the provincial education officers have not made up their reports. I am quite sure that the hon. Members from every section in Kenya now know that this selection is still going on.

Therefore, Sir, we are still waiting for reports from the provincial education officers. All the reports we now have in the Ministry are reports which concern the national schools, for which the selection is actually done centrally and we have these reports now, but, Sir, according to the provinces, these reports have not come. In order to convince my friend who has just asked the question, asking about Nyanza, in some of the national schools, for instance, like the Alliance High School, 15 students have been admitted to this school from Nyanza; and 46 have been admitted to the Kenyatta College; 9 to Nairobi School; 7 to the Duke of York; 45 to Maseko; 43 to Mombasa Technical School; 5 to Nakuru Girls School; 16 to the Alliance High School for Girls; 1 to Limuru; 43 to Loreto Convent; Mau has had 14 students; 3 to the Highlands and 11 to the Kenya High School which brings the total to 235 students.

Mr. Omweri: Mr. Speaker, Sir, arising from the Assistant Minister's earlier reply, when he said that selection is still going on, will the Assistant Minister tell this House of the candidates offered places in each province, and how many places his Ministry has prepared against those entries for Form I take?

Mr. ole Konchellah: Mr. Speaker, Sir, the question is not very clear to me. But, Sir, as I said earlier, the provincial education officers are still dealing with this selection and on the other hand it depends on how many students have applied from one school. Perhaps, Sir, many have applied to join Form I of a particular school and we cannot take all of them in this particular school, and so we must try and send them to some other schools.

Mr. Omweri: Mr. Speaker, Sir, my question was very clear, but I will repeat it again. My question was this: The Ministry had planned places for Form I for this year against the entries for the Kenya Preliminary Examination last year, and in each province these places are known. Would the Assistant Minister then tell the House

[Mr. Omweri] how many places were prepared, regardless of whether the students have occupied those places yet or not?

Mr. ole Konchellah: Mr. Speaker, Sir, I quite agree that there is some difficulty in placing all the children or all the people who sat for the Kenya Preliminary Examination. As I said, perhaps 148,496 sat for the Kenya Preliminary Examination and the chances in the secondary schools are very limited.

Hon. Members: How many?

Mr. ole Konchellah: Mr. Speaker, Sir, I would not like to say how many at the moment, but last time when a question was asked about the percentage of students who are going to join the secondary education, I said that last year we had 10 per cent in secondary schools of those who sat for the Kenya Preliminary Examination and this year we are going to take 11 per cent. But, Sir, with regard to these various other places, I do not have the information at the moment.

Mr. Anyien: Mr. Speaker, Sir, would the Assistant Minister give this House an assurance that admission to Form I will be given to different areas in proportion to the candidates who sat for School Certificate if they made the grade?

The Speaker (Mr. Slade): Can you answer that, Mr. ole Konchellah?

Mr. ole Konchellah: I have no reply to that question and, also, since we do not have provincial reports in, I am not prepared to answer that question.

Mr. Masinde: Mr. Speaker, arising from the Assistant Minister's reply, where he implies that of the intake of this year on a percentage basis, 11 per cent will get places, could he confirm in this House out of 31,000 pupils who sat for the Kenya Preliminary Examination in Western Province, 11 per cent represent over 3,000 pupils in Western Province, and if so, how many have gone to secondary schools?

Mr. ole Konchellah: The answer to this question, Mr. Speaker, would necessitate my going back to the Ministry and looking into the files in order to bring a proper reply to satisfy the hon. Member. But, besides that, Sir, in 1965 the Kenya Preliminary Examination would have been taken, as I said, by 152,000, and we are going to take 11 per cent. As far as Western Province is concerned, and also other provinces, I have said that in Western Province perhaps 29,000 people will have sat the Kenya Preliminary Examination, but at the moment we have no report of how many have been placed in the schools.

Mr. Rurumbani: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that the number of children who passed the Kenya Preliminary Examination this year is so considerable that we do not probably have enough secondary schools to cater for all these children, what effort will the Ministry make to give particular priority to the backward districts to put up secondary schools in order to cater for some of the Kenya children, for the boys who have qualified for secondary education?

Mr. ole Konchellah: Mr. Speaker, Sir, I think this is a different question. But also in the figures which I have, the backward areas also have their quotas. On the other hand, quite a number of districts have been running self-help schemes, and also, these backward areas should start self-help schemes.

#### Question No. 349

##### SECONDARY SCHOOL FOR TURKANA DISTRICT

Mr. Aremam asked the Minister for Education whether, in view of the fact that most districts in Kenya now possessed a secondary school, the Government was going to give one to Turkana District, which had been left behind by the Colonial Government.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. The Government will establish a secondary school in the Turkana District when the number of children successfully completing their primary education in the district is sufficient to justify founding a secondary school there. In the meantime, qualified candidates from the district are eligible for and obtain places at boarding secondary schools elsewhere.

Mr. Ekitella: Mr. Speaker, Sir, arising from the Assistant Minister's reply, since this part of the country has been forgotten for so many years, when is the Minister going to put this school up?

Mr. ole Konchellah: Mr. Speaker, Sir, although I quite agree that the areas have been neglected for years, but our Government is only two years old, and therefore it is not this Government which neglected the Turkana. So, I would just try to give the figures here. In 1965, there was only one Standard VII class in Turkana, with an enrolment of twelve students. So, in Turkana, there were only twelve pupils and you cannot build a secondary school for only twelve pupils. But the Ministry of Education has already tried to—only two boys of this twelve passed their Kenya Preliminary Examination, and we have sent these boys to join some other schools in the province.

Wednesday, 23rd February 1966

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

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

#### PRAYERS

#### COMMUNICATION FROM THE CHAIR

##### SENATE AGREEMENT TO BILL

The Speaker (Mr. Slade): Hon. Members, I have received a message from the Senate that they have agreed to the Supplementary Appropriation Bill without amendment on Friday, 18th February 1966.

#### PAPERS LAID

The following Papers were laid on the Table: Ministry of Labour and Social Services Annual Report, 1963.

(By the Minister for Economic Planning and Development (Mr. Mboya) on behalf of the Minister for Labour (Dr. Kioko))

Mines and Geological Department Annual Report, 1964.

(By the Minister for Economic Planning and Development (Mr. Mboya) on behalf of the Minister for Natural Resources and Tourism (Mr. Ayodo))

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 320

##### MEMBERS OF PARLIAMENT AND FOREIGN AFFAIRS MINISTER

Mr. Theuri asked the Minister for Foreign Affairs if he would tell the House why some of the Members of Parliament who were interested in foreign affairs, were not given a chance to tour with the Minister, or were not allowed, during the long recess to be taught foreign affairs at the Kenya Institute of Administration.

The Assistant Minister for Foreign Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. The Minister for Foreign Affairs has on occasions, and particularly during United Nations sessions, selected Members of Parliament to accompany him. It is not possible, nor is it the usual practice, for Members of Parliament to accompany Government Ministers on all occasions, because, in some instances, visits to foreign countries are of a confidential nature and besides, consideration must be given to costs for which this Ministry has no provision to cover.

The Ministry of Foreign Affairs has no courses at the moment on foreign affairs, but can, if it is so desired, co-operate with the Kenya Institute

of Administration in devising special courses for those Members who are particularly interested in expanding their knowledge of foreign affairs. Treasury approval must, of course be sought to cover any costs involved.

Mr. Atrop Sof: Mr. Speaker, will the Minister tell the House whether those selected by the Minister were ordinary Members or Ministers? And, again, were they in the Ministerial Committee for Foreign Affairs which used to exist but has now died?

Mr. Matano: Mr. Speaker, Sir, I think the Members know that certain Members of this House were actually selected to go to New York during a United Nations session. I am surprised to see the hon. Member here does not seem to know this.

Mr. Shikuku: Arising from that last reply by the Assistant Minister, is he aware that some of us are not quite abreast with international affairs and sometimes find it very difficult to follow the debates at the United Nations? Does he not consider it his business to make sure that the Members are well briefed?

Mr. Matano: Mr. Speaker, I do not really follow the questioner, but if he means that we should be prepared to brief everybody as to what we are going to discuss in the United Nations, I say no.

Mr. Shikuku: Arising from a misunderstanding on the part of the Assistant Minister, the question I was trying to put to him is: does he not consider it necessary to brief the Members on international affairs, so that they do not find it difficult at the United Nations to follow up the debates on international affairs?

Mr. Matano: Mr. Speaker, usually the Members who are selected to go to represent this country at the United Nations, or any other body, are briefed before they attend any such sessions.

The Speaker (Mr. Slade): I think the hon. Member is referring to the second part of the question; instruction at the Kenya Institute of Administration.

Mr. Matano: Well, Mr. Speaker, Sir, I am sorry I did not understand exactly; but if that is what the Member really means, we have stated clearly here that we are quite willing to do that, if funds are available.

Mr. Gatiguta: Mr. Speaker, Sir, arising from the Assistant Minister's reply, in which he said that some Members of Parliament had been selected to represent this country at the United Nations, may we know from the Minister the criteria for the selecting of these Members from this House and how they are selected? Are they

(Mr. Gatiguta) selected on the basis that they are friendly to the Minister or are they selected on the basis of their knowledge of international affairs?

Mr. Matano: Mr. Speaker, Sir, the selection is done in the Ministry by the Minister in consultation with the President.

Mr. Kari: Mr. Speaker, Sir, does the Minister agree with me that it is very embarrassing to send somebody to an international body who does not know anything about anything, as far as international affairs are concerned? And that it is necessary that these Members should be briefed and a course should be run at the Kenya Institute of Administration?

Mr. Matano: I appreciate that, and I have said earlier, in my first reply, that we are quite willing to co-operate with all Members who show interest; and if money is made available and set aside for that, we are quite willing to co-operate with the Kenya Institute of Administration in trying to brief some Members on international matters. We are quite willing.

The Speaker (Mr. Slade): Next question.

##### Question No. 331

##### COMPENSATION FOR COFFEE GROWERS

Mr. Odera-Sar asked the Minister for Agriculture and Animal Husbandry if Government would compensate the owners so that they could uproot their trees of robusta coffee for which the Government was not prepared to find a market.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): No, Sir. The Government has been, and is still, prepared to find a market for coffee from robusta coffee trees already in the ground.

Mr. Odera-Sar: Mr. Speaker, Sir, since in Central Nyanza this kind of coffee is being kept at home because the owners do not have any market in which to sell it, what would the Assistant Minister say about this?

Mr. Osogo: Mr. Speaker, my answer has been that we have markets for robusta coffee. It is only interesting to hear that there is this coffee lying about in Central Nyanza. I think these people have not contacted the Coffee Marketing Board.

Mr. Gichoya: Mr. Speaker, Sir, is it a fact that people in Nyanza are uprooting the trees of robusta coffee when the Minister is working on it? Is the Minister aware that is going on the exercise of uprooting the robusta coffee?

Mr. Osogo: Mr. Speaker, when an individual farmer is interested in uprooting his coffee trees because they are not giving him any profit, that is not our concern. He can go ahead.

Mr. Mate: Mr. Speaker, Sir, since coffee planting has been restricted in Kenya and there are some trees that are not giving the farmer a good return, is the Government prepared to devise a plan to make the farmers replace these trees with other trees?

Mr. Osogo: Mr. Speaker, Sir, that, in fact, is what is happening. When a tree grows old and has to be uprooted and the owner is still interested in planting coffee, he is given a chance of planting new trees.

##### Question No. 323

##### STUDENTS EXPELLED FROM SOUTH AFRICA IN 1950

Mr. Ndiei asked the Minister for Education if he would tell the House whether the Kenya students who had been sent away from South Africa in 1950 by the Union Government and who subsequently went to the United Kingdom to continue their studies, had ever been awarded Government of Kenya bursaries to complete their studies.

The Assistant Minister for Education (Mr. ole Konchellah): Mr. Speaker, Sir, I beg to reply. As many of these students as qualified for assistance, were assisted, either by higher education loans or by grants through the old Colonial Welfare and Development Fund, which later changed to the Commonwealth Special Assistance to Africa Plan ("Scamp").

Mr. Ndiei: Mr. Speaker, Sir, can the Assistant Minister tell this House how many students have been assisted?

Mr. ole Konchellah: Mr. Speaker, Sir, it is understood that there were nine Kenya students who left South Africa in 1950 and went to Britain for further studies. Clearly, the majority of them went to do the General Certificate of Education, "A" level, and were then taken over as normal students when they gained admission to the institutions of higher education. I have records for the following students, among the nine, although these records are so old, one finds it hard to rely on them: One of them was Mr. Joseph Kaimau Kamei who was given a Colonial Welfare and Development Scholarship and a Government loan. Mr. Nathan Makdembeli was given a loan as well as a scholarship. Mr. W. B. C. Luter was also given a loan and a Colonial Welfare and Development Scholarship. Mr. Benjamin Kasiema Mulege, all which is on the record is

**[Minister of State, President's Office]**

zen. Then, it is all right, but we want sincerity. We want sincerity and honesty from the African citizens of this country. Since a few days ago the hon. Member must have noticed that even in our advertisements in the official Gazette and in the newspapers these days emphasis is given to Kenya citizens. There is no qualification about it, and we are not going to say anything else. We mean it, we want Kenya citizens. There is no question of giving preference to people of African origin, but you must accept the fact that as a Government, we have a moral duty to repair the imbalance. The hon. Member for Mombasa North thinks that it is finished, but it is not finished in the Treasury and other places. It is my *shauri* and that is why we think we can do this effectively by having sincere and honest non-African citizens of this country to come forward and serve the country. It would have been better if this matter had not been raised, particularly since our attention had been drawn to these rather unfortunate circulars. We appreciate things could have been done in a better way.

Now, on the other hand, I would like to say this, Mr. Speaker. The fact that the Government has suspended these circulars does not necessarily mean that the Government will stop moving forward in its policy of Africanization. What, Mr. Speaker, Sir, the Government does not really want to see is an hon. Member, like the hon. Member for Mombasa Island North trying to introduce racial politics in a matter on which the Government is quite conversant. This is its attitude, particularly in regard to some known African citizens in this country, which does considerable harm to the country. We have seen among some of our non-African citizens a certain degree of trying to protect their interests in various ways. There are people who claim to be Kenya citizens, in words only, while their interests are in Bombay and Karachi. We know that when some officers who were non-Africans were compensated under the general retirement scheme, the other Asian civil servants who were left in the service were told by these particular people who were retired, "Look at you people, you have taken Kenya citizenship, we have received our big packets and we are going. Look at you people, look at what you are doing." Some of those who were not sincere, Mr. Speaker, did retire under the general retirement scheme. We know there are hundreds of such non-Kenya citizens in our service today, people who would like to remain on so long as their positions are secure.

Now, if the hon. Member for Mombasa Island North is coming to advocate the case of such people, then he is doing a great disservice to his country, which, I hope, he likes. Mr. Speaker, Sir, the hon. Member knows that when most of us go to Mombasa we find it a strange place; we think it is a place which ought to belong in Pakistan or in India. Now, if there are Kenya citizens in Mombasa, all those people we see there, they should be able to introduce some changes in Mombasa, Nakuru and other places. It is no point coming here and craving for privileges and rights which you can only get when you are protecting certain interests.

Mr. Speaker, Sir, the Government feels very strongly that every Kenya citizen in this country is entitled to all rights and privileges and he should bear the duties and obligations of a citi-

zen. Then, it is all right, but we want sincerity. We want sincerity and honesty from the African citizens of this country. Since a few days ago the hon. Member must have noticed that even in our advertisements in the official Gazette and in the newspapers these days emphasis is given to Kenya citizens. There is no qualification about it, and we are not going to say anything else. We mean it, we want Kenya citizens. There is no question of giving preference to people of African origin, but you must accept the fact that as a Government, we have a moral duty to repair the imbalance. The hon. Member for Mombasa North thinks that it is finished, but it is not finished in the Treasury and other places. It is my *shauri* and that is why we think we can do this effectively by having sincere and honest non-African citizens of this country to come forward and serve the country. It would have been better if this matter had not been raised, particularly since our attention had been drawn to these rather unfortunate circulars. We appreciate things could have been done in a better way.

With regard to Government policy concerning the employment of non-African citizens of Kenya, now and in the future, I would like to invite the attention of the hon. Members, particularly my learned friend from Mombasa, the Mover of this Motion, to section 14 of the Constitution which provides for the removal from the service on retirement on the categories of officers listed in subsection (7). I would advise him to read that section tonight. If the Government finds itself unable to carry out its policy on Africanization, I think the Government will come to this House, and if that particular section is not doing proper service to our policy of Africanization, then we will have to amend this particular section. We hope the hon. Member for Mombasa North will be able to support the amendment which will enable the Government to go ahead with its Africanization policy.

Mr. Mallinda: I think I have only three minutes, Mr. Speaker, I want to say at the outset that I was listening to my friend, the Mover of this Motion when he was talking, and although he said that he was not talking racially, I feel that if he was not talking racially, then he was talking like a propagandist. I say this, Mr. Speaker, because these members of the Kenya Civil Service about whom he is talking in the main are people of non-African origin. Therefore, that is a point to show that he was talking racially.

During the colonial times, Indian civil servants, Asian civil servants, European civil servants were a privileged class, but although we became independent we still—and these people—are going to

**[Mr. Mallinda]**

be in a privileged class by the fact that, Mr. Speaker, although in the Constitution it says that we should Africanize some of these posts, the circular which was implementing that situation has been withdrawn. Mr. Speaker, Sir, it has been withdrawn for no reason at all.

Again, it is said in our paper on African Socialism, section 142 (8) that, in promoting Africanization, citizenship guarantees as outlined in our Constitution will be recognized and maintained, but without prejudice to correction of existing racial imbalances in various sectors of the economy. Mr. Speaker, when these small imbalances are being corrected, then my friend comes here and complains for no reason at all. He should be thankful for what the Government is doing to give members of his race the privileges that are being given. I contend that even

Government was wrong in withdrawing those circulars which advocated retirement in the public interest. I think, Mr. Speaker, things were done too much in a hurry. That should not have been done. Africanization should have been carried on until it was effected to the fullest. At the same time, Government could have retained those Kenya citizens of non-African origin who were sincere to the Government and to the cause of this country.

Mr. Speaker, I beg to oppose.

**ADJOURNMENT**

The Speaker (Mr. Slado): That brings us to the end of our time. The House is adjourned until tomorrow, Wednesday, 23rd February, at 2.30 p.m.

The House rose at Seven o'clock.

[Mr. Pandya]

Mr. Speaker, I was trying only to build up my case, but if the hon. Member is impatient, I am quite prepared to go ahead, I do not want to waste much time on the past.

In spite of assurances, to everybody's surprise, Circulars 49 and 51 were introduced, whereby all public officers who adopted Kenya citizenship, and even those who were automatic Kenya citizens, were deemed to have been retired in the public interest and will be required to proceed on leave pending retirement with immediate effect. Mr. Speaker, I am not minimizing the good work that my friend, the Deputy Speaker, has done, but I want to come to the main point very soon: that is, that I was personally assured that the intention was not to retire these people in the public interest, that this was only a procedural matter. But what worries me is that the people that were affected were given notice and when they asked to be reappointed on either permanent and pensionable terms or contract, some of them were told that their services were being terminated and it would not be possible to offer them re-employment on any terms whatsoever. This, Mr. Speaker, I feel, is against the spirit of these circulars. How can people who are Kenya citizens and who are already on local terms—which were known as Pratt terms—be further put on local terms? Mr. Speaker, the effect of these circulars—and this is the main thing I object to—was to put the non-citizens of this country at an advantage over citizens of non-African origin, people who had identified themselves with the aspirations and the people of this country. It is this, Mr. Speaker, that I am objecting to.

Mr. Speaker, I am only seeking an assurance from this Government, and I was very happy that the hon. Attorney-General, speaking in the debate on the Constitution Amendment Bill, said that he had withdrawn these circulars. I agree, Mr. Speaker, privately, we had discussed this matter but I wanted to see that the public knew about it, that the circulars were withdrawn and cancelled, and that they were not temporarily suspended until further notice, as these were the words, Mr. Speaker, which have been used in the letters that have been addressed to these people. What I want is this. When you talk of suspension, this brings forth suspicion because there is always the possibility of the Government reintroducing these things in a different manner. I, Mr. Speaker, am raising this Motion to remove this doubt, and I feel I am perfectly within my rights to do so as the purpose of an adjournment Motion is to seek clarification from the

Government of what the policy is. I do not see Mr. Speaker, why some of the Ministers of the Government have been trying to deprive me of doing my duty as a Member of this House. It is also important, and I am only asking—

The Minister of State, President's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, the hon. Member for somewhere in Mombasa is making an allegation that he is being deprived of his right to put his case in this House by Ministers. Can he really substantiate how he is being deprived of his rights?

The Speaker (Mr. Slade): Yes, you will explain what you mean, will you not, Mr. Pandya?

Mr. Pandya: Mr. Speaker, I was referring to the point of order that was raised by the hon. Minister for Economic Planning and Development. Mr. Speaker, he said—

The Minister for Information and Broadcasting (Mr. Achieng-Otienko): On a point of order, Mr. Speaker, is it not a contradiction? He says at the same time that the Attorney-General has spoken to him in confidence about the circulars he is arguing about, so is he not contradicting himself when he says that the Ministers are trying to deprive him—

The Speaker (Mr. Slade): Order! Order! No, no means. The hon. Member is seeking to ventilate in this House, and for the benefit of members of the public, things which he has been told privately. That is the right of every Member, but he is complaining that, in this desire for ventilation, he is being hampered by Ministers and he certainly was hampered by one Minister on a completely false point of order, and I think you are on another one now.

Mr. Pandya: Mr. Speaker, if I may nearly finish—

The Speaker (Mr. Slade): You may have another two minutes, Mr. Pandya.

Mr. Pandya: Thank you, Mr. Speaker.

I only want to say this, Mr. Speaker. I wish hon. Members of this House would appreciate my intentions, and I am only hoping that when the hon. Attorney-General or some other Minister gets up he will not just say "the circulars have been withdrawn." I have heard, Mr. Speaker, some deprecating remarks, which I do not think will be in the HANSARD, made by some of the Ministers. I think they have to be patient, and it is no use depriving—I do use the word "depriving," because the points of order which were raised were totally irrelevant.

[Mr. Pandya]

Mr. Speaker, I think it is important for the Government to give an assurance that all citizens will be treated equally, even if they are of a different race or origin. I am sure, Mr. Speaker, I am not asking too much of this Government and of my friend, the hon. Attorney-General, or my friend, the Minister of State, to give assurances in this House, so that the public is made aware of the genuine intentions and the policies of this Government.

I want again to emphasize, Mr. Speaker, that that is my only intention. I hope the hon. Members will bear with me in future when I get up and will show a little more tolerance than they amply show me in this House.

Mr. Speaker, I beg to move.

Mr. Choge: Mr. Speaker, I have no personal grudge against the hon. Mover of this Motion, Mr. Pandya, but I have some remarks to make.

In this country, Mr. Speaker, everybody has taken up the call of the President of Harambee and working together, side by side, but it is to the contrary with the Asians in this country. The Asians, as my hon. friend alleges, Mr. Speaker, are not loyal to this Government at all.

The Speaker (Mr. Slade): No, no. You know, Mr. Choge, we never allow such general condemnation of any section of a community in this country. You may say "some", but you must be careful that you only make it some.

Mr. Choge: What about if I can substantiate, Sir?

The Speaker (Mr. Slade): Even if you substantiate, you can never possibly substantiate that 100 per cent of any community are what you describe them to be. Please make it without exaggeration.

Mr. Choge: Mr. Speaker, Sir, I will accept your ruling.

I must say, Mr. Speaker, that some of these people who have taken up citizenship in this country, and some of those who have not, yet been granted citizenship, should no longer be given citizenship because we have experienced in most cases in the towns in Kenya, such as Kisumu, Nakuru, Mombasa, Nairobi, that the Asians are, in fact, exploiting the Africans. In most cases the Europeans as the hon. Member has mentioned, Mr. Speaker, I think, have done a great deal in comparison to the Asians ever since independence. Most of the Asians still discriminate against the Africans, worse than during the colonial days.

The Speaker (Mr. Slade): No, Mr. Choge, we are concerned with non-African civil servants in this particular half-hour. You must keep to the subject of the civil servants, please.

Mr. Choge: Yes, Sir, I know of some civil servants who are Asians, and if you allowed me, Mr. Speaker, to substantiate I would have done so, but—

The Speaker (Mr. Slade): I am asking you to be relevant now, relevant to the question of civil servants.

Mr. Choge: Yes, Sir. There are some civil servants, Sir, who are supposed to be working side by side with Africans and yet when they are given a duty to do, they do not do it in the way that they are told to do it. They discriminate against the Africans who are under them. If they have any authority at all—some of them are police inspectors, police officers discriminate against the African police constables and the constables suffer a great deal as a result of this. I think this matter has been put to the Minister for Home Affairs and I have already told him of the cases. He knows of these cases very well.

I think that this circular which was withdrawn by the Government should not have been withdrawn even if the words that were used were very discriminating. I do not think it was right for the Government to withdraw this circular at all. I think the Government should reintroduce it. It is the opinion of most of the Members of this House that this circular should be brought back, and the Government should be quite tough to the Asian community in this country, in particular the civil servants, because they do not seem to support the call of Mzee of showing the spirit of Harambee. They speak it, but they never practise it. They only speak it and will never follow it.

I think that the Asian community in this country and the civil servants have been treated very well. In fact, I think our Government has even gone so far as to become servile to the Asian civil servants in this country. The Government should not have done this at all.

I feel that this circular should be taken into consideration by the Ministers. It should be brought back and applied in the same terms as before to do the work it was supposed to do. It should not remain withdrawn.

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

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, as it was pointed out by the hon. Attorney-General and the Minister for Economic Planning and Development, the attention of the Government was drawn to this

[Mr. Ochwada]

Attorney-General which one disqualifies a Member from this House. Is it the six months' imprisonment or the eight days' absence?

Hon. Members: Both.

Mr. Ochwada: Mr. Deputy Speaker, Sir, there is only one disqualification here, it is not both. Because once a person is sentenced to six months' imprisonment he is automatically absent for more than eight days.

We would like to have it quite clear whether it is the first or the second which disqualifies a Member. It is true that once a person commits an offence, is found guilty, he is out of this Parliament, but Mr. Deputy Speaker, eight days absence from Parliament disqualifies a person. Let us have it clear from the Attorney-General. Let us have it quite clear whether it is eight days or six months. Eight consecutive days in six months is only a matter of two weeks, Mr. Deputy Speaker.

An hon. Member: You are confusing us.

Mr. Ochwada: That is less than six months, much less than six months. So before we can give the Attorney-General the necessary support that he needs for dealing with the first one, we want a clear explanation of the second one.

Mr. Deputy Speaker, Sir, whereas my hon. Members might think I am confused, but I am only trying to dig it out of the Attorney-General, whether it is the first or the second which disqualifies an hon. Member of this House from being a Member of the House.

Now, Mr. Deputy Speaker, let us look at section 41 first. It says "insert immediately after the word Kenya" the words "or under sentence of imprisonment by whatever name called." Mr. Deputy Speaker, I know, including—I would not like to mention that, Mr. Deputy Speaker—we all have certain small debts some of Sh. 5, Sh. 10, Sh. 20, Sh. 1,000 or even Sh. 10,000. Is a civil debt going to be one of these terms of imprisonment, because once you owe me some money, I take you to court and I insist on sending you to prison for a month and I offer to pay for your stay in prison, you have automatically absented yourself for more than eight consecutive sittings of this Parliament? Is that going to be one of the disqualifications, Mr. Deputy Speaker? If it is going to be, then I think someone is going to be a little too unfair to the hon. Members of this House. Somebody is trying to be very unfair to us, and I think it is only fair, Mr. Deputy Speaker, that much as the Attorney-General knows, and much as you know, Mr. Deputy Speaker, that some of us do not even earn any money from

this House, particularly the constituency Members, they have only to walk out of this House, in fact even after this sitting. Mr. Deputy Speaker, and there are quite a number of people waiting for them outside the gates. They say "I have been here for two days, I have been looking for a job, I cannot get a job. You see I come from such and such an area, I have not eaten for three days, can you help me". Sh. 5 is gone. Sh. 10 is gone. Believe you me, Mr. Speaker, they have only to step in their constituencies and the sort of multitude behind them looking for something to eat is so large that they cannot avoid committing themselves to some civil debt. Are they going to be penalized because they are trying to be generous and helpful and kind to their own constituency members?

Mr. Speaker, I am only asking the Attorney-General to see these things and be kind, because not all of the constituency Members—laying myself alone, although I have a very small constituency—can afford to dish out, but we have to dish out this money, in order to ensure that in the next elections—

The Speaker (Mr. Slade): Order! Order! It is time for the interruption, anyhow, but I think Mr. Ochwada, you have made your point here. Your question is, does this apply to imprisonment for civil debt, which perhaps the Attorney-General will answer fairly early by way of information when the debate resumes, or even now before we go on to the adjournment Motion?

Tomorrow then, but you have made your point.

#### MOTION FOR THE ADJOURNMENT

CIVIL SERVANTS AND GOVERNMENT CIRCULARS: 49 AND 51

The Speaker (Mr. Slade): It is time for the interruption of business now. There is a matter to be raised on the adjournment, and I will ask a 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 Assistant Minister for Labour (Mr. Odero-Jowi) seconded.

(Question proposed)

Mr. Pandya: Mr. Speaker, Sir, I want to assure this House that by bringing this matter I do not seek to raise emotions or to create tribal or racial conflict. I only wish to seek clarification from the Government on what their policy is, particularly in relation to Kenya citizens of non-African origin who are in the Civil Service and who have been affected by Circulars 49 and 51.

[Mr. Pandya]

Mr. Speaker, we have just been debating amendments to the Constitution of this country. It has always been a pleasant thought—and we have heard it in this House—that the Constitution of this country is paramount. I am only asking that we uphold the provisions of this very Constitution which we have created ourselves and which has assured equality of rights for all its citizens. Indeed, all those who were privileged to represent this country at the constitutional conferences were appreciative of the fact that the Constitution had given the right to people of non-African origin to register as citizens of this country. That is why we cannot discriminate or question the loyalty of these people without some good reasons.

As I have said, Mr. Speaker, I am not speaking for any section of the community; although I look as Asian, I am an African, and I am not speaking here for people of Asian or European origin. Nor am I speaking, Mr. Speaker, as a racialist. I am so glad that His Excellency the President has always said that citizens, irrespective of race or origin, will be treated as Africans and, indeed, are considered as Africans. I want to congratulate this Government that since 12th December, last year, which was the first celebration of our republican status, they have been fair and bold to remove the discriminating words which had been inserted in the Government notices which had mentioned that preference would be given to Kenya citizens of African origin only. I have raised this matter several times in this House.

Mr. Speaker, if I may come to the main point which I wish to make, I would like to base my case on the circulars which have been issued by the Government, Circular No. 48 of 1964—

The Speaker (Mr. Slade): Mr. Pandya, as you are referring to circulars from Government, as opposed to documents of general public information, you will lay these on the Table, will you?

Mr. Pandya: Yes, Mr. Speaker.

The Speaker (Mr. Slade): These circulars to which you refer?

Mr. Pandya: Yes, Sir.

Circular No. 48, of 1964 says that Kenya citizens—

Mr. Malinda: On a point of order, Mr. Speaker, is the Member in order to refer to a circular which is not the subject of the Motion? He is—

The Speaker (Mr. Slade): As long as it is relevant to it, yes.

Mr. Pandya: Mr. Speaker, Sir, I will prove that it is relevant, because this particular circular refers to the fact that the Kenya citizens of whatever race will not be liable to compulsory retirement under the provisions of section 14 of the Kenya Independence Order-in-Council, 1963, and Circular No. 49 of 1964 implies that Kenya citizens of African origin were only to take over from non-citizens and Kenya citizens will not be replaced. Mr. Speaker—

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Speaker, I would like your ruling on this. Is it in order for the hon. Member to raise this matter when he, himself, knows that the circulars he is making reference to have, in fact, been suspended by the Government?

The Speaker (Mr. Slade): Oh, yes, yes. Certainly he is in order to mention anything that has been done by the Government. It is for Government to answer that it has been suspended, if it has. It is quite in order.

Mr. Pandya: Mr. Speaker, during 1964, there were assurances from the Government that circulars on compulsory retirement of non-Africans—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I would like your guidance because the question of adjournment Motions is given some special treatment or position in the House and it is clearly understood that it is a time of the House we use to raise matters for certain special circumstances. In this particular case, the hon. Member moving the adjournment Motion has, personally, been informed of action taken, he is aware that the hon. Dr. De Souza raised this matter for quite some time and action was taken, and yet he takes the time of the House on adjournment—

The Speaker (Mr. Slade): Order! How can you raise this as a point of order, Mr. Mboya? You, of all people, should know better. Every hon. Member is fully entitled to ventilate in this House any matter, in spite of private information from a Minister. One of the purposes, very often, of adjournment Motions and other procedure in this House, is to bring to the notice of the House and to the public things that the Member has been told outside. It sometimes helps the Government to bring out these things. He is completely in order.

Mr. Pandya: Mr. Speaker, Sir, I will come to the main Circulars 49 and 51 very quickly. I think the hon. Member who raised the last point of order will realize why I am raising this matter on the adjournment.

[Mr. Mbogoh]

that it is put right that way and need not be included in the law. I know it can be done without it going into the Constitution.

Mr. Speaker, Sir, this question of the absence of Members from the House looks quite interesting because I would not, myself, like to see a Member who does not attend the House but he claims his monthly salary, he claims his allowances, by coming and sitting here for one minute and then going out. Mr. Speaker, the difficulty there is where the Speaker comes in—

Mr. Bab: On a point of order, Mr. Speaker, Sir, it is in order for an hon. Member to refer to Members being present for one minute while the Bill relates to absence for eight sittings?

The Speaker (Mr. Slade): Yes, I think it is relevant.

Mr. Mbogoh: Mr. Speaker, Sir, this again—

Mr. Shikuku: On a point of order, Mr. Speaker, the hon. Member has stated that some Members come here for one minute and then go out and claim the whole sitting-day, can he substantiate that?

The Speaker (Mr. Slade): No, I do not think so. Order! Such a general remark as that I do not think requires substantiation. I think all hon. Members know it is true, anyway.

Mr. Mbogoh: Mr. Speaker, Sir, it is quite true that when we started discussing this Bill, the House was nearly full, but now you can see that very few of us are here, so I know that quite a few people have gone out after sitting here for three minutes.

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

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

Mr. Deputy Speaker, this clause makes the Speaker like a teacher, and Members of Parliament like pupils, so that wherever they go away, they have to inform the Speaker. I do not favour this very much but there is something that can be done to it. Mr. Deputy Speaker, a long time ago there used to be replacements when somebody was not here, and, Mr. Deputy Speaker, this has to be continued, when somebody is away, let us say for a few months, it is quite sensible that he should inform the Speaker and have a replacement so that his constituency is still represented. Another thing here, Mr. Deputy Speaker, is to have a duty roster for all Members for the whole year, then every Member knows that he will be here on such and such a day, and then the Speaker will look at the duty roster

and know that this Member will be in England in May and therefore know that there will not be any letters from him.

Mr. Deputy Speaker, again there is the President's power to sack or to retain the civil servants. Mr. Deputy Speaker, we quite understand that today we have a President who can be very sympathetic, who will take the trouble to know what is happening inside the Civil Service, but you cannot guarantee things will always remain like that. What about tomorrow? What guarantee is there that when somebody like the hon. Shikuku becomes the President, he will not be very unsympathetic to the Civil Service? Mr. Deputy Speaker, I will need quite a lot of explanations, as to how the future is to be assured.

Mr. Deputy Speaker, I now come to the next point, imprisonment. It is quite sensible, Mr. Deputy Speaker, that somebody who goes to prison is not representing anybody. If we look at it in the way it should be looked at, Mr. Deputy Speaker, as the Attorney-General was saying that somebody from this hon. House goes to prison and he continues to receive his pay because of being in prison, is wrong. I quite agree it is wrong. If somebody who is called an hon. Member in this House, goes to a very dishonourable prison, I think it is sensible that the public of this country should not pay his salary while he is there. He is eating free ugali in prison; he is eating free beans in prison. It cost Government Sh. 2,000 a month to keep someone in prison. I think he has already turned dishonourable, and therefore he should be dishonoured by the money too.

Mr. Deputy Speaker, Sir, it is quite sensible that that should happen, but again here I want to know from the Attorney-General what kind of sentence, because I might be in debt to an Asian. An Asian comes to me and tells me "You have got my Sh. 1,000 and I am going to prosecute you and take you to court." But if he has enough money to take me to court then I will be disqualified, but I will be disqualified because of a civil debt.

Mr. Deputy Speaker, a member of this House is being asked by this Bill to be like a god. Is the Minister here, because I do not see him! He was asking the Members to pass this Bill, but I think he was making some very sensible parts of it, because he cannot expect every Member to be like some god. We are not gods, Mr. Deputy Speaker, we are, also subject to make mistakes like anyone else and we are not expected to live above the normal morals of this world. So, Mr. Deputy Speaker, it is with great diffidence that I agree with the Attorney-General

[Mr. Mbogoh]

on this one of imprisonment, until it is specified exactly that this offence and this offence, etc., should be the one to disqualify. For example, if I had a traffic case, this one is an offence, and I will go to prison because someone is looking for me and wants me to go to prison tomorrow, but Mr. Speaker, you will see after tomorrow, but Mr. Speaker, you will see after passing this Bill how many policemen will be stopping us in the street every day. What protection can I be given so that I can refuse to stop and be taken to court and claim to be an hon. Member? You will see what happens once you are in court, you will be imprisoned and be disqualified. Mr. Deputy Speaker, I think that unless the civil servants and the public are perfect it should not be demanded of us to be gods and to be perfect. Mr. Deputy Speaker, this Bill will also affect Ministers and if, at any time—

An hon. Member: Where is the Minister for Maize?

The Deputy Speaker (Dr. De Souza): Order! Order!

Mr. Mbogoh: Mr. Deputy Speaker, Sir, if you have got to be perfect it will affect the Ministers and if there is, for example, a maize inquiry during this time when we are meeting here, it should be duty of the President to look and see that the Members are expected to be very pure except the Minister for maize.

The Deputy Speaker (Dr. De Souza): Order! Order! Mr. Mbogoh, I am afraid I perhaps should have interrupted you before you said what you did say, but we do not want to discuss the maize issue here. I am a little worried in case every hon. Member starts discussing something other than what is strictly relevant to the Bill. I do not want that aspect to be gone into at this stage.

Mr. Mbogoh: Mr. Deputy Speaker, I thought that was a good example?

An hon. Member: Where is Mr. Oyende and where is the Minister?

Mr. Mbogoh: Mr. Deputy Speaker, Sir, I quite agree with that, but when you speak about Members' imprisonment it must go both ways, it must not fall on the Member alone, it must fall on the civil servants as well as the Minister and anybody else in Kenya.

So, Mr. Deputy Speaker, I do not want to go further than that. I reserve my position for the time being.

Mr. Ochwada: Mr. Deputy Speaker, Sir, I rise also to express my views about this Bill. Having gone through a number of stages during the

independence struggle I think it is only fair that if such a Bill comes it should be examined very carefully and also suggestions made and where we feel the Attorney-General has gone a little too far, we should tell him.

Mr. Deputy Speaker, Sir, it is amending the Constitution not amending just an ordinary law, and whatever we amend in the Constitution should form a part of the Constitution. I believe, Mr. Deputy Speaker, Sir, that the Constitution is the final document upon which each one of us in this House and outside this House very strongly leans for his future and for his existence.

Mr. Deputy Speaker, Sir, I must, first of all, point out that it is not in my own interests that I want to state what I am going to say, but it is in the interests of the Members now sitting in this House and those who will come in the future and the public at large, because any member of the public can become a Member of this House tomorrow and it would only be fair that whatever we state or say in this House should be in the best interests of the people and the country at large.

Now, Mr. Deputy Speaker, Sir, I will start with section 24 (2) whereas, Mr. Deputy Speaker, the majority must rule, the views of the minority must be recognized as well. It is true that where an organization exists which enjoys the support of the majority, that organization should be strongly supported but, Mr. Deputy Speaker, the minorities who feel that because of certain reasons they are not given a fair deal in such an organization, it is only fair that they should also be given an opportunity to express where they feel they are not being given a fair deal.

Now, Mr. Deputy Speaker, Sir, it comes to the controversial section, that of the Members of Parliament being disqualified. It is only fair that the Government should be in a position to tell an individual like Dr. Kioko, that the hon. Member has committed an offence, has been sentenced to a term of imprisonment and therefore he can no longer represent the public. Mr. Deputy Speaker, I am being asked to make up my mind. It is some of these gentlemen who are asking me to make up my mind who are very worried about the Bill.

Mr. Deputy Speaker, Sir, we have two controversial sections about this issue, one is if you are sentenced to six months' imprisonment you are automatically disqualified and the other one is if you are absent from Parliament for eight consecutive sittings, you are disqualified. Mr. Deputy Speaker, I would like to know from the

**[The Minister for Commerce, Industry and Co-operative Development]**

the majority are not here. Where are they? We know that the Ministers are in the offices. This can be checked and I challenge any Member of Parliament now to come with me in order to check on where the Ministers are and also to see where the Members of Parliament, who are supposed to be here, are.

Now, Mr. Speaker, I—

Mr. Shikuku: On a point of order, Mr. Speaker, I seek your guidance. If any hon. Member speaking challenges hon. Members here is any Member in order to take up the challenge and go out with him?

The Speaker (Mr. Slade): Order, order. I should say that depends very much what the challenge is. If, for instance, one Member challenges another to a fight within this Chamber, obviously not. I think it depends on the nature of the challenge and the Members' common sense. We cannot rule generally on this.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Mr. Speaker, all that I am saying is that we must justify the money we are getting, which is taken from the pockets of the public. Sir, the Members here always say, "We protect the public. We protect the public." How can they protect the public without protecting the money of the public? How can you fight against the exploiters when here you are exploiters? We must not be exploiters. One is an exploiter if he comes here, pretending he is working for the public and yet does not work for the public. I would feel guilty if I stayed in Kitui for one month and came and took the salary of a Minister. This is the type of money which is not worth taking.

Now, Mr. Speaker, I want to be told right now what is wrong with a Member of Parliament being told, "If you steal and you go in for two months, you are not a Member of Parliament." Mr. Speaker, a crime is a crime, whether it is rape or murder, it is still a crime. I want to know what is wrong with what we are trying to do? What is wrong with us wanting your attendance here? We want you to know what is going on in the House, and, therefore, we want you to stay on. If you want to stay away for eight consecutive days, then, please, you must ask permission. What is wrong with that, Mr. Speaker? This is what I want to know.

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

Mr. Gatuguta: Mr. Speaker, Sir, I realize that this Bill has raised a lot of emotions among the Members, but it is very important on occasions

like this that the Members should be more constructive and think broadly, not only about themselves, but about the whole country.

I would like to support this Bill, Mr. Speaker, Sir, because, in the first place, I find that in this Bill it is provided that citizenship is now going to be granted at the discretion of the Minister. I think this is a very important change in our Constitution because the people in this country who are non-citizens must now know that the citizenship is not to be taken for granted, and that our Minister will look into the activities of those individuals before they can be granted citizenship.

Mr. Speaker, Sir, when this Constitution was made during the time that we had Kadu and Kanu there was a hue and cry about this Constitution. There are a lot of people in this House who condemned this Constitution outright and said this was not a Constitution that should be for a free and independent country. We are now, Sir, in the process of making this Constitution really suitable for our conditions and for an independent country. When we are doing so, I think it is but fair that the Members of this House should take it more seriously and consider these amendments more seriously than just a joke. I say this because I think there are some Members who are not taking this matter very seriously because they feel that at least one clause affects their whole future. However, Mr. Speaker, Sir, if we agree that we are in this House, representing the people of this country, then we must also agree that every law that is passed in this House must be considered in the first place for the interest of the country and in the second place the interest of this House. We are the law makers and we should think of the laws that are going to affect our people first. I agree that this question of absence in the House for eight consecutive days, is one of the clauses that is raising a lot of controversy. Mr. Speaker, let us ask ourselves, are you not morally bound, if not legally, to be in this House during the time of the session? The people of your constituency expect you to be here participating in the laws and the Bills that are being passed. The fact that these people have no power to do anything to you when you are absent does not mean that this House cannot protect those people; after all we are here to do nothing more than protect them. We know, Mr. Speaker, Sir, that some of the Members in this House they like to go overseas for a month or two months. That is quite possible. Then all that is required is to obtain leave of absence, when you have a good reason. This law is intended for those Members of Parliament who are likely to be careless and who are likely to

[Mr. Gatuguta] disregard their own constituencies This is not going to apply to a responsible Member of Parliament. A responsible Member of Parliament will attend Parliament when a session is on, and he will ask leave when he wants to be away. These people will not be affected.

I can say similar things, Mr. Speaker, on the question of imprisonment. I am fully sympathetic with the people. I do not believe that it is fair, I do not believe that it is right for the people of a certain constituency to be without a Member of Parliament to represent their interests. This is not fair. We have some cases where some Members of Parliament are already in jail. Rightly or wrongly they are in jail. The people that they usually represent are not being represented. What part of Constitution is this which does not make provision for representation of people when their Member is in prison? The only thing I would like to know from the Attorney-General is whether this imprisonment means any imprisonment. Civil cases for instance, there are a lot of them, and I do not know whether the Attorney-General would like to clarify this point, because what I am trying to say is this: if someone is in prison for six months for a civil case, he may be a popular man with his constituents, and his constituents may still like to have him after the six months are up. This is quite different from a criminal sentence, because when you commit a criminal offence, and the people know that you have committed a criminal offence they are likely to lose confidence in you. Not only is this likely but this is automatic, because a responsible Member of Parliament should not commit criminal offences; but civil cases are a different matter altogether. I do not know whether they are included in this Bill.

Otherwise, Mr. Speaker, Sir, I fully support this Bill, and I would like the Members to consider it on these lines and take it more seriously. Let us look at this issue from a different angle. Recently, Mr. Speaker, Sir, some of the Ministers failed to attend this House; we complained because we felt that it is the duty, the moral duty, of the Minister to be in this House when discussions are taking place, and to be able to enlighten this House. Why do we not feel the same thing? Why do we not put ourselves in the place of the people when their Member does not come to the House? Have the people not the right to complain? Have they not the right to find the remedy? We are now trying to find a remedy for that. I repeat that this law will not affect any responsible Member of Parliament, because a responsible Member of

Parliament will attend the Parliamentary sessions, and if he wants to be away he will ask permission. There is no difficulty about that.

Mr. Speaker, Sir, I support.

Mr. Mbogoh: Mr. Speaker, Sir, before I say whether I support this Bill or not, I would first ask the Attorney-General to give a few explanations on some of the clauses.

Mr. Speaker, what happens is that there were those people who attended the Lancaster House Conference to make Constitution, but it is very interesting that they forgot to put some of these things in and now they are coming here to ask us to put their omissions in. Mr. Speaker, it is very fair that they have brought it to us, because if it was done at Lancaster House we would not have had any hand in it, and in that case we would always say that we were hanged by somebody else, but when we pass it, it is true that it is ourselves who have done this.

Mr. Speaker, I would like to speak on the extension of the emergency in the North-Eastern Province. Many times we have spoken in this House asking the Government to confine those *Shifita* tribes into their own areas, but they have found it necessary to leave them just like that and they come and interfere with the other districts. Mr. Speaker, if the areas of emergency are extended to other districts, it is causing unnecessary suffering to the people of those districts while the Government could have formed home guard contingents in those areas to defend themselves from the *Shifita* in the adjacent areas. In that case, Mr. Speaker, it would be necessary if this amendment is to ask for an extension of the emergency area to add that the *Shifita* themselves will be confined to their areas without allowing them to go into the other districts by having those other adjacent districts forming their own home guard contingents.

Mr. Speaker, Sir, it is quite right that there is equality among civil servants, but it is possible that while I quite appreciate that fact in Kenya today we still complain that during the imperialist régime Africans were left behind and were not given a chance to compete with the other races. In that case it is possible that when we say we want an equal Civil Service, it is the Africans that are still suffering, but we could put a ceiling and say up to such and such a margin Africans should take those jobs, and then after that we can bring the Civil Service on to an equal footing. That is after putting right the inequalities created by the imperialist régime. In that case, Mr. Speaker, I quite agree with the condition



[Mr. Mwamzandi]

So, Mr. Speaker, Sir, I am not going to speak on every point, but only on these two points. Firstly, the position of a Member in his absence. I have already been employed by my voters, but today I am employed by the Speaker who would recommend that either I am a Member or not a Member. If I go out for more than one year I know exactly how my voters will benefit out of that *safari*. Is it not always true?

If a Specially Elected Member is sent out for nine months, he has no constituency. We have elected him, he is representing us. If he is outside when we ourselves are represented here, that is all right. But I would not like to be re-employed by the Speaker, I have been employed by my voters, and this matter of specifying whether a Member should vacate his seat when he goes to prison I will not accept.

With those few remarks, Mr. Speaker, I will oppose the Bill.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I rise to support the Bill and in doing so, Sir, I wish to have clarification of a few remarks which the hon. Member who has just sat down has made.

Mr. Speaker, it is all very well to listen to the Members trying to protect themselves, putting very strong fences around their existence—

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Minister in order to imply that when a Member speaks he is speaking to protect himself? Are we not talking of a Bill which affects all hon. Members?

The Speaker (Mr. Slade): Yes, I think so. I think it is quite obvious from what Mr. Mwamzandi said that his whole argument was the protection of Members against victimization. There is no meaning in his argument otherwise. I would add that he was not arguing for his own protection, he was arguing for the protection of Members in general, and that is what Mr. Mwendwa is referring to.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): When I use the word "Member" I include myself. I would also like to be protected in this House. I would also be happy to know that even if I stayed and slept at home for ten, or even two, months I would still get my salary, and I would not lose my seat. I would also be happy, Sir, if I knew that I could perhaps kill somebody, go in for seven years and come back and still become a Member. What I want to know is this, Sir, and I hope the Members will listen, I

listened to them arguing so why do they not give me time to argue and listen to me? Mr. Speaker, we have to realize that right from the beginning when we are elected by people we get a very high and reasonable name, "honourable", an hon. Member is not expected to steal, to begin with, he is expected by the people to be honest, sincere and a man who can be relied upon. And, also, a man who comes here to earn a living sincerely. Also—they do not want to listen to me, but the public is listening to me.

Mr. Speaker, the voters who voted us in this House would also be pleased to hear of and to know the behaviour of the men they voted into this House, that they come to this House, they listen to the debates and answer the debate. They would not be pleased to see the man who comes here for one minute and then goes out. This man still pretends that he is representing the very people who voted for him. I would have thought, Sir, that the Members in this Chamber would even shorten the time instead of seeing a Member voted for by the people to come and represent them, that he should not be given eight days but a shorter period, if they mean what they are talking about. Mr. Speaker, civil servants who are employed by the public, lose employment even when they go to prison for only a month, they are no longer in the service.

The Speaker (Mr. Slade): Order! Order! I cannot have this absolute babel every time the Minister makes a remark of any consequence. I would ask hon. Members to control themselves.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, we stay here and listen to the Members talking without making any noise. I think it is fair that the Members should listen to us.

Mr. Speaker, I was saying that when civil servants go absent, for even a month they lose their employment, and no Member here disagrees with that I am sure. They say that they have stolen the public money and they should be out of the service. Now, the Members are here and they are saying that if an hon. Member—like myself—commits an offence, say, stealing public money, for obtaining money for which he has not worked he should be put inside, then what is their argument now? If a Member absents himself from the House for three months, Sir, do the Members here really say that he should come back here and call himself an honourable Member? What kind of an honourable Member is that? They are saying that a Minister like myself holding a responsible position, if he should mis-handle public money, and be put in prison for

[The Minister for Commerce, Industry and Co-operative Development]

two years, that he could then come here and ask the President to make him a Minister again! This is what the Members here are saying. There is no difference at all, Sir, in a Member here saying that if I go in for five months I should be able to come here and become a Member again. There is no difference between that one and also saying that when a Minister mishandles public money and goes inside for six months he should come back as a Minister. That is the same thing. Nobody except a crazy person would sympathize with anybody who mishandles public money. Did we come here to be as crooked as all that? To be dishonest? It is a shame that a Minister should stand in this Chamber and say this—it is a shame for any hon. Member to stand here and say that we want to be given freedom to steal, freedom to murder, freedom to rape, freedom to steal maize or anything else.

The Speaker (Mr. Slade): I have a point of order. Listen to it, please.

Mr. Mwamzandi: On a point of order, Mr. Speaker, the Minister is saying that a Member has suggested that we want freedom to murder, to steal, to commit any crime, rape and what not. Would he substantiate what Member said that?

The Speaker (Mr. Slade): Order. That is not the sort of thing that requires substantiation. It may be you are alleging that he is misrepresenting what hon. Members said, but only, perhaps, with some degree of exaggeration. He is expressing his comment on what he heard hon. Members say, and I do not think he has exaggerated to the point of misrepresentation. It is quite true that no hon. Member actually advocated murder, but hon. Members have said that imprisonment should not disqualify Members from being in this House, and it is that Mr. Mwendwa is dealing with.

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Speaker, would it not be in order in view of the fact that there is an inquiry going on on the question of maize to leave this maize outside the debate if possible?

The Speaker (Mr. Slade): I do not think that what the hon. Members said had any direct relation to that inquiry. Actually, though I quite agree that it is not desirable to touch on the subject of that inquiry, I cannot rule it is out of order because it is not *sub judice* in the sense of Standing Orders which only refer to actual legal proceedings.

Mr. Kamuren: On a point of order, Mr. Speaker, is it in order for a Member in this House to speak on the subject of Members wanting the freedom to kill and steal?

The Speaker (Mr. Slade): I am sorry, I cannot hear you. Could you say it again?

Mr. Kamuren: Mr. Speaker, my point of order is, is it in order for the hon. Member or the Minister to speak on this line, where he says in case a Member wants to steal, in case a Member wants to commit a crime of killing someone?

The Speaker (Mr. Slade): Order! Order! I have already dealt with that. Mr. Mwendwa is dealing with the argument that imprisonment should not disqualify Members from this House. In the course of that argument he is saying that you can steal or murder and remain a Member of this House. He is entitled to argue that.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, I am very sorry to have used the word "maize" because in fact, I meant "wheat".

All that I am saying is that I think we should regard this Assembly as really an honourable Assembly, one where a person should feel ashamed to come if he feels he is in any way guilty of certain offences. He should feel shy to step in here. This place should be regarded as a church. Therefore, Mr. Speaker, I would say that, in order that we may raise the standard of our status, in order that people may regard us as honourable people, as honest people, we should even say in this House that the eight days' absence time limit should be shortened. However, the Bill is quite open. It says "If any Member is absent without Mr. Speaker's permission . . ." This was done during the colonial days. I am one of the Members who was in this Chamber at that time but I never obtained any written permission from the Speaker. All that I did was to ring the Speaker from wherever I was, Nakuru, Mombasa, anywhere, and tell him, "Sir, I am going to be absent for nine days." That is exactly what is required here. This is made in order to protect public funds.

Hon. Members: No, no, no!

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, public funds should not be used carelessly. Members should not think that they can sit outside this Chamber and still make £4 a day for pretending to sit in this Chamber. If I may say so, Mr. Speaker there are 129 Members of this House. If you count the number of people sitting here right now you will find that

**[The Attorney-General]**

equal footing this privilege should go upon those public officers achieving equality in other respects as citizens. As I have said, that circular, which the hon. Member appears not to have read, has already been withdrawn. As I have said in this clause, it is only to remove any possible doubt as to the legality of the administrative decision. I have advised that the decision required no law to be passed, but requires only a few words in this Bill to remove any possible doubt. Since equality amongst citizens is a matter with which the Constitution is concerned, it seemed reasonable to conclude this clause in this Bill.

Mr. Speaker, Sir, I have endeavoured to give the Government's reasons for each of these proposals without wearying the House. I cannot hope to have put every hon. Member's mind at rest. I shall listen attentively to the debate and endeavour to deal with the points that arise, in my reply. Hon. Members will bear in mind that this Bill requires a majority vote of two-thirds of all the Members of the House on this and the final reading.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

*(Question proposed)*

Mr. Bala: Mr. Speaker, Sir, I stand to support the Bill, but in supporting it I have a few observations which I would like to point out to the Minister. Mr. Speaker, Sir, when the Attorney-General was referring to that section, dealing with the absence of a Member from this Chamber, I understood that a Member could be absent from the Chamber for eight days without permission, but after that eight days a Member could be disqualified. But, Sir, I feel that the Bill did not go far enough and give some provisions for a Member who may go out of the country, let us say, for a period of three months, therefore, Sir, this Member must have somebody to replace him, because all the seats which we have in this Parliament are constituency seats. The seats here do not belong to the Members, they belong to the constituencies. So, Sir, I feel that if a Member is going to be absent for about four or five months, there must be another Member put there to replace that Member or to act on his behalf. But, Sir, what we have seen whenever a Member goes abroad is a vacant seat. For example, Sir, we had one Member who went to London from here for about nine months. His place was left vacant, and nobody replaced him, and at the same time

An hon. Member: He has no constituency!

Mr. Bala: Mr. Speaker, Sir, I hear an hon. Member saying that he did not have a constituency, but, Sir, he has this House, which is his constituency. So, Sir, we did lack a Member at that time. Therefore, Mr. Speaker, Sir, I feel that we ought to have an amendment, if possible, at the Third stage, whereby we are able to have a Member to represent another Member when he goes away.

Now, Mr. Speaker, Sir, another point which I would like to point out to you is with regard to the Public Service. Here, Sir, I understand that the President will have the prerogative power to sack anybody whenever he feels that it is reasonable to do so. But, Sir, I feel that our public servants should be made to feel secure wherever they are working. They should be made to feel secure in such a way that they should not be working on the pleasure of the President. They should be governed by regulations and not governed by the wishes of the President. So, Sir, I feel that this section is too harsh on a public servant if he is only to find in the morning that the President does not want him to be there and is served with a notice asking him to leave. It might be a person with a big family and therefore his children will have to suffer. So, Sir, I feel that this provision is too severe for anybody who wants to serve his country and lead a faithful life.

Now, Mr. Speaker, Sir, another point which I would like to raise is with regard to the consequential changes in the law. We understand from the Attorney-General that the President requires a further period, but the Attorney-General did not state what further period the President required. Is it another one or two years or another three months? Because, Mr. Speaker, this refers to the Boundary Commission. The people expected that by this time they would know how many constituencies are added so that those people who are interested could start campaigning. Now, Sir, if the Government is going to delay this until such time as we have our general elections, I think it will be a little unfair. In fact, Sir, what we expected is that by now we should have known how many constituencies have been added in the whole of the country, so that those people who are anxious to be Members of Parliament next time can start campaigning, but not to wait until, say, we go to our next general elections.

Mr. Speaker, Sir, with these few observations, I beg to support.

Mr. Mwanzandi: Thank you very much, Mr. Speaker, Sir.

Mr. Speaker, Sir, when the Attorney-General adjourned the Bill the other day to another time, I thought he was going to amend some of the

**[Mr. Mwanzandi]**

sections which are too binding to the Members. The Bill in general Mr. Speaker, Sir, is all right, but there are some parts, if they are passed today, where our position as an hon. Member is doomed. I, as a Member of Parliament, have the right to address the public outside my constituency and in my constituency, and remain there for more than eight days and that would not mean the disqualification of my seat. But, Sir, today if I have not attended for eight days, then I am disqualified, and I feel that this is not the right thing to do to a Member.

Mr. Speaker, Sir, supposing the youth wingers today would like me to vacate my seat and they kidnap me in an attempt to make me do so. They take me twenty miles away from my home, and within eight days the Speaker does not have this information as to where I am, what will happen? It means that I am automatically disqualified and am not a Member any more. If I come to you, Mr. Speaker, Sir, and tell you that I was kidnapped, you will say that there is no real evidence satisfying the fact that I was truly kidnapped. It is up to the hon. Members, Mr. Speaker, Sir, as to whether they pass this section or not, but in my opinion I will never, never support this section. Again, Sir, it is up to you to decide whether I should still be a Member after those eight days are up.

Mr. Speaker, Sir, supposing again, Sir, that we have personal hatred, can you not recommend that these reasons justify my coming back into Parliament?

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): On a point of order, Mr. Speaker, Sir, is the Member really in order to imply that the Speaker of the House whom we know is above hatred, can at any one time deprive a man of his seat because of hatred?

The Speaker (Mr. Slade): Oh, yes. As I have told hon. Members, it is out of order to criticize the conduct of a particular Speaker except by way of a substantive Motion; but to say, with regard to proposed legislation, that you may be afraid of what some Speaker, present or future, may do, is in order.

Mr. Mwanzandi: Mr. Speaker, Sir, this section which relates to absence I do not agree with. I think, Sir, that we as Members of Parliament have indemnified the President. He cannot be taken to court. Let it be laid there that we Members of Parliament can be taken to court, that is all right. But, Sir, if at the same time,

the public or the police or even the Attorney-General knows, for one reason or another, another man who would like to vacate his seat, then full prosecution might even make a Member vacate his seat. These things, Mr. Speaker, Sir, are not the kind of things that the hon. Members here will vote for. I wish, Mr. Speaker, Sir, that the Attorney-General was a politician. Unfortunately, Sir, he is a civil servant. But, Sir, we face many problems outside.

For example, Sir, a Member driving his car outside this building is stopped by the police in front of his voters, and asked questions very rudely, and yet he is a Member of Parliament. Whenever a case is brought for prosecution, we might, in many cases, be involved. So, Sir, this must not result in the disqualification of the Member, because, Sir, if the Attorney-General or the police know that by taking a Member to prison he would not vacate his seat, then we would become more hon. Members. It serves no purpose, Mr. Speaker, Sir, taking a Member to prison because he is still a Member of Parliament and therefore if I were the Attorney-General I would put a clause in the Bill recommending that those Members of Parliament, who are in prison today, should come to represent their people here. If we make this as it is today, then anybody would disqualify any Member, at any time whenever he likes. I tell you, Sir, that when a case is put forward, and knowing that it is the case of a Member, it becomes serious. Is it not always the case? Unfortunately, Sir, we have had two Members in prison and one Member was fined Sh. 5,000. What would happen, Sir, had he not had the money to pay that fine, he would have gone to prison and they would have vacated his seat? This is the Assistant Minister for Lands and Settlement, he was fined on a traffic offence. Mr. Speaker, Sir, since we have been elected into this House we should be regarded as hon. Members. It is no use saying that a Member through being in jail for so many months he vacates his seat. The public should know as well that taking a Member to prison because of one's self hatred, or even kidnapping a Member does not result in the vacating of his seat.

Mr. Speaker, Sir, as Members of the Parliament face many difficulties. Firstly, is the hatred within the constituencies. There is always hatred within the constituencies. There are so many unnecessary and false allegations, Mr. Speaker, Sir, and if at all the public knows that a Member if you take him to jail for three months, would vacate his seat, then we will always see Members being prosecuted on false evidence.

**[The Attorney-General]**

without Mr. Speaker's permission; but there was no provision for mercy in a case of mere forgetfulness. If there is to be such a provision, who but the President can exercise such a discretion with sufficient authority? I do not know why that requirement of attendance was not carried over into the Independence Constitution; maybe it was because there was no provision for mercy. Be that as it may, the National Assembly serves the people; and experience shows that this provision is still necessary. This hon. House is at its best when considering its responsibilities to the nation. I hope, Sir, that on this occasion this House will put the interests of the nation before its own convenience, as it has done in the past.

Now, Sir, I come to the question of the Speaker's vote, section 56 (2). At present, the person presiding in either House has an original vote if he is a constituency Member. The proposed amendment does not alter that; an hon. Member should not lose his original vote because he has to preside on occasion in the absence of the Speaker. The point of the amendment is to give the Speaker of either House a casting vote. At present, if there is an equality of votes on a Motion, that Motion is withdrawn or lost. Now the proper result, where there is an equality of original votes, is that the *status quo*, that is the existing state of affairs, should be preserved. This may not always mean that the Motion should be lost or withdrawn.

There are firm parliamentary traditions governing the exercise of this casting vote. I speak subject to correction by you, Mr. Speaker, but I understand that, by parliamentary tradition, the casting vote is to be used not according to whim but according to principles, and always for the purpose of maintaining the *status quo*. The introduction of the presiding casting vote should be of great value in our debates, and the Government hopes that this proposal will be acceptable to Parliament.

Section 87, Mr. Speaker, in the present Constitution, reflects the obvious Constitutional proposition that, subject to other provisions of the Constitution, and of other Acts of Parliament regulating the Public Service and armed forces, the power to create and abolish offices and to make and terminate appointments vests in the Head of State. Section 87 has only been re-drafted so that it can read more easily with a new section 87 (a). That section is introduced to clarify the position of the public servant, whether civil or military, since *Jamhuri*. Up till then, our public servants were, in law, servants of the Crown; and, as such, were subject to the

long-standing rule that they held office at the pleasure of the Crown; that is to say, they had no legal right to be employed for any longer than the State needed their services. It is essential that this relationship continue and that it be made clear in the Constitution.

When India became a republic, it made the same provision in its Constitution, namely, that public servants hold office at the pleasure of the President. Of course, this is subject to the provision of the Constitution giving public officers the protection of the Public Service Commission and giving special security of tenure of office to judges, Commissioner of Police and Controller and Auditor-General. Of course, this does not mean in practice that a public servant will be dismissed on the arbitrary whim of some person. It means that his position should be regulated, subject to any Act of Parliament, by service regulation.

A proviso has had to be included in the new section so that the section does not prevent the Government from making a short-term contract with any person to serve the Government. Expatriates are not necessarily the only people with whom it may suit the Government to make a contract for one or two years; but they are a good example. If a man is to leave another country to come to Kenya for a two-year term of service, the simplest and most satisfactory way to establish his term of service is to make a contract. But if there is no expressly written short-term contract, the officer concerned is in the same position as the so-called permanent officer.

I should add another very necessary reason why public officers should not be able to claim a legal right to serve the Government for life or for any fixed period. Parliament has control over public expenditure; if Parliament cuts the Vote, Government must cut its staff and must be able to do so without endless legal claims for damages. If Parliament decides to compensate public officers for shortened career, that is another matter. The Government considers that it is essential, in the public interest, that the traditional relationship between the State and the public servant be preserved; that is, it should be put beyond doubt in the Constitution.

Now I come to Chapter 8, with regard to finance. The purpose of amending Chapter 8 is only clarity. Chapter 8 should contain a clear exposition of the financial procedure of the Government and of the control exercised by Parliament over public expenditure. I hope that hon. Members will agree that, if they read sections 121 and 122 in the Bill, section 124 in

**[The Attorney-General]**

the Constitution, and then section 125 in the Bill, they will find the provisions as clear as they wish them to be.

Chapter 12 and section 209 (1) enable Trust Land to be set aside for public purposes. Sometimes, the public purposes will be carried out by registered companies in which the Government holds shares. It is not always necessary or convenient to create a corporation by special Act of Parliament. That is the purpose of the new paragraph (b).

The purpose of deleting the words "and vested in the Government of Kenya" is to make it clear that, if land is set aside for purposes, it can be vested directly in the public authority concerned, and need not be first vested in Government.

Subsection (3) already provides for such vesting in public authorities, and the words to be deleted are, in effect, rather contradictory.

Section 247, Sir, is the interpretations section, and the purpose of this amendment is to exclude the National Youth Service from the provisions of the Constitution relating to the Public Service, except where Parliament otherwise provides. In effect, this is only to avoid contradiction between the National Youth Service Act and the Constitution.

I turn to the Second Schedule, Mr. Speaker, on page 8, of the Bill. The Government is asking Parliament to extend certain periods of time allowed to certain authorities, under the Act passed to amend the Constitution early in 1965. Under section 6 (4) and (5) of the Act, the President was given one year in which to make the necessary consequential changes to the written laws, following the constitutional changes. There are eleven volumes of the laws and a further period of time is required to complete this large task.

In section 6 (7), the land control regulations were kept in force, and it is necessary to keep those regulations in force for a further period, until they can be replaced by permanent legislation. Hon. Members will appreciate that the preparation of legislation of a permanent nature on this kind of subject will take an appreciable time. As regards section 10 (6), the purpose of this amendment is to give the Electoral Commission further time to complete the review of constituency boundaries. The commission cannot go on *safari* while Parliament is sitting. Hon. Members will appreciate that this review is not a task that should be spoiled by lack of reasonable time.

Section 19 (2); the purpose of this amendment is to continue the authority of the Commissioner of Lands to act as the agent of the county councils in the administration of Trust Lands. This arrangement has proved very successful; and, in the interests of proper land management, should be continued for the time being. In fact, requests have been made by quite a number of county councils that the commissioner should act as their agent.

The purpose of the amendment to section 19 of the Kenya Independence Order in Council is to remove an absurd obstacle which, at present, severely handicaps the security forces in dealing with the *Shifita* menace. Since Independence, section 19 has enabled Government to take effective measures in the North-Eastern Province against the *Shifita*, and prohibit movement and to take other measures which the Constitution will not permit in other parts of Kenya. But the war against the *Shifita*—and it is a war—has been made more difficult to conduct by *Shifita* activities in the districts adjacent to the North-Eastern Province. The *Shifita* war is not one that has a front line; it is a guerrilla war and the *Shifita* can, and do, operate in small groups in those districts bordering the North-Eastern Province, where the security forces are handicapped by not having the powers they have in the North-Eastern Province. The Government have not been anxious to extend the area covered by the emergency provisions, but it now considers that it must ask Parliament for support so that nothing will hinder the earliest possible elimination of the *Shifita* problem.

So long as the *Shifita* carry on their senseless activities, innocent lives will be lost, property will be destroyed and the economic development of a large area of Kenya will be thwarted. If it is right to fight the *Shifita* in the North-Eastern Province, then they must be fought wherever they appear in the districts next to the border of the North-Eastern Province.

Mr. Speaker, there is one final provision of the Bill to which I should refer and that is clause 5 of the Bill on page 4. This clause is intended to remove any doubt as to the legality of the decisions of the Government that public officers who become citizens of Kenya by choice should then cease to enjoy any privileges they enjoyed as expatriate officers. Under the general scheme of retirement in May 1963 a number of non-African public officers gained their right to retire prematurely of their own choice with pension benefits which they would otherwise not have enjoyed. That right was reflected in the Pensions (Amendment) Act of 1965. On the principle that all citizens in the Public Service should be on an

**[The Attorney-General]**

Mr. Deputy Speaker, this Bill contains amendments to the Constitution and some minor amendments to laws connected with the Constitution. To take the Constitution first, the proposed amendments are listed in the First Schedule to the Bill and if hon. Members will look at their copy of the Bill, the relevant amendments are contained, as I say, in the First Schedule at page 47.

In Chapter I of the Constitution which relates to citizenship, it is proposed to amend section 6 which relates to Commonwealth citizens and citizens of specified African countries, who have been ordinarily resident in Kenya for five years. At present, under section 6, they have the right to become Kenya citizens. This is an automatic right and it is proposed that they should be eligible, not entitled, so that the Minister responsible would have the discretion to approve or refuse on behalf of the Government in the individual case.

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

*[The Speaker (Mr. Slade) resumed the Chair]*

Section 6 would then provide an alternative ground of eligibility to that provided in section 7 for naturalization.

I suggest, Mr. Speaker, that Parliament would like to offer some facilities to citizens of the Commonwealth and certain African countries after long residence in this country, so long as the Government has the right to say no in particular cases, and indeed to say no in as many cases as it sees fit. It is in the interests of Kenya to allow foreigners, including citizens of other Commonwealth countries, to reside in Kenya for long periods, but Kenya cannot be expected to offer automatic citizenship to every Commonwealth citizen who stays in Kenya for five years or more.

Section 24 (2), amendment (a): this section of the chapter on fundamental rights protects rights of freedom of association and assembly and trade union organizations. Every Government has to restrict those rights at times in so far as public officers are concerned, and certainly, as regards the army and air force and police force. The purpose of this amendment is to exclude in particular the National Youth Service, which by a later amendment to section 30, is included as a disciplined force. The effect of this amendment is that there can be no constitutional argument against what Parliament has already decided in the National Youth Service Act, that the National Youth Service shall not join trade unions.

Amendment (b): I trust that Parliament will agree that the trade union legislation and the formation of the national federation of trade unions, known as the Central Organization of Trade Unions, have been successful moves in the best interest of the nation and of the trade unions. The purpose of the new paragraph (d) to section 24 (2) is only to avoid any doubt as to whether the present trade union laws which Parliament has enacted since independence are within the Constitution. This paragraph (d) refers to the present degree of control over registration of trade unions which is exercised.

Section 30 (1): this amendment is intended to include the National Youth Service as a disciplined force, so that it may be controlled like the prison service or police force with a degree of discipline which is necessary but which cannot be applied to the ordinary citizen. For example, the National Youth Service must be able to confine its serving members to barracks as a minor punishment without court proceedings before a magistrate. We should remove any possible doubt about this, and the way to do it is to put the National Youth Service expressly on the same constitutional footing as the prison service and the police force.

I have now come, Mr. Speaker, to a proposal of particular concern to Members themselves. Mr. Speaker, Sir, I pose the question, should a Member of this honourable Assembly remain an hon. Member while languishing in prison? Is a Member of Parliament to break the laws which have been laid down by Parliament with impunity and without any consequences to himself? Mr. Speaker, Sir, in other spheres of life a person loses his means of livelihood, his job, his career, whenever he commits an offence for which he is sent to prison. Thus a civil servant automatically loses his job whenever he is sent to prison for however short a period. The same applies to people holding appointments with commercial and industrial organizations. Dishonourable conduct on the part of a Member of Parliament carries far greater public concern, receives far wider publicity, both internally and internationally, than that of any other group or class of people in the country. This is because Members of Parliament are collectively the guardians of the nation. Logically, therefore, Mr. Speaker, they should be expected to set the highest standard.

The present proposal, Mr. Speaker, does not, however, demand of Members of Parliament setting even as high a standard as the employees of Government or of commercial or industrial firms. It requires, Mr. Speaker, that a conviction shall

**[The Attorney-General]**

have far less consequences on a Member of Parliament than on many other groups of people. The proposal contained in section 41 (1) (b) is that where a Member of the National Assembly is sent to prison for a period not longer than six months, he shall cease to be a Member of our National Assembly.

Mr. Speaker, Sir, I ask hon. Members to consider this matter dispassionately. There are two aspects of this matter. The first is: should an hon. Member continue to enjoy the great privilege and distinction of being called "hon. Member" when he has violently offended against the laws of this country, laws passed by himself, to the extent of being sent to prison for a term exceeding six months? For Members of Parliament to claim this for themselves would be tantamount to claiming to behave as dishonourable as they pleased, while still remaining "honourable Members". It would be tantamount to Members of the National Assembly saying to the country, "Do as we say, not as we do." It would be tantamount to Members of Parliament claiming for themselves a right to be above the law. In the interests of the good name of this hon. Assembly, a Member who disgraces this House by going to prison for longer than six months should be cast out as a dishonourable Member.

Mr. Speaker, Sir, the second aspect of this matter which I should like Members to consider is the representation aspect. A Member is returned to represent the people of his constituency in Parliament. Is it right and proper that these people should remain unrepresented for a period of nine months, two years, four years or longer, when a Member is serving a prison sentence? Mr. Speaker, I say this is not right. I call on hon. Members in their own consciences to consider for themselves whether it is fair or proper for a constituency to remain for long without being represented in this House or in the Senate. I feel confident, Sir, that Members would be the first to complain if an area were to remain for long without a district commissioner or even a chief. How much more important it is that a constituency should not remain for long without a Member to represent it?

Mr. Speaker, I leave it to the collective wisdom of this hon. House.

I should, Sir, like to explain that, by the provisions of this section, we are asking no more than is provided for by the constitutions of such other countries, as Uganda, Zambia and Tanzania. I would like, Sir, also to remind the House that there was formerly similar provision in the

law of Kenya in relation to the old Legislative Council. Thus one thing is clear, Sir. If a person is serving a sentence of nine months or more—that is the meaning of a six-month sentence in practice—he is most likely to have done something which proves his unsuitability as a Member of a self-respecting Parliament and that he is unlikely to be able to look after his constituency. Precisely the same thing is true of the sitting Member who is imprisoned for nine months or more.

I should add, Sir, that this amendment should not encourage anyone to think that a Member of Parliament who goes to prison for four months is necessarily a suitable representative of the people. It is to be hoped that the local party supporting such a Member would think twice before continuing to give their support to a Member who is convicted of any criminal offence involving dishonesty or moral turpitude. I am confident, Mr. Speaker, that hon. Members will consider this amendment, bearing in mind the dignity of this House and remembering its obligations to the people they represent.

I should mention, in passing, that the amendment to section 41 (b) has a consequential effect on section 42, which relates to the vacation of seats by Members.

Now I go on to section 42. I have to ask hon. Members to accept one more amendment in the best interests of the nation and of this House. This is that Members and Senators should vacate their seats if, without the Speaker's permission, they fail to attend the House for two consecutive sitting weeks. This, in fact, means that a Member will be absent from the sitting of the House for two weeks, if you count from Monday to Friday; that is exactly two weeks. Provision is made for an appeal to the President, who may exercise a prerogative of mercy in appropriate cases. It is not for me to prejudice the circumstances in which the Presidential discretion will be exercised, but the Member who had a good reason for absence, and merely forgot on that occasion to obtain the permission of the Speaker, may be the sort of case. This provision will apply to Members and—I heard a mention of Ministers—it will have the same effect on them. In fact, today when Ministers go away they do get the permission of the President.

I would remind hon. Members that provisions to this effect can be found in other constitutions—Uganda is a case in point—and that they were introduced in Kenya in 1960 by the Kenya Constitutional Order in Council of 1960. Section 21 of that Order calls on a Member to vacate his seat for failure to attend eight consecutive sittings

[Mr. Shikuku]

even from the Cabinet level to the Back-benchers' level, because some chaps have a bit of drink. Now, the other day, Mr. Deputy Speaker, when we had a long sitting, Members, instead of going to eat food, found it very easy to go and drink, the result was that the whole House was yelling, and I almost felt as though I was at a butchery where pigs were being slaughtered, because there was a lot of screaming in this House and nobody could hear anything. I feel, Mr. Deputy Speaker, even that Standing Order should also be amended, that if one is sent out for being drunk and behaving himself hopelessly in this Parliament, he should be sent out for some months, let it be advertised that that particular Member was a nuisance because he had over-drunk.

Mr. Alexander: That would give him more time to drink.

Mr. Shikuku: He can drink outside the Parliament, Mr. Deputy Speaker, but when he comes and drinks within the Parliament and makes a nuisance of himself and interjects when people are contributing to the debate, is very, very annoying. So, Mr. Deputy Speaker, Members should only drink after Parliament and those powers which we are giving to the Speakers here should also enable them to serve so many bottles to every Member, one bottle of beer or one tot of whisky, before the debate, after which no more, because what happens is that most of the Members sit there drinking from 2.30 p.m. and they continue to come back here and shout and then go out again. So I feel, Mr. Deputy Speaker, that the powers of the Speakers should also include that they will control the drinking at the bar within the building, so that we have a really lively and constructive contribution from hon. Members in this House. Of course, Mr. Deputy Speaker, any Member who comes here—I am not against those who drink—but when a Member drinks too much and becomes a nuisance, he is not only a discredit to his electors but also a discredit to this House.

I was very much ashamed once, Mr. Deputy Speaker, when we had diplomatic representatives attending our debates here and I met one of them who said to me that the Kenya Parliament was one of the most interesting places that he had been to, and I asked him what he meant by interesting and he said "The way some of you behave there is very remarkable." But of course being a diplomat he did not want to tell me that it was abominable. But our behaviour here within this Chamber is reflected and these diplomats are supposed to report everything that

goes on in this country, so when they come to this Parliament and find us so drunk and behaving like children as we did last time when we had that long sitting, they report back that Kenya, the country as such, is full of nothing but drunkards who just do not know what they are doing.

Mr. Deputy Speaker, this is the impression that a foreigner is bound to have of us and in order to stop this I feel the powers of the two Speakers of the House should also include this sort of behaviour where people become too drunk and make a nuisance of themselves in this House.

With these few remarks, Mr. Deputy Speaker, I hope the Speakers will really fix up these people who are a terrible nuisance. I get worried every time I come to this House.

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

(Resumption of debate on the original Motion)

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Deputy Speaker, Sir, I have noted with great interest the points put forward by the Member with regard to this Bill. There is no intention here to challenge the maturity of Members. Some Members felt that they were already past the high school stage and they did not require looking after, but some others immediately after said that they knew of Members here that were grown-up and mature but nevertheless behaved hopelessly and who required some kind of control if we were to maintain the dignity of our Parliament. So we have both sides of the story and I would therefore only deal with the more technical points raised.

First of all I would like to say that the life of the other committees was intended to be as long as a Session lasts, there is no strong feeling about this and if the Members want us particularly to say that it will last for as long as a Session we would no doubt insert that in the Bill, but it is normal that this kind of committee lasts as long as the Session lasts.

There was the question where Members saw that in section 7 (a) that the Speakers would not understand properly the feelings of Members when they enumerate the code of conduct, but in fact there does exist, by a resolution of this House recently, a Speakers' Committee and in this Speakers' Committee it will be possible for all Members to give what they believe should be within that code of conduct by speaking to the Members of that Speakers' Committee and they in turn, will bring the matter forward in the meetings of that committee. So I see no difficulty

[The Assistant Minister, Vice-President's Office]

whatsoever, Mr. Deputy Speaker, in this particular regard. The code of conduct can easily be organized with the help of Members through the Speakers' Committee. Therefore, the Speakers will know what the likes and dislikes of Members are with regard to this code of conduct.

On the question of the selection of this committee, there was objection from some Members to the fact that the nominations of the five people from each House would be done by the Sessional Committee. The thing I would like to point out here is that the Sessional Committee was elected by the whole House and, in electing this committee, care had been taken to see that all shades of opinion were represented by people within that committee. Also, both the Government and the Back-benchers are represented within that committee, and no harm was seen to have been done by suggesting in this Bill that this Sessional Committee should nominate the five Members each from both the House of Representatives and the Senate, and I do not think that Members particularly fear that those people in the Sessional Committee would work against their interests. In any case, whoever you elect and however you do it, you will still have a committee and that committee could be accused of overstepping their powers at some stage or another. That is why, if you leave these committees to work for a session, it is possible for you to change them in the next session, depending on their performance in the previous one.

On the question of suspension from the service of the House, the hon. Ngala-Abok felt that an hon. Member who has been suspended from the service of the House or the buildings should be allowed to stay in the gallery and listen to debates relevant to his constituency, for example. I cannot see what value there would be in that. If he cannot behave, then his constituents might as well know that he is not worth having around this building. If he wants to sit in here or in the Senate and wants to take part in debate relevant to his own constituency, then obviously the thing to do is to behave properly and not to let down all the Members as a group. I cannot see that there can be very much objection to his being suspended altogether. In any case, section 81 of the Standing Orders does provide that once you are suspended from the service of the House, you cannot come within this building; you are suspended altogether and excluded from this whole building.

The hon. Mbogoh felt that if you misbehaved in a bar in Shauri Moyo or some other place, your constituents should be allowed to come and

challenge you in the Committee of Privileges. I think that sounds a little frivolous and it was taken as such by most of the Members in the House, and so I do not propose to take it seriously.

Hon. Seroney even went as far as challenging that this is, in fact, that there is such a thing called the National Assembly (Powers and Privileges) (Amendment) Bill, 1966, that it does, in fact, exist as an Act. I hope he is sober. As far as I understand, this is, in fact, our law, it is an Act of Parliament and it is on our statute book, so when you challenge its existence, it just cannot understand it.

The hon. Member for Kilifi South thought that the Speakers might be biased in their dealings with Members who misbehaved outside. I think this is not fair. They deal with us within the House, which is even much more important, very fairly and very favourably, and I do not see that they would go out of their way outside to act unfairly against Members who misbehaved. He wanted to feel, so he said, that he face a Speaker outside, which he could not do inside the Chamber. I think he would be quite entitled to face a Speaker outside, but then, of course, within normal codes of behaviour. If he was implying by facing a Speaker outside the Chamber that he would want to face him with rudeness, then I do not suppose he will find that easy within the precincts of this building.

The hon. Warriithi wanted me to define clearly the code of conduct. As I have just said, it is not possible for me to define exactly what the code of conduct will be, except to say that the Members themselves will be able to define this through the Speakers' Committee, as I have already said.

Apart from these few remarks and my acceptance very much of the warning by the hon. G. G. Karuki that there is no need to panic, I support the few remarks made which appear to be constructive.

Mr. Deputy Speaker, Sir, 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 CONSTITUTION OF KENYA (AMENDMENT)

BILL

The Attorney-General (Mr. Njonjo): Mr. Deputy Speaker, Sir, I beg to move that the Constitution of Kenya (Amendment) Bill, 1966, be now read a Second Time.

[Mr. Malinda]

earlier we do not want the Speakers to make these rules and then only themselves to carry them out. The Speaker should be above any controversies on how the regulations were drawn up.

On the other section, Mr. Speaker, I would like to feel that the election of the Privileges Committee is done by this House, rather than by the Sessional Committee.

My last point is, Mr. Speaker, that subsection 7c of section 2 of the Bill says "where any member of either House is, in accordance with the Standing Orders of that House, or in accordance with the provisions of section 7b of this Act, suspended from the service of that House, he shall, during the period of such suspension and for the purposes of this Act, be deemed to be a stranger, and in addition he shall not enter the precincts of the Assembly without the written consent of a Speaker". Mr. Speaker, that I think should be a little more lenient because there are some Members of this House who belong to the Commonwealth Parliamentary Association, and we understand that one of the privileges of being a member of the Commonwealth Parliamentary Association is that one can come in and go out of this building as and when he likes. If he happens to be suspended from membership of the House, or if he happens to be prevented from being within the precincts of the building, then, Mr. Speaker, his privilege as a member of the Commonwealth Parliamentary Association should not be interfered with. Mr. Speaker, I see the Attorney-General is shaking his head but that is how I understand it. Let us have this clarified. If I am a Member of this House, and by some misfortune I am suspended from sitting in the House, I am excluded and I am supposed to be a stranger, I am looked upon as a stranger within the precincts of the Assembly. This, Mr. Speaker, although it is said to be good, I would like it clarified as to whether it means to be excluded from the Chamber or from the precincts of the building, the Parliament Buildings; if I am precluded from the building and I belong to the Commonwealth Parliamentary Association therefore, Mr. Speaker, I contend that my privilege as a Member of the Commonwealth Parliamentary Association is being interfered with. Therefore, Mr. Speaker, when the Minister stands to reply he should make that clear.

Another thing, Mr. Speaker, is Members who are suspended from the sitting of the House—I think, Mr. Speaker, that is taken care of by the Standing Orders and I do not see why a Member

should complain that a Member who has been suspended should be allowed to come to the gallery and all that. My only point is that if a Member is suspended he should be allowed to come to the bar, or the dining room, and have a meal, if he belongs to the Commonwealth Parliamentary Association.

With those few remarks, Mr. Speaker, I support the Bill subject to the clarification that I requested the Minister to make.

Mr. Jahazi: Mr. Speaker, Sir, I am one of those who strongly support this Bill. This Bill, Sir, there is nothing much wrong with it if there is anything wrong with it at all, because for a good Member, a good man, well behaved, there is nothing wrong with it, I mean we shall just live our normal life, and our names will never go before the two Speakers for any consideration. But some Members, Mr. Speaker, speak as if the whole House is comprised of angels. Even angels have their own regulations which regulate their conduct. I do not see any reason why we should be living like a bunch of unattended herds of cattle or something like that, who have no regulations governing them, because, Mr. Speaker, even in African customs, where the man is the boss of the house, including myself, even there you cannot afford to misbehave in your own house, because your children can just corner you and say, "Papa, this is too much." If Members here think that just because they are elected, they should only be controlled by their constituents, that is difficult, because we are human beings living together and you cannot expect Members of this House to go to a Member's constituency and report to him that this man has been misbehaving, has been abusing us in the House, so do something to him. We have got to finish whatever misunderstanding that we may have, here, and if any Member reduces himself to the standard of a hooligan, then he should be dealt with accordingly by the same Members. I do not see why any well-behaved Member should have any quarrel with this Bill. It does not point a finger at any individual, it does not say "Jahazi, you are going to be put on the carpet because you are this." It depends upon the Member himself, and it does not only stop here, Mr. Speaker, because if a Member is so used to misbehaving in the House he may get the idea that he is so big and when he

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

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

starts misbehaving here he will find himself in court and he will be dealt with more severely, not only by being locked out of the House for a day or two, but he may be in either Mathari or some

[Mr. Jahazi]

other worse place than that. Therefore, Mr. Deputy Speaker, I do not see why Members should have any misgivings on this Bill. As you see, we have two Speakers, the Speakers have the right to turn us out of this Chamber without even referring to any committee. If a Member misbehaves here—we are all allowed to cheer, we are allowed to thump the benches, we are allowed to do a lot of other things, such as intervene and interfering—but there is an extent to which a Member is allowed to do that. Because we have seen so many Members being marched out here, including some Assistant Ministers, because they are not immune to bad behaviour, we saw them being marched out of here by the Speaker. This one is so fair that instead of the Speaker suspending you, as he always does by turning you out, a committee will be formed under the two Speakers and your case will be considered, they will not finalize anything, you will be reported to your fellow Members, so if any Member thinks that the committee will not be fair, well, after all, the whole House will be here to see that if his behaviour was good then the House will not agree to his suspension, but if he was found to be a nuisance and not fit to be an hon. Member, as most of us insist on being called honourables, then I think it will be quite fit for such a Member to be sent out to rest a while and to learn good manners before he comes and disturbs the peace of all other hon. Members who are conscious of serving the nation.

Therefore, Mr. Deputy Speaker, I think that if I am allowed I would say that all the Members should support this Bill and if it is according to our Standing Orders I may call on the Minister to reply at the same time.

Mr. G. G. Karimk: Mr. Deputy Speaker, Sir, I expected this Bill to have been introduced immediately after the elections, because when you are elected to come to this House, so many things have been happening, particularly certain Members have been getting drunk, Members have been refusing to obey those who serve us, because they feel that they are big people and that they should be exempt from all types of regulations. Mr. Deputy Speaker, it is high time that this Bill came and I very strongly feel that Members should not panic about this Bill, because it is a Bill which only gives the Speakers of both Houses power to enable them to make Members of Parliament behave as honourable Members, but it is not the intention of this Bill only to hurt some Members, it is only to help make Members become Members in the true sense of the word, rather than to become Members who are intolerable, who cannot respect anything because they

feel that they are Members of this House. Mr. Deputy Speaker, because of the behaviour of many Members in this country many of them will probably not be returned to this House, because as they behave here so they behave outside the House and, therefore, Mr. Deputy Speaker, when this Bill gets through probably some Members might try and learn from this Bill and so behave themselves properly.

Mr. Deputy Speaker, if I had been asked about this I would have said that even the Members' lounge ought to have been closed, because it has made Members become nuisances all the time, they become so drunk and you can see them misbehaving in the Chamber and, Mr. Deputy Speaker, the only power you have is just to ask them to leave the Chamber, which is nothing. If one is drunk and is told to leave the Chamber, he will be very happy to go and sleep. Therefore, we must have something which will make Members feel as though they have been really dealt with when such things do happen.

Therefore, Mr. Deputy Speaker, with these few remarks I beg to support the Bill.

Mr. Shikuku: Mr. Deputy Speaker, Sir, I do not think I will say anything different from what the other hon. Members have said, but I have one point which I would like to make. I think that according to Standing Orders, *inter alia*, there is a suggestion that one has got to have a tie when he comes to the House and so forth and that he is not going to be served unless he has a coat and tie on. Mr. Deputy Speaker, I feel that when passing this Bill some of the Members here, including me—if I may declare my interest—I am one of those people who comes from the rural areas where we hardly ever wear coats, we use bush shirts and shorts. Sometimes you might find yourself in Parliament to collect your mail and you might then be reprimanded and with these powers here they will deal with the Member for Butere saying that he has come without his tie and he has been doing this for a long time so he had better get it in the neck. I feel, Mr. Deputy Speaker, that there should be a provision, at least I think that the regulations should be relaxed a bit, whereby if a Member comes in without a tie, there should be a room where such Member can go and sit and do his job, if he has come without a tie, and that will help. As the Bill stands, the Speaker will have the right to get hold of that guy and fix him. But for the rest, Mr. Deputy Speaker, I strongly support the Bill, because in this House we have had terrible behaviour, and the standard of debate in this House has deteriorated very much.

[Mr. Warlth]

within the precincts of the National Assembly. We have Standing Orders for the Senate and the Lower House to control our conduct in the Chamber. However, up to now we had no code of regulations as to how we should behave ourselves within the Parliament Buildings, outside the Chamber.

My quarrel, Mr. Speaker, is not with the provisions of the new Bill. It intends to establish a Committee of Privileges, how it is going to conduct its business, reporting back to the House, and the action the House may take. However, I am not quite happy with section 2 (7) (A) which provides: "Both Speakers acting jointly may, from time to time as they deem expedient, issue direction in the form of a code of conduct, regulating the conduct of Members of both Houses whilst within the precincts of the Assembly other than the Chamber of the Senate or the Chamber of the House of Representatives." Here, Sir, this term "code of conduct" is not explained. We do not know what this is. Probably it is not easy to explain what it is and what this code of conduct will be. However, I presume it will deal with things like what we put on when we are within Parliament Buildings, may be how we dress when we go to lunch, how we behave ourselves in the bar, and such places, also may be the number of guests and the type of guests one can bring. That sort of thing. Now, my fear here, Mr. Speaker, is that I do not minimize the integrity of the Speakers or their desire for the good conduct of the Members, and the dignity of the Members of Parliament, but I do not know whether the Minister will enlighten us on what this code of conduct is likely to contain. We have already had a number of instances in our dining room where Members come dressed and they maintain that the dress is the national costume. As we have no national costume, however, Mr. Speaker, or national dress, there have been cases of people coming dressed—maintaining it is their national dress—and being asked to leave the dining room. The same thing even happens in the Chamber here. So, I can see a possibility of this code of conduct being made in such a way that it may make the life of Members difficult instead of making it comfortable.

I do not usually like to give too much power in the hands of a few. I would say that the more people you have together, the easier it is for them to check one another. As one hon. Member said, Members of Parliament are all grown-up people, they realize they are Members of Parliament, they realize their duties and the fact that they must behave in accordance with their status.

What I am trying to point out here, Mr. Speaker, is that I would be happier if this code of conduct proposed by the two Speakers could be made subject to a discussion by a Committee of Privileges before it is issued to the Members as a code of conduct. In other words, I would be happy if there was an amendment to this question, insert words somewhere to the effect, with consultation of the Committee of Privileges. The reason why I say this is that Members of the Committee of Privileges are Members like any other Members and they realize the lives of the Members within the National Assembly. They know the difficulties, they know what they would prefer. Although our Speakers are with us most of the time, for certain reasons they may not realize what the lives of Members within the National Assembly are like.

So, I must say here that I would be quite happy if the Minister would tell us what is likely to be included in this code of conduct. I would go further and ask him if he can see his way to having this code of conduct to be issued by two Speakers subject to discussion with the Committee of Privileges before it is made a code of conduct to regulate our activities within the precincts of the National Assembly.

The other point, I just support what other Members have said. The question of election by the Sessional Committee, I personally have no quarrel with that. The Sessional Committee, we have elected and we have given it the responsibility of arranging the conduct of the business in this House and I think this is one of the things they could do. As to whether a Member when suspended on the recommendation of this Committee of Privileges should stay away from the Chamber, I would support the Member who said that he should be allowed not to participate in a debate in the House, being sent away from the Chamber itself, as the publicity he would normally get in the Press and over the radio is punishment enough. A Member may want to listen to what is happening, and he could be allowed to come into the Gallery but not to sit in the Chamber.

Lastly, section 3, amendment to section 20, this is something I am very happy about, in that I think it is high time that we in the Assembly can rely on our own rulings and judgment without having recourse to what happens in other countries, and I believe this is fitting with our Republican status.

With these few words, I beg to support.

Mr. Agar: Mr. Speaker, Sir, I rise to differ with my colleagues who feel that there may be some injustice done by this incursion of a new

[Mr. Agar]

privilege committee into the old Act which depended on the British House of Commons regulations. I would like us to stress the necessity of having something that might prevent bringing us any indignity, which undermine the integrity of this House. From our experience here, we have seen that there needs to be a little more stricter supervision over the conduct of Members, when they are in the precincts of the National Assembly, because we mingle with guests from outside, and as we are quite a mixed lot, some of us get heated up and since there is nothing at all to restrain us, people tend to feel that they can use this House as they like, they can use the Members lounge as they like, they can fight like savages round there, and harm one another, to the inconvenience of the rest of the Members they cause embarrassment.

Mr. Speaker, Sir, however good we are, however mature we are in any part of the world, there have to be rules. Those rules have to be enforced in one way or the other. Members think that they can do anything and get away with it, that is why they cannot restrain themselves. I am speaking like this, because even if I may be a victim one day of temper or of misbehaviour or of some strange situation, I would not like to be so selfish as to embarrass anyone else in the House because of my personal grudge with a friend, we can go and settle it somewhere private, or I can wait until there is a time and place where I can take appropriate action. I do not see why the Members are in a plight because of this kind of regulation, because in so far as you remain reasonably polite and considerate to fellow Members and their guests in these premises, I do not see what one should fear about it. I do not see how the committee will embark on being unjust to anyone unless there is cause to investigate a matter, and I think if the committee is going to consist of the Speakers of both Houses, and membership is going to be drawn from both Houses, I do not see how these Members plus the Speakers will tend to meet injustice on any one particular Member. Much as we may consider ourselves mature, much as we may consider ourselves capable of being considerate to one another, I think, as human beings, it is only fair that Members are protected by a Committee of Privilege who will look into Members' conduct where that particular kind of conduct is embarrassing, he is tending to cause indignity or to undermine the integrity of this House, and in addition we know that so long as Members keep the rules there will be nothing against them. If one says we can be left to ourselves

and then we settle these matters and just behave as we like, then he should not forget that people who come to this House are not trained in a particular way of life, particular conduct, we come from various backgrounds, we come from various walks of life, some are professional, dignified people, some are just people from rural areas; but once we set a standard and a Member knows definitely that when he goes against those standards, the people in the House, his colleagues and the Committee of Privileges, have power to look into his conduct and restrain him, then I think we will learn to be more considerate to one another.

I support, Mr. Speaker, this kind of regulation in this House.

Mr. Mallinda: Thank you, Mr. Speaker. Likewise I would like to support this Bill, but before I do so I would like to go back to what my friend Mr. Seroney said, the Constitution did not provide. I think he read only one subsection of section 62, and I would like, Mr. Speaker, with your permission, to quote subsection 5 of section 62 of the Constitution, which says "without prejudice to the power conferred by subsection 1 of this section, Parliament may, for the purpose of the orderly and effective discharge of the business of the two Houses of the National Assembly, make provision for the powers, privileges and immunities of those Houses and the committees and the members thereof". I think, Mr. Speaker, it is necessary that when something like this, which my friend was afraid was not provided for in the Constitution, and that it is there in the Constitution, it should be looked at from an objective view.

Mr. Speaker, Sir, one of the supporters of the amendment was afraid of there being regulations and controls. Yes, Mr. Speaker, that is necessary if it is found that the behaviour of some Members in the House need regulations to be imposed. Mr. Speaker, there is nothing wrong with that: it is again provided for in the Constitution. If Members behave and look after themselves and conduct themselves in this House as is required, Mr. Speaker, there may never be the necessity for any of these regulations which may be made by the Committee of Privileges being imposed.

One other thing I would like to say about the Bill, Mr. Speaker, is that as has been said before, I feel that the code of conduct which has to be regulated by the Speakers, Mr. Speaker, I think we ought to have a way whereby we could either amend them or debate them in this House before they are passed, because, Mr. Speaker, as one of the hon. speakers said

[The Speaker] to the actual scope of the Bill, and when it is a Bill to amend an existing Act we are limited to the scope of the actual amendment proposed. We cannot start talking about how the principal Act should be amended in other ways; that has to be raised on other occasions by different procedure. You cannot get on to that in a debate on a particular amendment. So, you must confine yourself now as to whether or not you approve of this particular amendment, and any other amendments you propose to the principal Act should be raised by private Motion or in some other way at another time.

Mr. Seroney: Thank you, Mr. Speaker, I do appreciate it that it covers my argument.

But, Sir, we call this committee a Committee of Privileges. Now, this name is understood in an entirely different context elsewhere and covers real privileges, whereas this committee is nothing more than a purely disciplinary committee, and I do submit, Mr. Speaker, that this Bill should be rejected in total until proper comprehensive legislation is introduced.

I therefore beg to move, Mr. Speaker, that this Bill be read a Second Time six months hence.

Mr. Ngala: Mr. Speaker, Sir, it is very unfortunate that we cannot—

The Speaker (Mr. Slade): Are you seconding the amendment? We have an amendment moved.

Mr. Ngala: Mr. Speaker, Sir, I am seconding the amendment raised by the hon. Seroney.

It is very unfortunate that we cannot face another amendment on section 62 of the Constitution. I would like to say that it is very important that something more comprehensive is brought to this House with regard to the powers, privileges and immunities of Members. I say this because, Sir, for example, section 7 (a) of this Bill where code of conduct would be determined; the conduct of Members would be determined by the Speakers of both Houses. With due respect to you, Mr. Speaker, and the other Speaker of the Senate, I think this would be improper myself, and further investigation is needed, particularly when you have to control the conduct of ourselves outside this Chamber. I think this is a matter which should be away from the Speakers. We want you, Mr. Speaker, to control us vigorously in this Chamber, but outside this Chamber we want to feel quite free with you and we would like to feel that our conduct is placed in a committee.

Mr. Speaker, Sir, there are some things that may become very embarrassing if we put our conduct in the hands of the Speakers who may be free to issue orders. Sometimes, if these orders

are issued prior to normal consultation with a committee of Members they are very embarrassing to the Members. For example, this morning I went to the bar room and one of the servants pushed forward a piece of paper with instructions to me, and other Members did experience that. And this was done before any committee of Members was consulted. Sometimes it is very embarrassing, Sir, and I think this should not have been included here; it should have been put as one of the functions of the committee so that the Members concerned can consult with each other and not give that power to the Speakers. This, with due respect is not to reflect anything on the Speaker, but I think they should be free from criticism from Members as far as their outside conduct is concerned.

Mr. Speaker, Sir, these are not privileges, these are controls: The Bill is suggesting controls, not privileges. Therefore, I think the Minister concerned should reconsider the position. What we want are privileges, things that would be observed so that Members could feel that they are respected, that they are more dignified, more free, that they are properly approached in Parliament Buildings, in the Chamber as well as outside the Chamber. However, to bring in controls where the Speakers will be made into dormitory prefects as it were is bad. I think we are well past that stage, Sir, where we need dormitory prefects.

I would like to support the hon. Seroney very strongly by rejecting this Bill so that a more comprehensive Bill can be based on another Act and brought to this House. Then Members can have a chance. In any case this would not do because it brings controls and does not consider the things we had in mind when we were originally discussing the Constitution.

My final point, Mr. Speaker, is this: If a Member who is to be suspended is to become a stranger, this is a novel idea. I think we must bear in mind the wishes of the voters as well, and not to give ourselves all the controls on Members. We must remember that the Members have been elected by their constituents and I think it would go beyond the powers of the committee or the Speakers to regard a Member as a stranger just because he has been suspended. A Member is a Member all the time until his people withdraw their votes from him. Therefore, I think he should not be regarded as a stranger.

Now the question of regulation of debts and so on. I think that if a Member is in debt I think proper action should be taken against any person who is in debt but to make this a subject of control by the Speakers and committees, and so on, is most embarrassing.

The Speaker (Mr. Slade): That is not the subject of the Bill, though, Mr. Ngala.

Mr. Ngala: I thought the Minister mentioned that.

The Speaker (Mr. Slade): Well, if he did, he should not have done so. I think that was only a description of the principal Act, that was all. It was in his preliminary description of the principal Act to which this refers, not in recommending this particular Bill.

Mr. Ngala: Thank you, Mr. Speaker. I think the Government will realize that this is something which is brought forward without much preparation and without basing it on the real needs of the House and the Members. Therefore, I hope the Government will agree with the hon. Seroney and withdraw this half-baked stuff, so that they can bring a well-considered Bill in order that we can give them strong support.

With these few words I would like to oppose and support this amendment very strongly.

The Speaker (Mr. Slade): I have now to propose the question of the amendment. Hon. Members know our procedure when hon. Members wish to reject a Bill on Second Reading. What has to be done is to move this amendment, which is that you leave the word "now" out of the question, and add at the end of the question the words "this day six months", which means in effect that the Bill is killed.

So, the question I now have to propose is that the word "now" be left out of the question. Of course, the debate continues on the merits of the Bill as a whole.

(Question of the first part of the amendment that the word "now" proposed to be left out be left out, proposed)

Mr. Omar: Mr. Speaker, Sir, I also rise to oppose this Bill. My reason for doing so is the fact that personally I feel that I am a fully grown man and so is every Member here. Every Member knows his responsibilities, and knows how to behave in the House and within the precincts of this building.

If we are to pass this amendment Bill, Mr. Speaker, we shall have put ourselves under the control of a few and we shall have shown the country that we cannot control ourselves unless we have a committee which will have control over us.

Mr. Speaker, we have a bar in Parliament Buildings. Sometimes we take different kinds of drinks: there is gin, whisky and the rest. Now, some Members cannot control themselves. They drink to the extent of losing their minds; sometimes they quarrel and yet nothing happens after

the quarrels. Some of them even fight; but after fighting the following day you find them together again, drinking together, buying one another drinks. Nobody holds grudges against each other. So, I think there is nothing wrong in that, nothing wrong at all. I feel that since we have a bar here, and every Member is allowed to drink to the maximum that he wants, sometimes the Members fight and yet the following day you find them drinking together, in a friendly mood. I do not see the reason why we should have such controls. We should be left free as we are at the moment and we should be left to behave as we think fit.

Now, Sir, as it is said in the section which deals with the suspension of Members, I do not think it is fair that there should be a committee to suspend any Member because of gross misconduct or otherwise. I say this because Members here were elected—

The Speaker (Mr. Slade): Mr. Omar, the Bill does not say that. The Bill says that the committee will investigate and report to the Member's House. Any suspension can only be done by the Member's House itself.

Mr. Omar: Thank you, Mr. Speaker, for reminding me of that. However, even though an investigation is made the matter is brought into the House for discussion. I think this House will not be doing its work if instead of debating on matters of national issue it debates on some matter concerning an individual Member, or two Members. In this way the House will be wasting time of the hon. Members of this House. We have more important matters to discuss for the benefit of the nation. It is not fair for the House to come and debate on matters concerning an individual Member or two. If it does this, then I do not think the House will be serving the country.

When it comes to the question of suspension, if the House decides to suspend a Member, then I think this power is taken away from the electors and given to the House. This is not fair because the electors elected the particular Member to come here and air the views of his constituents. So, I think suspension would not come in at all, whatever the case may be.

The question of salaries is not important, what is important is to come here and speak of the difficulties that face each constituency.

With these few words, Mr. Speaker, I strongly reject and oppose this Bill.

Mr. Werlith: Mr. Speaker, Sir, the Bill, as has been said by some Members, is quite useful in that it intends to provide for the conduct of Members



[Mr. Ngala-Abok] or weeks. This will reflect very badly towards the Member with his own constituents, because no constituents like to elect a Member who when he goes to Parliament, abuses his privileges and gets ousted from the House. He is only wasting the time of his constituents, because he is unable to obey the rules. I therefore feel that we should be a little more lenient because the effects alone will be so powerful and prevent any Member from committing such a mistake again.

Mr. Speaker, Sir, I would just like to state briefly why I support this Bill very, very strongly indeed. It has become impossible, even in this House, to speak one's mind, because when a Member tries to speak his mind, after leaving the Chamber and moving towards the lounge, he finds some Members waiting and ready to box him, because he said something wrong, probably because he said something about another person. So you see, Sir, we are suffering a great deal. We cannot speak openly. If we were bad-tempered and did not respect our positions and with no fear of having the newspaper writing that we had a fight in Parliament, then I personally would have fought 100 times in this House.

So, Sir, I would like to support this Bill very much, but I would not like to see ruthless and careless Members trying to rule the others, because this is a place where we are privileged to speak frankly. Therefore, Sir, what I speak in Parliament merely justifies what I am supposed to do in this House.

Thank you very much, Mr. Speaker, Sir, I beg to report.

Mr. Mbogoh: Mr. Speaker, Sir, while I support this Bill, I find it quite difficult to understand whether the Bill is to look after the Members when they are outside this building or when somebody is drinking at Bahati. Mr. Speaker, Sir, if it is like that, I believe that it is not a way to interfere with the life of the Members when they are having their private affairs everywhere in the country. Mr. Speaker, Sir, I know very well that human beings being what they are, it is quite impossible that everyone will lead a perfect life and therefore there are times when someone has to do things without even his own knowledge. Mr. Speaker, Sir, if this Bill is meant to operate even when somebody is at home and when he is away, I think it should have very fair Members in that case, and it should be elected by the Members of this House, the hon. Members of Parliament. The Committee of Privileges should be elected by the Sessional Committee.

Mr. Speaker, Sir, I think it is wrong to put the faith of all the Members into the hands of a few people, because when they, perhaps, give a verdict against me, I will go around shouting that those people were not fair because they are not answerable to the House in general. Mr. Speaker, Sir, I think, also, that if it is to cater for Members outside the building it is fair that the members of the public be given a chance to send notice of their demands to this committee if an hon. Member becomes a nuisance outside so that this can be taken into consideration. Mr. Speaker, Sir, a Member is elected by the people because they respect him, but when he goes out and becomes a nuisance, thief and somebody who cannot be trusted by the people, then those people should be able to come and voice their opinions, write a memorandum against that Member and then this committee should vote what is to be done with the Member.

The Speaker (Mr. Slade): I think on that point Mr. Mbogoh, I should point out that the Bill as it stands does relate only to conduct within the precincts of the Assembly. It would be open to any Member to enlarge the scope of the Bill, but that cannot be done on the Second Reading, it has to be done by separate Motion for a special instruction to the committee after the Second Reading is passed: a Member moves that it be a special instruction of the committee to consider extending the scope to conduct of Members outside the precincts of the Assembly.

Mr. Mbogoh: Mr. Speaker, Sir, then what I think about that, although I was going further than the Bill goes, is that if at any rate when the time comes for that to be moved, then this should be taken into consideration.

Mr. Speaker, Sir, some of the Members in this House do not know what is expected of them, and what is not expected of them when they are within the precincts of the Parliament Buildings, and as a result of that you find that some of them insult and shout at others, and do not allow Members to express themselves as much as they would like to. So, Mr. Speaker, Sir, they do not know that I am privileged to be here and express my wish as much as possible. But, Mr. Speaker, Sir, what should be taken into consideration is that it is also very bad to find that a Member who has been suspended from the House is still getting a salary while he is a stranger. I think, Mr. Speaker, Sir, it should be that if a Member is suspended for more than a month, he should not continue getting a salary, because he is not representing his people in this House. Why should he be paid when he has been

[Mr. Mbogoh] expelled from the House? I think it would be quite fair that such a thing should be considered in passing this Bill.

Another thing, Mr. Speaker, which I think should be incorporated is that it seems that sometimes the small rules which affect us here in this building do not affect the Ministers, and if they are to be considered as Members of Parliament I think they should also be affected by this seriously. As far as I am concerned, and wherever I am concerned—

Mr. Aramam: On a point of order, Mr. Speaker, the hon. Member has expressed his views that the Member—if he is ordered out of this House—should not be paid. Does he mean that—

The Speaker (Mr. Slade): If you are asking what he means it is not a point of order.

Mr. Aramam: Does he mean that—

The Speaker (Mr. Slade): Order, Mr. Aramam! It is not a point of order to ask what another Member means. Sit down, please.

Mr. Mbogoh: So, Mr. Speaker, this should not be the means by which Members of Parliament who are not Ministers will be punished, while the Ministers would not share the same fate with the Members. So, Sir, I think that if this Bill is interpreted properly it will be quite fair and it will give every Member a chance to know exactly what he is expected to do and what he is not expected to do and I propose that when this Bill is passed all the privileges which a Member has should be outlined and every Member should have a copy. Any other privileges which are not in this Bill should also be included so that everybody can sit down and say—like a bible—this is what I am expected to do when I am in Parliament, this is what I am not expected to do, and let that be like the commandments of this Parliament.

So, Mr. Speaker, I support.

Mr. Seroney: Mr. Speaker, Sir, I regret to note that most of the Members who have spoken have supported this Bill, because I do not support it, and I shall be moving the usual procedure to defeat this Motion on Second Reading.

Mr. Speaker, Sir, I do not know why this Motion was brought into this House. The Constitution, Sir, provides that Parliament, may, for the purpose of the orderly and effective discharge of business of the two Houses of the National Assembly, make provision for the powers, privileges and immunities of those Houses and the committees, the Members thereof, including the person who is Speaker of either House, etc.

Now, when we started our *Uhuru*, Mr. Speaker, we did not have a comprehensive law of privileges and immunities. We had a piece of colonial legislation which has now been dignified with a name it does not deserve, namely the National Assembly (Powers and Privileges) (Amendment) Act. Now, this is not an Act at all, Mr. Speaker, it is an old Ordinance which has merely been re-baptized and which does not give adequate privileges commensurate with the dignity of a sovereign Parliament like we have in Kenya today.

Last year, Mr. Speaker, as hon. Member gave a notice of Motion for legislation such as is contemplated by section 62, but unfortunately nothing seems to have happened about it.

My reason for opposing this Bill is because I do not think that we really have any powers, privileges or immunities as such which are generally understood, and the limited ones which we have are some sort of colonial legislation passed in 1952, and these are not really worthy of the name, as I have indicated. The Bill we are referring to now talks about Committee of Privileges. Well, I submit, Mr. Speaker, that this committee has nothing of the kind. Perhaps you might call it a disciplinary committee. I am not disputing whether in a proper legislation there may not be scope for such, as I do support the principle that there should be a code of conduct. But what I am opposing, Mr. Speaker, is that we should go on pretending that we have, in fact, powers and privileges. I think this subject, Sir, is well covered in the big book *Erskine May* which describes parliamentary privileges and immunities, and these are described as, "the sum of the peculiar rights enjoyed by each House collectively and by Members of each House individually, without which they could not discharge their functions." Now, these cover a very wide range giving individual Members, as individuals, and the House, as a House, certain privileges which enable them—

The Speaker (Mr. Slade): It is a wide range far beyond the scope of this Bill. All this Bill does is propose an amendment of an existing Act which would provide for discipline.

Mr. Seroney: I am trying to reason, Mr. Speaker, that this packed-up legislation ought to be rejected and a proper comprehensive legislation, such as that contemplated by section 62 of the Constitution be introduced and that this Bill should not be—

The Speaker (Mr. Slade): I am sorry, You see, you cannot do that on an amendment Bill, as I have explained to the House, before. We are always limited in a debate on a Second Reading

**[The Assistant Minister Vice-President's Office]**

So this Bill, Mr. Speaker, proposes the amendment of the National Assembly (Powers and Privileges) Act; it seeks the addition of four new sections to the principal Act, by the first of which the Speakers of both Houses, acting jointly, may issue a code of conduct to regulate the conduct of Members whilst within the precincts of Parliament Buildings, other than the Chamber of each House. The second new section proposes the establishment of a Committee of Privileges, consisting of the Speaker of each House and five Members of each House, under the chairmanship of the Speaker of the Senate. The members of this committee, other than the Speaker, will be nominated by the Sessional Committees of the respective Houses. It shall be the function of the committee to inquire into any breach of the code of conduct by any Member or into the conduct of any Member tending to reflect adversely on the dignity or integrity of Parliament or either House.

On completion of its inquiry, the committee shall report to the House of which the Member concerned in the inquiry is a Member. That House shall then deal with the Member concerned, in accordance with rules made by that House, and may take such disciplinary action as may be provided by those rules. The rules have not yet been formulated, but will be presented to the House for adoption if this Bill becomes law.

The third new section provides that, if a Member is suspended from the service of the House, he shall be deemed to be a stranger and shall not enter the precincts of Parliament without the written consent of a Speaker.

The fourth new section provides that no decision of either House or of the Committee of Privileges shall be questioned in any court.

The final amendment proposed by this Bill is that section 20 of the principal Act be deleted. This section provides that the Journals of the House of Commons in the United Kingdom shall be *prima facie* evidence relating to privilege. This provision will no longer be required by virtue of the foregoing proposed additions. Now, Sir, additional expenditures of public money will be incurred by the enactment of this Bill.

Mr. Speaker, Sir, I beg to move.

The Assistant Minister for Education (Mr. ole Konchellah) seconded.

**(Question proposed)**

Mr. Gatugutu: Mr. Speaker, Sir, I would like to support this Bill, although I would like to say one or two things in connexion with two particular sections. The Bill itself, Sir, is very good because it is necessary that this House should

have rules of conduct and as Members of this House, we should not be allowed to abuse the privileges. This Bill, I think, Sir, will serve that purpose. We have seen in the past, Mr. Speaker, Sir, the privileges of this House being abused either inside or outside the House, and I think this is a very good step towards trying to maintain the dignity of this House. Nevertheless, Sir, it is important that the Bill, which we pass in this House, should be based on fair justice and so on.

Now, Mr. Speaker, Sir with regard to section 20 of the amendment; the appointment of the committee. Mr. Speaker, Sir, the section here reads, "The members of the Committee of Privileges, other than the Speakers, shall be nominated by the Sessional Committees of the respective Houses." Mr. Speaker, Sir, I think that this is entirely wrong. I think that the appointment of this committee should not be done by the Sessional Committee at all. This House should be given the power to select the individuals, or hon. Members, who will serve on the committee. It is wrong, Mr. Speaker, Sir, to commit this House to a small group of Members of Parliament in the Sessional Committee, and it cannot be explained fairly that a group, the Sessional Committee, can, in such an important matter, represent the wish of the whole House, and I see no difficulty at all, Mr. Speaker, Sir, in giving this House the power. We have carried out a number of elections and we have carried them out well for example, in the case of the Specially Elected Members, and so on. Then why, Sir, should power not be given to the whole House? Why should it be only given to the Sessional Committee.

Mr. Speaker, Sir, I oppose this section of the Bill, and I hope that the Minister will come forward with an amendment to this particular clause. I do not think that any of the Members in this House will support this idea that the Committee of Privileges be appointed by the Sessional Committee. Also, Mr. Speaker, Sir, the Sessional Committee is not a permanent committee. The Sessional Committee is either appointed once after six months or every year, and therefore, I think, Sir, that it is no good giving power to a body which is temporary. This Committee of Privileges is very important and so it must be appointed by the right people. Mr. Speaker, Sir, also the Bill does not say how long the Committee of Privileges will continue to function. Will it continue to function during the whole life of the Parliament or will elections take place every year or two years? This is also important, and I feel that we should be told whether this is a permanent Committee of Privileges, or whether it is a committee which will be elected

**[Mr. Gatugutu]**

every year. Mr. Speaker, Sir, if this Committee of Privileges, if elected, stays there permanently, it may also, instead of being a Committee of Privileges, be a committee of corruption and some other things.

So, Mr. Speaker, Sir, these are the only two points which I have to make, one that this committee should be elected by the whole House, and two, we should be told the life of this committee; how long it will be elected.

Mr. Ngala-Abok: Mr. Speaker, I would like to support this Bill, and do not think that I will say any more than what the Member for Kikuyu has already said. I would like to support him very strongly on what he said about clause 2. I feel, Mr. Speaker, Sir, that a Committee of Privileges is a committee which will, from time to time, pass certain sentences or certain rulings on the behaviour of Members as endorsed by the chairman or chairmen of such a committee. Mr. Speaker, Sir, we must have people in which the Members of Parliament as a whole, including Members of the Senate, have absolute confidence. Mr. Speaker, Sir, if you will excuse me, I would like to give an example. The House of Representatives elected their Speaker, every person here voted and the voting was unanimous, I think. That, Sir, is why the position of our Speaker, or Deputy Speaker, becomes very much undisputed and therefore, it is very difficult for any Member in this House to say anything about their positions, and whenever they control the House we have much confidence in what they are doing. I think that this is the same with the Committee of Privileges, Mr. Speaker.

Mr. Speaker, Sir, this Committee of Privileges is going to be an important committee that is going, for example, to pass a sentence against one of a Member representing an area, who should be present in this House, and therefore, Sir, the public will know that I am remaining outside this House because of this, that and the other offence, which I might have committed. I would not like to see—

The Speaker (Mr. Slade): Mr. Ngala-Abok, I think I must correct you on one point. You are not understanding the Bill, and I cannot allow Members to speak to what the Bill does not say. What the Bill says is that the Committee of Privileges will investigate and report, but it is the House itself which will pass sentence, not the committee.

Mr. Ngala-Abok: Thank you, Mr. Speaker, Sir, for the correction, but usually, Sir, when a House debates a report, the form of the report usually determines the state of mind of the Members, or

some Member at least, as to how they will reach their conclusions. They are, from time to time, controlled by the way in which the report is inquiring or asking the House to pass sentence, or make a decision. I believe, Mr. Speaker, Sir, that this report must be made, or that the investigation must be made, by people elected by the entire House. That, Sir, is my feeling.

Mr. Speaker, Sir, it does not take the Members five minutes to carry out a secret ballot and elect the members of the committee. The Senate can also do the same and then all sit together under the chairmanship either of the Speaker of the Senate or the Speaker of the House of Representatives. So, Sir, it looks more or less the same to me. Only, Sir, the most important part to this is when investigation is being carried out. But, Sir, what the court or the House will decide against somebody, regarding a report, is whether the people who carried out the investigation and made the report are impartial or not. Mr. Speaker, Sir, I would just like to mention, in passing, that we should know how long this particular committee will function, whether the length of time will be the same as that of Parliament, five years.

If it is five years, then we should know after we have elected them. We elected the Speakers just as we should be able to elect the Committee of Privileges and then wait for their term of office to expire at the end of five years. Mr. Speaker, Sir, what appeared to me a little funny, and indeed a bit extreme, is to regard this person, who may be convicted, as a stranger until written permission is given. I think, Mr. Speaker, Sir, that this should not be included here. He should actually be asked not to participate in the proceedings of the House, but he should be allowed to attend and sit in the galleries. He could come and attend the debate, because one day a Member might have a very useful point to raise, or there may be a matter raised concerning this certain person's constituency.

Mr. Speaker, Sir, some of these privileges that Members might go against or the various mistakes that Members may make within the Parliament Buildings may not be such grave mistakes that entitle the Member to stay out of reach of the precincts of the building. So, Sir, I think that the Bill should be altered to say that he is not allowed to participate in the proceedings of the House, but he could attend by sitting in the galleries. I feel that is sufficient punishment because it prevents him coming into this House and speaking on a Motion but just sitting in the gallery, and the public will know that such-and-such a Member is no longer required to attend the House for so many days.

[The Assistant Minister for Natural Resources and Tourism]

The only practical answer is, therefore, the third alternative. Here again the Ministry of Works, Communications and Power is responsible for the installing of cautionary signs along the public roads. My Ministry is ready to recommend—and I am recommending it now, Sir, to the Minister—that this should be done.

We are particularly anxious to see these signs up because we would like to ensure that every motorist travelling on this road is safe. Also we are very much concerned about our animals and their safety; because the motorists are sensible people, but our animals are wild; therefore, while the motorists can look out for the animals, the animals cannot look out for themselves.

Mr. Dlagirira: Arising from the Assistant Minister's reply, Sir, is he aware that the number of elephants is increasing so much that it is becoming almost a nuisance, and because of this, some of them should be destroyed?

Mr. Mohamed: Mr. Speaker, Sir, this is quite a different question. I think we have dealt with this previously. I am not so sure that many motorists do not like to see the elephants there. Some of them stop there on purpose to have a look at them.

Mr. Mbogoh: Would the Assistant Minister then assure this House that, while clearing the bush or making any roads, they do not create undue difficulties for the animals, because it is they who are entering the animal kingdom in making these roads?

Mr. Mohamed: I am very grateful to the hon. Member! We will not do anything which will upset the animals or their kingdom. But even if we were to install the precautionary signs—and I hope the hon. Minister for Works will do this—I am not so sure how many motorists, including the hon. Members in this House, would take notice of them. I know we all speed up. There is a sign opposite the Nairobi National Park, on the road to the airport, and I am sure every motorist driving to the airport cruises along at about ninety miles per hour, even though the sign is there.

Mr. Ngala: Arising from one of the replies by the Assistant Minister, Sir, would he not agree with me that between Tsavo and Mito Andei the population of elephants that squat on the road is a nuisance to the motorist? For example this morning I was faced by four elephants squatting in the road, and I was delayed for half an hour. Will the Assistant Minister tell us what he can do to see that important people get through as quickly as possible?

Mr. Mohamed: I think, as far as the elephant problem is concerned, the hon. Mr. Ngala is aware that a scientific research programme is in progress at the moment; and we are looking into the whole population problem of elephants and ways and means to deal with the problem. However, I will certainly bring this to the notice of the wardens of the Game Department and see what interim measures could be taken, if the hon. Member is not very pleased to see the elephants on the roads.

The Speaker (Mr. Slade): Mr. Ndile's next question?

#### Question No. 341

##### WATER PUMPS IN MACHAKOS DISTRICT

Mr. Mallinda, on behalf of Mr. Ndile, asked the Minister for Natural Resources and Tourism if he would introduce water loans for simple water pumping machines to be installed along the Athi River and Machakos District, so as to provide water for the district.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. About half a million pounds are needed for loans to local authorities for water development in the current financial year, but due to non-availability of finance, this is not possible.

There is, however, a provision for £2,000 grant to the Machakos County Council on a £ for £ basis. This means that at least £4,000 worth of water development work is under way in the district. In our provisional estimate for 1966/67 financial year, we have included a grant of £4,000 and a loan of £50,000 for rural water supplies. But even if these estimates are approved and the loan money becomes available, it will only be issued if the Minister for Local Government considers the Machakos County Council loan-worthy. Loan-worthiness depends on (1) the council's ability to repay previous loans, and (2) the willingness of the people in the area to pay their Graduated Personal Tax.

In regard to the second part of the question, I am afraid, Sir, that there is no simple machine that can deal with the problem of extracting water from the Athi River. A normal type of pump can only suck up water between eight and fifteen feet, before it starts pumping it up to where it is required. In most parts of Athi, the level of the river varies between flood and dry weather flows, by approximately thirty feet. This necessitates unusual and expensive machinery.

May I point out that the Machakos District Planning Team made no mention of the area under discussion when submitting estimates for the next financial year? Perhaps the people in

[The Assistant Minister for Natural Resources and Tourism]

the area did not inform the planning team of their requirements. I suggest, therefore, that the hon. Member should approach both the district planning team and the county council and see whether they could include the area referred to in this question in the priority list. May I also assure the hon. Member that my Ministry is ready to give all possible technical advice when called upon to do so?

Mr. Mallinda: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister not aware that the £2,000 he is talking about is so infinitesimal in comparison with the need of the area, that his Ministry should think differently and give much more money than this?

Mr. Mohamed: Mr. Speaker, Sir, with regard to water development, I have said many a time in this House that it depends on what requirement is put forward by the people through the planning committee and through the water authorities. As I have said, there is no mention made by the planning committee when submitting the estimates, and, Sir, at this very late stage—the Minister for Finance is not here—we have to work out the whole estimate and get approval, before we can get the money. However, we have made the effort of providing £2,000, and, with another £2,000, work is under way. For the next financial year, as I have said, there will be a £4,000 grant and £50,000 loan.

Sir, it is up to the hon. Member to see that the local authority there will be prepared to match the finance so that water development can be carried out.

The Speaker (Mr. Slade): We must move on now, Mr. Onoko, you have a Ministerial Statement to make?

#### MINISTERIAL STATEMENT

##### KENYA FILM SHOW FOR MEMBERS

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): Mr. Speaker, Sir, hon. Members will recall that, in the course of the Parliamentary debate on the Appropriation Bill, I undertook to invite hon. Members of both Houses to attend a showing of the film *Kenya Becomes a Nation*. Arrangements have accordingly been made for the showing of this film at the 20th Century tomorrow, Wednesday, 23rd February, at 11 a.m. All Members of both Houses of Parliament, and their wives, are cordially invited to this show; it will be free.

The Speaker (Mr. Slade): I would remind hon. Members that, on the adjournment today, Mr. Pandya is to raise the matter noted on the Order Paper.

BILL

#### Second Reading

##### THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) (AMENDMENT) BILL

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to move that the National Assembly (Powers and Privileges) Bill be read a Second Time.

Mr. Speaker, order and discipline within the two Chambers of Parliament are governed by the Standing Orders of each House, but these Standing Orders do not apply to the maintenance of order and discipline within Parliament Buildings but outside the two Chambers. Standing Orders 78, 79, 80 and 81 provide that grossly disorderly conduct can be punished by the process of naming and a resolution of the House that the Member concerned be suspended from the service of the House, which involves complete exclusion from Parliament Buildings. Standing Orders can only be made by each House for the orderly conduct of its proceedings, as provided for in section 62 (1) of the Constitution.

Section 62 (5) of the Constitution, however, empowers Parliament to make provision for the powers, privileges and immunities of both Houses, and the committees and the members thereof, and we already have some provision for these purposes in the National Assembly (Powers and Privileges) Act, as amended in September 1963, by regulations under the Kenya Order in Council, 1963. This Act also empowers the Speakers to regulate the admittance and conduct of strangers, and the deduction of catering debts from Members' salaries.

The need now is for amendment of the said Act to enable the two Speakers to enforce their orders with regard to the conduct of Members of the National Assembly in Parliament Buildings, where a Member decides to refuse to obey an order made by a Speaker or disregards a kindly but firm rebuke from him. The Act does not give the Speaker power to call the Member to heel, and yet Members will agree that this is necessary, if misconduct and disorder, perpetrated by an unruly Member, are to be dealt with promptly and definitely.

I believe that the great majority of Members want to safeguard discipline, as well as their collective dignity and individual convenience. The provisions of the amendment of this Act would naturally be resorted to only after rebuke and persuasive authority have failed. But provision for the use of a compelling legal weapon is also desirable and necessary.

**[The Attorney-General]**

Constitution of Kenya (Amendment) Bill is re-introduced into the House; in fact, this has now been re-introduced.

Mr. Omar Mr. Speaker, Sir, arising from that reply, can the Attorney-General give us an assurance that the delay of getting this report out will not affect the dissolution of this Parliament, followed by a general election on 7th June 1968?

Mr. Njonjo: No, not at all, Sir. I give that assurance.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Attorney-General tell the House why he did not see fit to explain what he just explained to the House before December 1965, as the Constitution requires would it not have been timely to explain at that time, just to know that the Attorney-General is observing the Constitution?

Mr. Njonjo: Well, Sir, I think the reasons were implied in my reply. I did say that the commission had other duties and, in fact, some hon. Members have already submitted memoranda to the commission, which are being looked into by them. They have made a number of visits to various areas and, in fact I am informed that the Electoral Commission met this morning and they are due to start travelling around the country on the 4th March next.

The Speaker (Mr. Slade): If I might correct this with a little information of my own, it is the 4th April, Mr. Njonjo.

Mr. Malinda: Mr. Speaker, Sir, arising out of the hon. Attorney-General's reply, in which he said that, due to pressure of work of some of the members of the Electoral Commission, there has been some delay, and in view of the fact that any continuation of the holding of meetings of the commission would appear to be unconstitutional, would the Attorney-General consider appointing other members of the public who have the knowledge but who are not quite so busy elsewhere, so that they can complete this work within the time specified?

Mr. Njonjo: The members of the commission, Mr. Speaker, are specified in the Constitution. I am convinced that those members are the most competent to deal with this very difficult problem, and I am sure that the Members will also believe that the members of this commission are impartial, which is also very necessary in this task and, therefore, I do not propose to alter this.

Mr. Somo: Mr. Speaker, would the Attorney-General assure this House that when the report of the Electoral Commission comes out, it will not affect the Senate?

Mr. Njonjo: Mr. Speaker, if I can lay my hands on the relevant section, I am merely going to quote this to the hon. Member. "Every order made by the commission under this section shall be published in the Kenya Gazette and shall come into effect upon the next dissolution of Parliament after it was made."

Mr. Godia: Mr. Speaker, Sir, may I find out from the Attorney-General if it is possible for him to tell the House the progress made so far by the commission, and also what work remains to be done?

Mr. Njonjo: Mr. Speaker, maybe the hon. Member has just come back, but I did say earlier on that the commission has already received memoranda from a number of individuals who are interested, including hon. Members from this House, and I suspect the hon. Member, Mr. Godia, has also submitted a memorandum.

Mr. Ngala: Mr. Speaker, arising from one of the replies by the Minister, Sir, is the Minister satisfied that all the allowances that the members of the commission have been receiving from the Government have been wisely spent, if they have spent all the time receiving memoranda from Members and not seeing the country for themselves?

Mr. Njonjo: Mr. Speaker, I am satisfied that the allowances given to the members of the commission have been used properly. In fact, the members of the commission—as the hon. Mr. Ngala knows—are responsible people. Two of them are the Speakers of this House and the other House, and they have done a certain amount of travelling round the country. I was corrected by the Speaker just a few minutes ago; they start travelling round the country on the 4th April.

Mr. Kamau: Will the Attorney-General, Mr. Speaker, Sir, assure this House that he will supply copies of the report when it is complete to all Members, so as there is ample time to study it before the next general election comes?

The Speaker (Mr. Slade): That is getting rather far away from the question now, but perhaps you would give that assurance?

Mr. Njonjo: Mr. Speaker, I am sure the commission will make their report available to all those interested.

The Speaker (Mr. Slade): I think we must go on now.

We will come back to Mr. Mwangandi's question, which I understand Mr. Murgor is now prepared to answer.

**Question No. 278****KENYA SUGAR COMPANY DAM, MSAMBWENI**

Mr. Mwangandi asked the Minister for Agriculture and Animal Husbandry if he would tell the House if his Ministry had or had not recommended the reconstruction of the Kenya sugar dam destroyed by the public at Msambweni in Kwale District.

Had the Ministry been informed that the dam was on county council land and there were over 500 people on that land, if so, had the Government considered giving them alternative land or had the Government considered leaving them landless.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The answer to the first part of the question is yes, Sir, my Ministry recommended the reconstruction of the Kenya sugar dam destroyed by the public at Msambweni in the Kwale District.

The answer to the second part of the question is no, Sir, there was no necessity for the Ministry to be informed, because the provincial surveyor's survey indicates that the dam in question lies within the land owned by the Associated Sugar Company.

Mr. Balala: Mr. Speaker, Sir, can the Assistant Minister tell this House, as regards this question, what alternative land are the people on the land occupied by the dam going to be given? What alternative land are they going to be given?

Mr. Murgor: Mr. Speaker, all the landless people in the Kenya Republic will be considered, each case on its individual merits.

Mr. Mwangandi: Mr. Speaker, is the Assistant Minister aware that he has very little knowledge of this question because just before this question was brought to the House—just last week—we went with the Assistant Minister, Mr. Osogo, and the Commissioner for Squatters to measure the pieces of land so that alternative land could be given to these people?

Mr. Murgor: The answer to that, Sir, is no.

Mr. Mwangandi: Mr. Speaker, despite the fact that the Assistant Minister said that the land in question belongs to Kenya Sugar Company, is he aware that the way this land was given over to this company was rather fraudulent?

Mr. Murgor: Mr. Speaker, I am not aware of that.

Mr. Ngala: Mr. Speaker, Sir, arising from the fact that the Minister is ignorant and not aware, would he give us an assurance that, whether the

land belongs to Kenya Sugar Company or the county council, whatever squatters are there will have the first priority when this difficulty is settled?

Mr. Murgor: Mr. Speaker, Sir, all the landless and the squatters will be considered, as I said. We have our special Commissioner for Squatters and he is dealing, in fact, at the moment with this particular question.

The Speaker (Mr. Slade): We will go on now to Mr. Ndile's questions. Are you authorized to ask his questions, Mr. Malinda?

Mr. Malinda: Yes, Sir.

**Question No. 284****WILD ANIMALS BETWEEN MITO ANDEI AND VOI**

Mr. Malinda, on behalf of Mr. Ndile, asked the Minister for Natural Resources and Tourism if he was aware that passengers travelling from Nairobi to Mombasa by car were often faced with danger from wild animals between Mito Andei and Voi; and, if so, how could he help.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. My Ministry is fully aware that, when travelling through an area inhabited by game, such as the section between Mito Andei and Voi, the motorist is always in danger of wild animals obstructing or crossing the road unexpectedly.

There are ways of reducing the danger, and I have three ways to suggest; I would like to know which the hon. Member likes:—

(1) Either by regarding the sections of the roads through areas of high game concentration as towns and, therefore, enforcing the town speed limit through those areas.

(2) By clearing the bush for about 100 yards on either side of the road.

(3) By putting up signs to warn the motorists to be careful when driving through these areas.

I am sure, Mr. Speaker, that most of the hon. Members will not support the first alternative, because they like to speed along these roads when going to Mombasa. As for the second alternative, Members might have known that it is the responsibility of the Ministry of Works and the hon. Minister is here—to clear the first thirty-three yards from the centre of the road. To clear and maintain the remaining thirty-seven yards on each side of the road (a total of 134 yards) for about seventy miles will, no doubt, require large sums of money, which, we at present, do not have.

**The Assistant Minister for Local Government (Mr. Njiri):** Mr. Speaker, Sir, I beg to reply. An application for the up-grading of Nyeri Urban Council to municipal status reached my Ministry yesterday. It will be given consideration, in due course, in my Ministry. If the council is given second-class municipal status, then it will still have a chairman and not a mayor.

I should point out that a mayor is not an executive officer of the council and the administration is in the hands of the council's chief officers. The clerk and treasurer of the Nyeri County Council are also clerk and treasurer of the Nyeri Urban Council and are, therefore, the urban council's chief officers.

Prior to October, 1965, all councillors of urban councils were entitled to claim Sh. 20 as a sitting allowance and not Sh. 12/50 as my friend has suggested.

With effect from the 1st October 1965, different allowances are payable to chairmen, vice-chairmen and other councillors of urban councils as follows: chairman in the range of £60, vice-chairman in the range of £30, councillors in the range of £10, as consolidated allowances in lieu of sitting allowances.

The actual amounts payable are at the discretion of the council, but are subject to my Ministry's approval. No application has been received in respect of allowances for Nyeri Urban Council and therefore the actual amounts to be paid have not yet been determined.

**Mr. Gatiguta:** Mr. Speaker, Sir, arising from one of the Assistant Minister's replies, in which he said that consideration would be given to raising the status of this town to that of a municipality, could the Assistant Minister tell us what is required by a town so that it may raised to the status of a municipality?

**Mr. Njiri:** Mr. Speaker, Sir, briefly, the up-grading of urban councils to municipality status increases the expenditure of the council as is well known and, in consequence, it has to engage its own chiefs and other officers. In other words, Mr. Speaker, if the urban council wants to be promoted to the status of a municipality, it must be financially sound.

**Mr. Warlith:** Arising from that reply, Mr. Speaker, could the Assistant Minister tell us, in terms and figures—so many pounds—the revenue to be earned by an urban council so that it can qualify to become a municipality, knowing that Nyeri is the capital of Eastern Province?

**Mr. Njiri:** Mr. Speaker, Sir, unfortunately, I cannot give the hon. Member the figures, but the point is this. If the urban council has contributed

a great deal of graduated personal tax and not, then, in return, after application, my Ministry will be able to make a decision whether that council will be able to cope with the status of a municipality.

**Mr. Theuri:** Mr. Speaker, Sir, is the Assistant Minister not aware that the urban council of Nyeri is financially strong?

**Mr. Njiri:** Mr. Speaker, Sir, I am not aware of that, but I assure the hon. Member that I will make sure of that fact. However, I doubt that the Urban Council of Nyeri is financially strong.

#### Question No. 277

##### PAPER FACTORY FOR BRODERICK FALLS

**Mr. Barasa** asked the Minister for Commerce, Industry and Co-operative Development if he would tell the House when the building of the projected paper factory at Broderick Falls was going to start.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwenda):** Mr. Speaker, Sir, I beg to reply. Answering the same question last September, the Government promised to make a full statement to the House as soon as the study and negotiations which were going on at the time were completed. We have not managed to complete the negotiations yet but progress has been made in that we have now received a proposal from Messrs. Birla Brothers of India and we are studying it. It is still the intention of the Government that, as soon as these negotiations are satisfactorily concluded, the House will obtain a full statement. Meanwhile, it is not realistic to forecast the date when the building of the project is going to start.

**Mr. Barasa:** Mr. Speaker, Sir, would the Minister tell the House why the Ministry has failed to install this plant since October 1963 when a promise was given that the plant would start as soon as possible? What has caused that failure?

**Mr. Mwenda:** Mr. Speaker, Sir, I have already replied to that question. I have said that there were two things being done: one is the negotiations and the other is the study. We have actually proceeded further with the negotiations, in that we have this company which has already said it would like to invest in this project. As soon as we complete the negotiations, we will be able to make a statement to this House.

#### Question No. 278

##### LOUDSPEAKERS IN NYANZA PROVINCE

**Mr. Oselu-Nyallick** asked the Minister for Information and Broadcasting if he could tell the House why there was only one loud-speaker set in Nyanza Province.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, I beg to reply. The Ministry of Information and Broadcasting has very limited funds at its disposal and must allocate these funds in what appears to be the most fair way.

Each province has one set of loud-speakers only, with the exception of the Eastern Province, which is served from Machakos, carrying its own loud-speaker and the Rift Valley Province which has, likewise, a sub-office with a loud-speaker system at Eldoret.

**Mr. Oselu-Nyallick:** Mr. Speaker, Sir, arising from the Minister's reply, would the Minister bring in a supplementary estimate in order to provide Nyanza Province with two loud-speakers?

**Mr. Achieng-Onoko:** Actually, Mr. Speaker, Sir, that depends on the availability of money in the Government Kitty.

**Mr. Oselu-Nyallick:** Mr. Speaker, Sir, is the Minister aware that more than four times when I have walked in at the office in Kisumu and asked the officer in charge to give me a loud-speaker in order that I may be heard during my meetings—when the Minister came after three weeks the loud-speaker was not available. Therefore, I think in this way the public do not think well of the Government. Should the Minister not consider it opportune to bring in a Bill in this House to get a grant so that we may be heard when we have a meeting?

**Mr. Achieng-Onoko:** I think I would take this opportunity, Mr. Speaker, Sir, to advise the hon. Member to make his application to erect a loud-speaker well in advance to ensure its availability when he wants it.

#### Question No. 345

##### LAND ALLOCATIONS TO SETTLERS

**Mr. Godia** asked the Minister for Lands and Settlement if he would assure the House that plots allocated to a location in a settlement scheme were filled by settlers from that particular location, regardless of whether or not the first applicants had sufficient money for the deposit.

**The Assistant Minister for Lands and Settlement (Mr. Gachago):** Mr. Speaker, Sir, I beg to reply. I have repeatedly told this House that my Ministry does not establish special schemes for a particular location, clan, tribe or district. The laid-down policy is to give priority to the ex-legal farm labourers on farms which are purchased for settlement. If such cannot raise sufficient money towards the deposit, and assuming that all the

ex-legal labour in the area has been catered for, next preference is always accorded to the landless and unemployed in the district where the scheme is situated.

**Mr. Godia:** Mr. Speaker, Sir, does the Assistant Minister mean that if from a particular location ten plots are to be allocated, and if one of the applicants does not have sufficient money for the deposit, another applicant from the same location cannot take his place?

**Mr. Gachago:** Mr. Speaker, Sir, no person, unless he has been accepted by the selection committee in a given district, could be settled just because another person has failed to raise the deposit.

**Mr. Omar:** Mr. Speaker, Sir, arising from the original reply by the Assistant Minister, is he not aware that at Shimba Hills in the Coast Province there are some settlers from Machakos and Kitui, and that the local people there made application to get settlements and were refused?

**Mr. Gachago:** Mr. Speaker, Sir, I am not aware.

**Mr. armp Too:** Mr. Speaker, Sir, arising out of the Assistant Minister's reply, is he aware that since the District Commissioner, Trans Nzoia, was given the responsibility of allocating the plots to the settlers, he has settled more than a 100 Kikuyu in the Cherangani Scheme, and does he consider this to be the fair thing to do?

**Mr. Gachago:** Mr. Speaker, Sir, as I have said, the selection of settlers for a settlement scheme is not on the basis of tribe, clan or any such considerations. All the settlers, I believe, who have been settled in the Cherangani Settlement Scheme have been selected in accordance with the laid-down policy.

**Mr. armp Too:** What policy?

#### Question No. 333

##### ELECTORAL COMMISSION'S REPORT

**Mr. Omar** asked the Attorney-General whether he would state the reasons why the Report of the Electoral Commission had not been published on 12th December 1965, as required by the Constitution.

**The Attorney-General (Mr. Njonjo):** Mr. Speaker, Sir, I beg to reply. I assume that by a "report" the hon. Member means a review of the number and boundaries of the constituencies into which Kenya is divided. Owing to the pressure of other duties, the members of the Electoral Commission were unable to complete this review by 12th December, and the House will be asked to extend the time by another year when the

Mr. Otiende: Mr. Speaker, Sir, in my answer, I made it very clear that the running of all these health centres and dispensaries were the responsibility of local authorities. When the local authorities have no funds to run health centres, they normally close them. We only assist them when they want to start new ones with capital grants. Anything else, if they want recurrent expenditure, they do not approach us, they approach the Ministry of Local Government.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies by the Minister, would the Minister agree with me that the grant given to Kaloleni Mission Hospital should be increased to level up the fees of the in-patients there, as well as making it free for out-patients to get treatment? There is no Government hospital nearby, and could this apply to all the mission hospitals and out-patient departments throughout the country?

Mr. Otiende: Mr. Speaker, Sir, I know very well what the hon. Member is talking about, because he took me round Kaloleni last week. There is a problem in the country, of course, where you have mission hospitals for a whole area and there is not a single Government hospital, for the application of free medical treatment facilities.

However, the Ministry understands this very well and only last week had a meeting to try and find a solution to this difficulty. If anything is done for Kaloleni at all, it will also apply to other places like Kericho, West Pokot and other places where they have only mission hospitals. All I can tell the House, is that the problem is under consideration and, in the next financial year, we hope to have found a solution to this problem.

Mr. Maitori-Itumbo: Mr. Speaker, Sir, arising from the long list which was read by the Minister, can he tell the House why he was not able to mention one place having a health centre in my constituency. If so, what steps is he taking to see that at least Kuria Constituency has a dispensary or health centre?

Mr. Otiende: Mr. Speaker, Sir, if I did not list down any health centre, it was not due to any malice! There are places where there are no health centres and where we propose to build health centres, but I do not know, at the moment, if Kuria is one of them. However, the County Council of South Nyanza, will have to put up a case for Kuria to my Ministry, and then they could get the grants to put up a health centre.

The Speaker (Mr. Slado): This question covers a very wide field, we must go on now.

## Question No. 282.

## PLANS TO COMBAT DISEASE IN KERIO VALLEY

Mr. arap Too asked the Minister for Health if he would tell the House what plans, if any, he had in mind to combat and stop the spread of malaria and trachoma in the Kerio Valley.

The Assistant Minister for Health (Mr. Moss): Mr. Speaker, Sir, I beg to reply. My Ministry is well aware of the diseases prevalent in the area of Kerio Valley. We have approached this matter on a preventive basis by supplying medicine to combat the diseases. Last year, in conjunction with the Government, two local authorities, i.e. Central Rift and Sirikwa, launched a campaign against malaria and trachoma by providing preventive medicines.

Kerio Valley is about five miles from Tambach Hospital and about twenty-eight miles from Kabarnet Hospital. These hospitals serve the needs of patients from Kerio Valley. A nearby health centre at Tot is also very handy.

A mobile eye unit frequently visits this area to examine cases of trachoma. As far as malaria is concerned, this valley was fortunate in receiving a supply of prophylactic pills and drugs donated by U.N.I.C.E.F. which also provides vehicles. The African Medical Research Institute also takes a keen interest in providing health facilities for this area.

The most outstanding factor in the spread of trachoma is however grossly neglected. That is personal hygiene. From a recent survey by a missionary doctor, it was found that 75 per cent of such cases were due to unhygienic habits. There is a river near this valley with an abundant supply of water, but, unfortunately, the people do not clean themselves properly. One can only request the hon. Member to advise the inhabitants of this valley to observe basic hygienic rules and request school authorities to teach hygiene, and this will help solve the problem of trachoma.

Mr. arap Too: Mr. Speaker, Sir, arising from the Assistant Minister's reply, that the hospitals at Kabarnet and Tambach cater for these people of the Kerio Valley, is he aware that the distance between Tambach and Tot, which he mentioned, is seventy-four miles and if he is aware that this is so, can he not do something to build a health centre between Tot and Tambach?

Mr. Moss: In the first place, I am very much aware of the distance that the hon. Member has mentioned, the seventy-four miles. Then, in the second place regarding the health centre, it is not, and it will not be, the responsibility of my Ministry to build the health centres anywhere in the

[Mr. Moss] If the hon. Member wants a health centre to be put up between Tot and Tambach Hospital, the first appropriate authorities to approach are his own county council, which is the Sirikwa one and, if at any time the county council indicates to my Ministry that they are prepared to undertake the recurrent expenditures of such a proposed health centre and to pay the staff to be employed there, there will be no question of our not giving a grant. I did mention in my reply, Mr. Speaker, that this area is being looked into very efficiently and we shall always continue to do so.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the Minister's reply that the main cause of trachoma is unhygienic conditions, is the Minister aware that the cause of trachoma in the medical world is not yet well understood, although it is felt that it might be a type of virus? Can the Minister now tell us whether unhygienic conditions alone, in this particular area, where trachoma is prevalent, if done away with, could prevent trachoma without a health centre where an operation for ectropion ectropion and trichiasis could be carried out?

Mr. Moss: Mr. Speaker, Sir, this is very interesting, but I want to give an assurance to the hon. questioner that if—

An hon. Member: He did not understand the language.

Mr. Moss: I did understand it. If the hon. Member, or the hon. questioner agrees with my submission that if people of Kerio Valley abandoned smearing themselves with fat and, instead, applied salt and water, that would be one way of solving—

Mr. arap Too: On a point of order, Mr. Speaker, may I ask the Assistant Minister to substantiate what he means by all the sorts of things he says the people of the Kerio are putting on their faces?

The Speaker (Mr. Slado): No, I do not think so.

Mr. Moss: It is obvious, Mr. Speaker. If I went to Kerio Valley—

Mr. arap Too: You have not been there.

Mr. Moss: I have been there, and if you want me to go there again tomorrow for substantiation, we can go.

The best substantiation, Mr. Speaker, is that in the Kerio Valley, where people still use oil to smear their eyes and their clothes, as a result of which flies are attracted to follow them up.

Mr. arap Too: Mr. Speaker, Sir, the Assistant Minister seems not to be normal today.

Arising out of his reply and in view of the fact that the people of Kaitlial have built a proper building for use as a dispensary and have no money to pay for the staff and drugs or medicine, would the Minister consider providing some little money for these people so that they can get some drugs to help themselves?

Mr. Moss: Mr. Speaker, Sir, we provide drugs to our health centres through our county councils, and if there is a dispensary built by the people, I welcome the idea of providing drugs, but this has not reached my Ministry as yet, Sir.

## Question No. 328

## CHOGORIA HOSPITAL: CAPACITY

Mr. Mate asked the Minister for Health what the maximum capacity of Chogoria Hospital was with regard to bed space, in respect of the training, medical and the leprosurium sections and what grants were given to the hospital per year.

The Assistant Minister for Health (Mr. Moss): Mr. Speaker, Sir, I beg to reply. Chogoria Hospital has 136 beds, comprising 90 general, 14 obstetric, 28 infectious, and 4 amenity beds. It receives an annual recurrent grant of £4,323 from my Ministry.

Mr. Mate: Mr. Speaker, Sir, in view of the serious need for medical services in Meru, is the Minister considering increasing the grant, because Chogoria Hospital is about to be closed by somebody?

Mr. Moss: Mr. Speaker, Sir, I am not aware of Chogoria Hospital being closed.

Mr. Mate: Mr. Speaker, Sir, in view of the Minister's reply, would he assure this House and everybody that Chogoria Hospital, being the second oldest hospital in Meru, after Meru Hospital, Maua, Nkobo, would he assure this House and the Meru people that Chogoria Hospital will never, never be closed by anybody?

Mr. Moss: Mr. Speaker, Sir, in the first place, Chogoria Hospital is a non-Government hospital. It is entirely up to the institution which is running that hospital to tell us whether they want to close Chogoria or whether they want to hand it over to us. Then we shall be able to tell you what to do with Chogoria tomorrow.

## Question No. 318

## MUNICIPAL STATUS FOR NYERI

Mr. Theuri asked the Minister for Local Government whether he would tell the House when Nyeri was to become a municipality, so that it could have its own mayor to carry out the administration, instead of this being borne by the Nyeri Urban Council as at present.

Tuesday, 22nd February 1966

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:—  
East African Industrial Research Organization  
Annual Report 1964-65

(By the Minister of State, President's Office  
(Mr. Nyamweya))

### NOTICE OF MOTION

INCREASED FARM DEVELOPMENT PLANS FOR  
EMBU, MERU AND MACHAKOS

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

THAT in view of the fact that the largest part of the Eastern Province is arid and no farming can be done and, as a result, famine relief measures will be required every year; this House urges the Government to accelerate the development of farming standards in these areas like Embu, Meru and Machakos which could produce enough food to feed the population of the Eastern Province by giving:—

- Water development loans.
- Farming (large and small) loans.
- Stepping up land consolidation where it has not been done.
- Dairy and ranching cattle co-operatives to be formed as soon as possible.

### ORAL ANSWERS TO QUESTIONS

The Speaker (Mr. Slade): With regard to the first question, No. 278, I have to inform hon. Members that I received a message from Mr. Osogo, who wishes to answer this question, he has however, been called away on very urgent business and may not be back in time to answer it today. He apologizes to the House. We will put it to the end of the list in the hope that he is back then, but if he is not back it will come on the Order Paper tomorrow.

Question No. 317

### SITTING PERIOD OF WHEAT BOARD

Mr. Theuri asked the Minister for Agriculture and Animal Husbandry whether, in view of the fact that the Minimum Financial Return

for the month of March—the planting season for early wheat—was always late, he could tell the House if he was prepared to change the programme for the sitting of the Wheat Board which, instead of meeting in January or February of each year, should now meet in December, so that farmers could have a two months' period of grace before they had to plant wheat.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The Wheat Board sits early enough—27th October 1965, in the case of the last year—to recommend any M.F.R. to the Government for the following season's planting. My Ministry is, therefore, already allowing up to three months' grace before the earliest planting. The hon. Member's recommendation is, therefore, already in practice.

Mr. Theuri: Mr. Speaker, Sir, is the Assistant Minister aware that the Wheat Board only meets in the month of February, and therefore, that farmers, even up to now, are not quite sure whether they will be supplied next month?

Mr. Murgor: Mr. Speaker, Sir, for the information of the hon. Members, application forms for the Minimum Financial Return advances and planting approval for both wheat and maize for the 1966/67 crop, were despatched to all district agricultural committees concerned on 6th and 7th December 1965. By 31st January, the following had been issued:—Minimum Financial Return for wheat, £775,548; for maize, £191,996. Planting approval has been 145,970 acres for wheat and 46,966 acres for maize.

The Speaker (Mr. Slade): Next question.

### Question No. 281

#### GRANTS TO LOCAL AUTHORITIES FOR HEALTH CENTRES

Mr. arap Too asked the Minister for Health if he would inform the House what grants his Ministry had made to local authorities to be spent on health centres and dispensaries in the country; and if he would name the mission hospitals and health centres which had received some financial assistance from the Government.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. The reply is very long; I do not know whether I should take up the time of the House. Anyway it reads as follows: My Ministry has made the following grants to the local authorities to be spent on health centres and dispensaries.

### [The Minister for Health]

	£
Kiambu	2,500
Central Nyanza	7,000
Kakamega	1,000
Nyeri	4,500
Bungoma	5,000
Tana River	3,000
Kajiado	5,000
Meru	1,000
Nyandarua	1,000
Masaku	4,000
Laikipia	2,500
South Nyanza	1,000
Kisumu	5,000
Embu	1,000
Kwale	1,000
Bungoma	1,000
Isiolo	1,000
Narok	3,000
Uasin Gishu	1,000
Kirinyaga	875
Trans Nzoia	1,000
Kitui	500
Eldon Nyanza	500
El Wak	52

I would like to point out the fact that health centres, health subcentres and dispensaries are run by local authorities and by the Ministry of Local Government. We make capital grants only when we are satisfied that the local authorities would undertake the recurrent and staff expenditures and where our capital grants would be used for construction works and for buying buildings for health centres. We withdraw our grants when the local authorities concerned do not fulfil all of their obligations within a specified period.

In the second part of this question, I am asked to name mission hospitals and health centres that received financial assistance from the Government. In regard to grants to mission hospitals the Central Advisory Committee on Medical Missions give priorities according to needs.

Names of mission hospitals receiving recurrent grants are: Maseno, Kaloleni, Kikuyu, Tumutumu, Chogoria, Mana, Kaimosi, Kendu Bay, Kaparow, Ngai, Ortum, Nkubu, Gaicanjiro, Nyabondo, Muthale, Mwhila, Kituu, Kaplong, Tenwek, Consolata Nyeri, Kilima Mbogo, Mater Misericordiae, Kimanga, Holy Rosary, Thika, Kyeri, Kakumaa, Mutoma, Asumbi, Nangina, Magadi.

Capital grants to Catholic missions are at: Nyeri, Kaplong, Riara Ridge, Mutoma, Eldama Ravine and Nkubu.

The Protestant missions are at: Maua, Chogoria, Tumutumu, Kikuyu, Tenwek and Kaimosi.

The names of health centres are as follows: Gatundu, Siaya, Ebusiratsi, Kapakwony, Garsen, Loitokitok, Uruku, Sultan Hamud, Madiany, Dol Dol, and Rumuruti, Kalawa, Lambwe, Murie, Bissil, Chuka and Marimanje, Kusa, Usigu, Nyawara, Siakago, Shimba Hills, Garba Tulla, Lolgoria, Escarti, Narorua, Lare, Ahero, Runjenju, Kocholla, Bumul, Nairago, Ngare, Olugunga, Kipkabus, Baricho, Moiben, Soy, Burat Loret, Ikutha, Tseikuru, Waguye, Charele, Khungangu and Elwak.

The Speaker (Mr. Slade): That was obviously a question more suitable for written reply, and I must apologize for not having marked it for such when it came through my hands; but I would remind Ministries, again, that even if they get through us a question for oral reply, they still can elect to give a written reply where it seems very long and detailed, such as that was, on due notice to the Clerk and the Member concerned. I would ask the Ministries to take that course where it seems right.

Mr. arap Too: Mr. Speaker, Sir, arising out of this very long reply by the Minister—

The Speaker (Mr. Slade): It is not the fault of the Minister.

Mr. arap Too: Mr. Speaker, Sir, would the Minister tell me the reasons why he did not consider Sirikwa County Council fit for these grants, because I did not hear anything mentioned by the Minister about the Sirikwa County Council, which is a local authority that should be receiving financial assistance?

Mr. Otiende: Mr. Speaker, Sir, Sirikwa is a very large county council and I do not know, but I suggest that Sirikwa has so many dispensaries and hospitals within its area that I do not think it comes within the first category of getting capital grants because it has started nothing new and has not asked to start anything new, and it does not come within the second category because it does not have a private hospital. When Sirikwa County Council was formed, it inherited a very large number of hospitals and health centres. It has not asked us, so far, to give any grant to start anything new.

Mr. arap Too: Mr. Speaker, Sir, in view of that reply by the Minister that the Sirikwa County Council has not asked for any grants at all, will the Minister then consider instructing the Sirikwa County Council to reopen Chebororwa Health Centre which was recently closed down?

**[The Minister for Home Affairs]**

their sincerity. Attacks upon the security forces, non-co-operation with the provincial administration and disobedience of regulations made by the population and protection of *Shifita* do nothing to convince anyone of their loyalty. I would like to say that cattle auctions are always arranged and few cattle are presented for auction. Grazing areas are allocated. These are disregarded and the hon. Member ought to have told the House what Government has done to help his own people in the area instead of accusing the Government of doing nothing.

I would like also to say, Mr. Speaker, that the loyal Somalis always should inform the Government immediately of the movements of the *Shifita*, because we cannot accept loyalty in any given area when 200 *Shifita* pass through that area without the notice of the loyal Somalis. So that in the interests of the loyal Somalis, we would like the hon. Members to help the Government by tracing the *Shifita* and those who would like to undermine the Government in such activities, which would destroy the confidence of the people living in the area. If the hon. Members would assist the Government, I am prepared to help in every way those people who wish to be loyal and help the Government; the Government would not hesitate to deal with anyone who abuses his activities in the service and tortures any loyal citizen. I would like to make it clear that the Government always has kept its promise to the loyal Somalis that Government would protect them.

Therefore, Mr. Speaker, I beg to move the amendment.

The Assistant Minister for Home Affairs (Mr. Nyangah): Mr. Speaker, Sir, I rise to second the amendment which has been moved by my Minister and make one or two points.

The first one is to remind the hon. Mover and his hon. friends from the North-Eastern Province that that province is still in a state of emergency, and some of these things which do happen, happen just because there is a state of emergency. This emergency can be brought to an end if the hon. Members from that area redouble their effort to make sure that they help the security forces, the Government, and do not necessarily over-emphasize or exaggerate their case about the activities of these people.

I am glad, Mr. Speaker, to note that the secession movement idea is now over, but we are still faced with the activities of the *Shifita*, who move in very difficult areas. We know the state of the country over there is very difficult, but they do not seem to die because they

pass through very dry country and with no food. Therefore, there must be people who act as hosts to them. It is these hosts who harbour the *Shifita* that we are worried about and not the loyal Somalis. In supporting the amendment, Mr. Speaker, I would say that we will do all we can to help the loyal Somalis.

One point I ought to clear up right now in that we were accused, as a Government, of not informing hon. Members from that area when, about a fortnight ago, Government Ministers visited the area. This is not true. These Members were informed and, as a matter of fact, they were given a lift in the aircraft from Garissa to Wajir, and we were prepared to bring them right back to Nairobi again. So it is not true to say that they were not given the opportunity of knowing that we were going there and also an opportunity to speak to the people.

With these remarks, Sir, I support the amendment.

The Speaker (Mr. Slade): I have presumed to alter the wording of the proposed amendment very slightly, from a purely grammatical point of view, so that it would read: "That all words after the word 'Government' in the fourth line be left out, with a view to inserting there the words: 'this House urges the Government to note the views expressed by the Mover of this Motion, and to continue'—that is the little alteration I have made—'safeguarding the rights, the interests and the security of all loyal Somalis and Boran'."

As the time is over now, I have to put the question as soon as it has been proposed.

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

*(Question of the second part of the amendment, that the words to be inserted be inserted, proposed, put and agreed to)*

*(Question of the Motion as further amended, proposed)*

The Speaker (Mr. Slade): It is now time for the Mover to reply.

Mr. Ogle: Mr. Speaker, Sir, I would like to congratulate the hon. Members who have contributed so wisely to this Motion, and particularly I would like to mention something about the Member for Kajiado, Mr. Oloititip, and would like to follow up some of the things he mentioned, particularly that the Somalis should co-operate with the Government by reporting any movement of the *Shifita* to the security forces and the Administration.

**[Mr. Ogle]**

Sir, everybody can remember that when the *Shifita* started, their morale was very high; nowadays, if one listens to the radio or goes through the newspapers, one finds that the *Shifita* are on the run now, and the initiative is with the security forces. This is entirely because of the co-operation shown by the local inhabitants in the North-Eastern Province, who report the activities and movements of the *Shifita* to the security forces. I assure the hon. Members here that this will continue. The Assistant Minister said that efforts should be re-doubled, and we will see to it that they are re-doubled.

Sir, in my estimation, the fundamental principle of freedom is security, and what led me to bring up this Motion is that the Somalis, including myself and other hon. Members of this House, thought for a time that they were not secure. If the Government accepts the Motion and will continue to safeguard the loyal Somalis, as they are asked to do, that is a good thing that we have agreed on.

Sir, the Somalis are citizens of this Republic and all this Motion is asking for is protection of the citizens of this Republic. That is a constitutional obligation, Mr. Speaker, I cannot see the reason why anyone should oppose it. What I did enlighten Members about was that if the Government continues to torture the Somalis, beat them, treat them badly, then it is a matter of common sense that the Somalis will one day think that they have been deserted by the Government, they will think that the Government is discriminating against them compared with other Kenya citizens and they will take the alternative. For example, we know we have a number of countries which are divided into north and south: we have the Northern Sudan and the Southern Sudan, North Vietnam and South Vietnam. If this practice con-

tinued to apply in our province, then there should be another north and south here. But the Government has wisely seen the gravity of the situation, and, I think, will not hesitate to rectify what has been done in the province.

Mr. Speaker, I am not saying anything on behalf of the *Shifita*. I think the Government should do all it can to eliminate the *Shifita* menace from the province. That is the first thing the loyal Somalis in the North-Eastern Province—whose interests we represent in this House—would like to see. I assure hon. Members here, and the Government as well, that every effort will be made by the hon. Members from the North-Eastern Province to see that these efforts are re-doubled and that we get rid of these *Shifita*.

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

*(Question of the Motion as amended put and agreed to)*

**Resolved accordingly:**

THAT in view of the fact that loyal Somalis and Boran citizens of Kenya are always in a state of fear and despair and are doubtful as to whether their sincere loyalty is being recognized by our Government, this House urges the Government to note the views expressed by the Mover of this Motion, and to continue safeguarding the rights, the interests and the security of all loyal Somalis and Boran.

**ADJOURNMENT**

The Speaker (Mr. Slade): It is now just on the time for the interruption of business. The House is adjourned until next Tuesday, 22nd February at 2.30 p.m.

*The House rose at thirty minutes past Twelve o'clock.*



The Speaker (Mr. Slade): I think we had better confine debate entirely to that question before we come back to the main question. I presume we can dispose of the amendment quite quickly.

Mr. Godana, did you want to speak on the amendment?

Mr. E. D. Godana: Yes, Sir.

The Speaker (Mr. Slade): All right. You can speak.

Mr. E. D. Godana: Mr. Speaker, Sir, it is unfortunate to find that the Kenya Police are becoming, as I said earlier, wild. They are not carrying out their duties properly.

The Speaker (Mr. Slade): I am sorry, Mr. Godana, all you can speak on is whether you agree to the insertion of these words. That is all we are on now.

Mr. E. D. Godana: Mr. Speaker, Sir, the Somalis and Boran in the Isiolo area are mistreated by the security forces on many occasions. I remember last year, 1965, on 7th October, there was an operation being carried out and loyal Boran were beaten up by the police.

The Speaker (Mr. Slade): Order! Order! We are entirely concerned with the Boran now and whether you want to include them in the question. That is all. Please keep to the point of the amendment. The only question now is whether we are going to include the Boran in this Motion. Please do not talk about Somalis.

Mr. E. D. Godana: Mr. Speaker, Sir, there are loyal Boran who were beaten up by the police. Some of them were taken to hospital, some had broken arms and so forth. Therefore, I would like the Minister for Home Affairs to look into this matter very closely. The rights of the loyal Borans should be safeguarded in the same way as those of any citizen in the country. Boran are not *Shifita*. So, as I said once, these people are forced at rifle point to aid and to lead the *Shifita* whenever the *Shifita* come around for food or any other property, or whenever they want to be guided to the water points.

Mr. Speaker, Sir, I beg to support the amendment.

The Speaker (Mr. Slade): I wonder whether hon. Members would allow me to put the question of the amendment, to clear that out of the way before we go on?

Do you want to speak on the amendment, Mr. Khalif? You have the right to.

Mr. Khalif: Mr. Speaker, I beg wholeheartedly to support the amendment, because, as a matter of fact, the Boran are facing the same difficulties

as the Somalis. The only difference is that the Somalis are in the North-Eastern Province while the Boran are in the Eastern Province, namely, Isiolo, Marsabit and Moyale. For that matter, Sir, I do not see any reason why this amendment should not be supported by hon. Members.

The Speaker (Mr. Slade): Then I will put the question of the amendment.

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

(Question of the Motion as amended proposed.)  
The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. ole Oloitipiti): Mr. Speaker, Sir—

The Speaker (Mr. Slade): Mr. Oloitipiti, are you speaking for Government?

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. ole Oloitipiti): No, Sir, I am speaking just as the Member for Kajiado.

The Speaker (Mr. Slade): I think time is running rather short for the Government spokesman.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. ole Oloitipiti): They are not prepared, Mr. Speaker, Sir.

The Speaker (Mr. Slade): All right. Carry on.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. ole Oloitipiti): Mr. Speaker, Sir, I rise to speak on the Motion not for the Government but as the Member for Kajiado, as well as a Member of this House.

Mr. Speaker, Sir, I think this is a very straightforward Motion and if we are going to be very fair we must judge facts as they are and, if necessary, support facts as have been put by hon. Members of this House.

Mr. Speaker, Sir, first of all, I am very happy to hear that the Mover of this Motion was once advocating secession, but now he has come to his senses and has realized that he is a citizen of Kenya and he has given that up completely; he is no longer a secessionist, and he is in this Parliament and is out to condemn the *Shifita* activities in his own area and he comes here to argue that the loyal Somalis should be treated equally and fairly like other citizens of Kenya. Mr. Speaker, Sir, the speech by this hon. Member is very encouraging, and all I would say to him is that he should go ahead and, if necessary, if he wants the support of the Government Ministers and Members of this House, we are all out for him to see that we condemn these *Shifita* activities in his own province.

[The Assistant Minister for Commerce, Industry and Co-operative Development.]

Mr. Speaker, Sir, that is very encouraging to hear from a Member who was once advocating secession, and has now given up that idea.

Mr. Speaker, Sir, the other point I wanted to speak on is the question of loyal Somalis. We know that it is the policy of our Government to encourage those people, who were deceived by other Governments to become *Shifita* not to be *Shifita* and to realize that they are Kenyans, they should support our Kenya Government policies, and we can only encourage them, Mr. Speaker, Sir, if we treat them fairly.

Mr. Speaker, I think, if we find that the whole of the North-Eastern Province people are becoming loyal to the Kenya Government, there is no reason, Sir, why they should be tortured, there is no reason why they should be beaten, there is no reason why they should be starving, there is no reason why, if they are loyal, they should be given fewer permits to come to the town and buy whatever they want from the town. However, Mr. Speaker, Sir, if the security forces find that these people are not as loyal as we are told in this House, I think the Kenya Government has every right to see that those who come to the town or get permits are loyal people and not the people who are disloyal.

Mr. Speaker, Sir, the Government has a duty to see that they encourage every citizen of the North-Eastern Province to be loyal people. Therefore, Mr. Speaker, Sir, I would call on the Minister to investigate these remarks made by the hon. Members, and when he finds that the remarks made by the Members from that area are correct, then he will see to it that everybody is brought to peace in that particular area.

Mr. Speaker, the other point I wanted to make is about the question of becoming a loyal citizen of this country. It is up to the loyal Somalis, Mr. Speaker, to see that they do not live with those who are disloyal. It is also the function, not only of the Government, Mr. Speaker, to see that they treat the loyal Somalis well, but it is also the duty of the Members and Somali people, who are loyal to the Government, to see that they do not live with those disloyal Somalis. Once they do that, they should tell the security forces who the bad people are and expel those bad people; they should separate themselves from them and should guide the Government, I am quite sure the Government is going to give all the necessary support.

Mr. Speaker, Sir, because Government is going to speak on this, I think I should give way, but I wholeheartedly support that the

Government should investigate the remarks made by the hon. Members and if they find that they are true facts, then I request the Minister to support and see that everybody there is given protection.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, since time is running out—

The Speaker (Mr. Slade): I am afraid there is only six minutes before the Mover replies.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I would like to say that the Government cannot accept the Motion as it stands and, therefore, would like to amend it.

The amendment is to delete all the words after the word "Government" in the fourth line and to insert in place thereof the words "this House urges the Government to note the views expressed by the Mover of this Motion and that the Government continues safeguarding the rights, the interests and the security of all loyal Somalis and Boran". Thus the Motion would read:—

THAT in view of the fact that loyal Somalis citizens of Kenya are always in a state of fear and despair and are doubtful as to whether their sincere loyalty is being recognized by our Government, this House urges the Government to note the views expressed by the Mover of this Motion and that the Government continues safeguarding the rights, the interests and the security of all loyal Somalis and Boran.

Mr. Speaker, Sir, since time is running out, I would like to say that this Motion, like many other Motions and questions which have emanated from the representatives of the people of the Northern Province of Kenya over the past two years, is an attempt to embarrass the Government of the Republic with allegations and views but they fail to quote specific instances and the basis for these allegations. This ably illustrates the tongue-in-cheek attitude of the Mover. It does nothing more than to air—

The Speaker (Mr. Slade): No, I am sorry, Mr. arap Moi, we cannot have insinuations of insincerity or wrong motive when Members move Motions. Please withdraw the tongue-in-cheek and, I think, the attempt to embarrass should also be withdrawn. We have to credit hon. Members with sincerity, even if they do not produce chapter and verse.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, I do not have any ulterior motives, but I withdraw anything that may discourage the hon. Members from supporting the Government.

Mr. Speaker, Sir, loyalty can only be recognized as sincere when the actions and words of the Somalis convince a reasonable person of

[Mr. Khalif] forces. The security forces go into *manyattas*, into the *bomas* beating everybody they come across, all Somalis.

I would like to say this in addition to hon. Members: If I had been in one of these rowdy incidents in Wajir I would also have been beaten by the security forces. They do not differentiate between who is loyal and who is not loyal.

Confiscation of property has been done in a big way. More than 2,000 cattle have been confiscated by the Government in the North-Eastern Province during the period January 1964 to December 1965. We know, Sir, that the *Shifita* caused a lot of hardship for the people and also for the Government but there must be a differentiation between the loyal Somalis and the *Shifita*. Whenever the *Shifita* are engaged in operation against the security forces what the Government does is to come around and confiscate the property of the loyal Somalis. Loyal people are being victimized for things done by the *Shifita*. Sir, if it is the policy of this Kenya Government to victimize the loyal Somalis because of the activities undertaken by the *Shifita*, then we are not going to be part and parcel of this, of being victimized because of things done by the *Shifita*.

An hon. Member: Declare your interest.

Mr. Khalif: I have declared it and in no uncertain terms.

Many Somalis are even today in detention. They had no trial whatsoever and the Government, and many hon. Members—if not all of them—know that Somalis are just put in. If the provincial commissioner does not like me or, for that matter, if the Minister for Home Affairs does not like me because of a quarrel we have had, the next day, Sir, what they do is put me in Kvale.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Ole Oloitipiti): On a point of order, Mr. Deputy Speaker, I rise to seek your guidance. Is it in order for the hon. Member to refer to a Minister and say that if the Minister does not like him he will put him in? Can he give us an example where because the Minister did not like a person he was arrested by the security forces and the police?

The Deputy Speaker (Dr. De Souza): Order! Order! I fully support what you say, Mr. Oloitipiti. The only thing is that I did not quite hear what Mr. Khalif had to say just then. I heard him say as far as "If the Minister does not like me," and I waited for him to finish

his sentence. I did not quite hear what he said at the end of his sentence if the Minister did not like him.

I do not know what you did say, Mr. Khalif. I do not know if you did say anything at all.

Mr. Khalif: We will say that alone, Sir.

The Deputy Speaker (Dr. De Souza): I think, Mr. Oloitipiti, you interrupted before Mr. Khalif finished his sentence.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Ole Oloitipiti): Mr. Speaker, Sir, the hon. Member said that if for that matter the Minister did not like him he could order the security forces to torture him or beat him, or arrest him.

The Deputy Speaker (Dr. De Souza): If he said that, then, of course, it is perfectly out of order, Mr. Khalif, unless you can prove it.

It is a very serious allegation on the provincial commissioner or, for that matter, against the Minister.

Mr. Khalif: On a point of order, is it not within our Standing Orders that when the Speaker does not hear something, then—

The Deputy Speaker (Dr. De Souza): Oh, no. Order! Order! It is not part of the Standing Orders and if any hon. Member has that idea, it is not correct. It is only private remarks, off the cuff remarks made by one Member to another, if the Speaker has not heard it, and the Member denies having said it, then, instead of making ourselves a court of law to inquire whether he did or not, we accept the inhourableness of the Member, and accept his word that he did not say it. However, if you are saying something in the middle of a speech HANSARD is there for us to check whether you said it or not. If you did say it, then you must withdraw.

Mr. Khalif: If that was offensive in any way, Sir, then I beg to withdraw.

At the same time, Sir, I have lost two precious minutes and I have a lot of things to say on this Motion.

The Deputy Speaker (Dr. De Souza): You will get a bit more.

Mr. Khalif: Mr. Deputy Speaker, Sir, there is no trial and any Somali can be put in at any time in this country, just because he is a Somali. If the Government decides to put him in, then he is put in and there is no trial. Sir, we in the North-Eastern Region are opposed to this.

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

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

[Mr. Khalif]

We are opposed to this because it is just like the Nigerian military policy. The military régime in Nigeria say that they can put people in without trial. Now the independent Kenya Government, headed by Mzee Jomo Kenyatta, elected by the people of Kenya puts Somalis in without trial. It is ridiculous.

Sir, there has also been the question of chasing away these people from the towns. For those hon. Members who are not quite well informed about the North-Eastern Region I would like to say that there are three districts in the North-Eastern Province. In each district we have a small town and within that small town there is a barbed wire fence.

There are one or two let-outs. There is an *askari* there. I am not opposed to this, since this is a security precaution, but what I am opposed to is that they keep at the gate only about 150 passes when the population in any one district is about 100,000 people. Now, people from outside who would like to come in and buy food, clothes at the shop are prevented from doing so because there are only 150 permits. You get more than 3,000 people coming, there are only one or two let-outs and let-ins. You find people standing in very long queues, small children, women, old people. These people will stand there from 7 a.m. and when it gets to 6 p.m. you see that only 200 or 250 people have gone through. What happens to the rest? They go back and try again the next day. You see poor women and men trying again and again, sometimes for more than seven days, and some of them do not even get in at the end of the seven days. Sir, this is extremely unfortunate and unbecoming of our present independent Kenya Government.

There is another aspect also which is not only surprising but very annoying as well. We get *Shifita* surrendering. We were told when the Mzee announced that the *Shifita* should surrender and that they would receive an amnesty—

The Speaker (Mr. Slade): I am afraid that is the end of your time now, Mr. Kalif.

Mr. Khalif: May I be allowed to finish this sentence, Sir?

The Speaker (Mr. Slade): You have had extra time already.

Mr. Khalif: May I only finish this sentence, Sir?

The Speaker (Mr. Slade): All right, finish the sentence.

Mr. Khalif: —and would be given employment, this and that. Instead of that now, when they have surrendered—

The Speaker (Mr. Slade): Order! Order! You are on to another sentence, Mr. Kalif.

Mr. Bonaya: Mr. Speaker, I would like to amend the Motion. Immediately after the words, "loyal Somalis" I would like to insert the word "Boran". I think this appears in three places.

So, the Motion should read:—

THAT in view of the fact that loyal Somalis and Boran citizens of Kenya are always in a state of fear and despair and are doubtful as to whether their sincere loyalty is being recognised by our Government, and in view of the fact that loyal and innocent Somalis and Boran are always subjected to torture, beating, detention, confiscation of property, chasing away from our towns and homes, etc. this House urges the Government to safeguard the rights and interests of loyal Somalis and Boran.

The reason why I amend the Motion is that on Saturday, 15th February the Kenya Police carried out an operation in Isiolo and they forced the loyal Somalis and Boran to run for five miles. The people did that because they were forced at gun point; they all ran. After finishing the five-mile run they were told that they were going to be arrested, twenty-four people were arrested and were put in. Some of them were beaten and were then taken to the Meru Hospital. One even suffered a broken leg. This is very, very serious indeed. Every time there is an operation, when the police go to *manyattas* they burn huts, especially in Isiolo District. They collect as many head of cattle, sheep and goats that they can collect and take them away to the Isiolo Headquarters. Mr. Speaker, this is very serious indeed. The Government should look into this matter. Recently some heads of cattle were confiscated in Isiolo town for no reason at all. I say this is very serious indeed, Mr. Speaker, and for this reason I would like this amendment to be supported by all Members here.

With these few words, Sir, I beg to move the amendment.

The Speaker (Mr. Slade): Who seconds the amendment?

Mr. E. D. Godana: I will, Mr. Speaker.

The Speaker (Mr. Slade): You have not yet spoken in the debate, have you, Mr. Godana?

Mr. E. D. Godana: I have, Sir. I seconded the original Motion.

The Speaker (Mr. Slade): Then I am afraid you cannot second the amendment. You can speak in favour of it later on.

Mr. Somor: I second the amendment.  
(Question of the amendment that the words to be added: be added proposed)

[Mr. Ogle]

Now I want to speak on this question of loyalty. I would say that the Somalis are more loyal than some other tribes of Kenya here. They are more loyal to this Government than many other tribes here because everybody knows of the K.K.M. and the Land Freedom Army, and so on. That is quite clear. I should say the Somalis are more loyal to this Government than are some other people. If this is a question of *Shifita*, what is *Shifita*? Somebody in possession of a rifle? I know of a number of bad people who are in Kenya, in some other parts and provinces within this Republic who have arms and ammunition.

The Assistant Minister for Home Affairs (Mr. Nyagah): Illegally?

Mr. Ogle: Illegally, ready even to fight.

The Assistant Minister for Home Affairs (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, can the hon. Member substantiate that very interesting point, that there are some people who hold firearms illegally in Meru.

The Deputy Speaker (Dr. De Souza): Yes. I think this is a very serious allegation, Mr. Ogle. Can you substantiate the allegation that there are a number of persons in Kenya who have arms and ammunition illegally?

Mr. Ogle: We are told by our Government that there are a number of people in the Meru Forest known as forest fighters. If the Minister can tell us that they possess these firearms legally, then it is up to him.

The Assistant Minister for Home Affairs (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, the allegation he made he is aware of. The hon. Member talks of people known as forest fighters. Can he hand them over to us in the House?

The Deputy Speaker (Dr. De Souza): I am sure the House would be in a much better position if Mr. Ogle could hand them over.

However, he has merely explained the people he refers to. If they do not exist I think you can say they do not exist and that is the end of it. The original fear was, I think, that he was referring to other people. He has now stated that people he refers to, and I think it is true that there have been references to forest fighters with arms. Maybe they have no arms, I do not know. However, Mr. Ogle has also said that if they do not have arms, then the Government will say so and he will accept it.

Mr. Ogle: I think you have one minute more. Actually your time is up but I will give you one more minute because of the interruption.

No, you have been given five minutes already because of the previous interruptions. Now you will be given only one more minute, I am afraid.

Mr. Ogle: If somebody listens to the radio, Mr. Deputy Speaker, they will realize that in all other provinces in Kenya there are development programmes and a number of other helpful things, but you will only hear a number of people saying that we are disloyal to the Government of Kenya. I do not know if we should discuss this any further. We have said that we are loyal and the Government does not accept it and so it appears as though we will have to take the alternative.

Mr. Deputy Speaker, Sir, the Provincial Commissioner in Isiolo recently said in a *baraza*. "We do not want the Somalis to be in Kenya." It might be that he was revealing something, he might have been trying to hint at some of the instructions that he had received from the Central Government. I do not know.

The Deputy Speaker (Dr. De Souza): I think your time is up now, Mr. Ogle. You will have time to reply.

Mr. E. D. Godana: Mr. Speaker, Sir, I beg to second this Motion very strongly. Our Government is an elected Government, popularly elected by the people, but our Government has been behaving towards the Somalis in a wild manner. Somalis in Kenya are not *Shifita*. The Somalia who are *Shifita* are those who have been forced, at rifle point, to do certain things by the bad Somalis from Somalia.

Therefore, I would like to tell the House and the Minister for Home Affairs who is here that Somalis are as loyal as any other tribe in Kenya today. For the information of this House, as I have already said, some Somalis have been forced to do certain things at rifle point; not only Somalis but Borana and other tribes as well. People within the northern part of Kenya have been forced at rifle point to go out and raid properties of other people. Therefore, to call Somalis, the loyal Somalis, the taxpayers, to call them *Shifita* and to have them tortured by the security forces is very bad. We know very well that during the days of the *Mau Mau* there were some loyal people whose properties were safeguarded by the Colonial Government. I am sure our Government should safeguard the rights of the loyal Somalis in the same way that the Colonial Government did for the loyal people of this country during the Emergency.

Mr. Deputy Speaker, much has been said regarding *Shifita*, much has been said by the chiefs, by the leaders of the Somali people, that

[Mr. E. D. Godana] We know that there are some Somalis within Kenya who call themselves Kenya citizens, who call themselves loyal Somalis but they help the others with material and moral support. However, we know equally, Sir, that there are some loyal Somalis, loyal Somalis whose loyalty can never be doubted. Kenya must acknowledge the loyalty of those real, loyal Somalis because this loyalty has been accorded voluntarily and the days of secession are now something of the past. They are Somalis who identify themselves with the present Kenya, who are loyal to the Government, who are law-abiding citizens. This Motion only seeks the safeguard of the rights and interests of those loyal Somalis.

As I said, Mr. Deputy Speaker, the Somalis have elected Members in the House of Representatives, Regional Assemblies, they have county councillors, elected chiefs. These people represent the views of the loyal Somalis. This could be told to the security forces.

If the Government knew of all these loyal Somalis then it could deal through an organization of these people to deal with the activities of the *Shifita*.

I say once more that the *Shifita* and raiders come from Somalia. None of the Somalis within Kenya do possess firearms. There is no place here where they can buy rifles without a permit.

An hon. Member: What about the convoy in Kisii?

Mr. E. D. Godana: I do not know about this convoy.

Mr. Speaker, I do not want to labour on this very much. It is a straightforward Motion, but torturing, beating and confiscation of property of the loyal Somalis is becoming too much. So is raping.

Therefore, I would like Government to look into this affair and to accept this Motion as it has been moved by the Mover so that the Government can deal accordingly. I beg to second the Motion.

(Question proposed)

Mr. Khalif: Mr. Deputy Speaker, Sir, if the hon. Members will pay attention to the last two lines of the Motion they will see that all the Motion asks for is for the Government to safeguard the rights and the interests of the loyal Somalis. This is within our Constitution and it is only due to the fact that our Constitution has been misinterpreted that the hon. Ogle, with all the necessary support, not only from all Members from the North-Eastern Region but other Members as well, has had to bring this Motion.

Sir, we know that there are some Somalis who are disloyal, we also know that there are some Somalis who are sympathetic with those who are

disloyal. We know that there are some Somalis within Kenya who call themselves Kenya citizens, who call themselves loyal Somalis but they help the others with material and moral support. However, we know equally, Sir, that there are some loyal Somalis, loyal Somalis whose loyalty can never be doubted. Kenya must acknowledge the loyalty of those real, loyal Somalis because this loyalty has been accorded voluntarily and the days of secession are now something of the past. They are Somalis who identify themselves with the present Kenya, who are loyal to the Government, who are law-abiding citizens. This Motion only seeks the safeguard of the rights and interests of those loyal Somalis.

I want to say one thing before I go into facts. I hope this Motion was not brought to sort of try to lower the morale of our security forces. It was not brought in bad faith, I am sure it was brought in good faith. Before I proceed I would like to congratulate our security forces who have helped so much to eradicate and eliminate the *Shifita* activities.

(However, there have been some incidents in the North-Eastern Province which all Members of this House must condemn. Somalis live in a state of fear and despair. I hope the hon. Members who have not been to the North-Eastern Region take this from me: that the loyal Somalis live in a state of fear and despair. They live in this state of fear and despair because they are always threatened, always subjected to a kind of second citizenship thus creating a feeling that they are not real Kenyans. Having tried to assure the Kenya Government beyond all reasonable doubt that they are absolutely loyal, they have now despaired completely because the Government has not acknowledged such loyalty. The loyal Somalis have been subjected to torture, to beating, they have been subjected to detention; confiscation of property and chasing away from their own towns by the Government. The Somalis in the North-Eastern Province are being tortured as though they are living in the 16th and 17th Centuries. They are being subjected to extreme and intolerable hardships. Security methods including curfews and so on are executed in a very primitive way. Sir, some seven loyal Somalis were killed at Wajir in 1964, loyal and law-abiding Somalis. That is when things reached the peak of torture. Women are constantly raped by the security forces. The police do this as well, and I am prepared to substantiate what I say here. Old men and children are beaten. They do not differentiate between old men, children and other people. Whether they are loyal or not is not the interest of the security

The Deputy Speaker (Dr. De Souza): Yes, I am glad you came, Mr. arap Moi, because he made this allegation about three or four times earlier, and I think, in fact, he gave one or two specific incidents and also gave the name of the particular girl, if I remember rightly, that was held. So, Mr. Ogle, for the benefit of the Minister if you could repeat or give some proof of this allegation you have made, it would be better.

Mr. Ogle: I am not prepared to repeat it once again just for the sake of the Minister. If he missed it, then that is up to him.

The Deputy Speaker (Dr. De Souza): No, no, Mr. Ogle, you must do it now. You have already given one or two incidents which I think he will probably read in HANSARD, but if you can at least refer to them very briefly, I think that will be accepted.

Mr. Ogle: I will repeat what I said for the benefit of the Minister. I said that recently there was an operation by members of the security forces and members of the Kenya Army when they went for this operation in the—

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, Sir—

The Deputy Speaker (Dr. De Souza): He is substantiating, Mr. Moi.

The Minister for Home Affairs (Mr. arap Moi): Mr. Deputy Speaker, Sir, I want to know whether he is dealing with a matter which concerns the police. Mr. Deputy Speaker, Sir, he is referring to another force, the Kenya Army, which comes under another Ministry. If he has a Motion dealing with the police, then he should bring it here so that it can be dealt with in the best possible way.

The Deputy Speaker (Dr. De Souza): Yes, Mr. Ogle, I am not quite sure what you are exactly referring to. Are you referring to the police or the security forces?

Mr. Ogle: I am referring to the security forces.

The Deputy Speaker (Dr. De Souza): Well, if you did refer to the security forces, which I thought you did, although I might have been mistaken—I thought you did say the security forces and not the police, and so if you did say the security forces—then I would like you to substantiate. You have already given one or two incidents earlier on but I think for the benefit of the Minister, and considering that after all this is a very serious allegation, I know that you have not taken it lightly, but it is after all a very serious allegation, I would like you to substantiate it.

Mr. Kall: On a point of order, Mr. Deputy Speaker, Sir, when we refer to the security forces, I think that includes the police, armed forces

and the military forces. Therefore, Sir, I think it is difficult for the Member, unless, of course, he knows, to state whether this was done by the police or the army. So, Sir, unless you put it that way, I think he will be confused.

The Deputy Speaker (Dr. De Souza): When a person says "security forces", he is throwing out a very wide net as it were but when we say substantiation we do not mean that he should prove it. What he should do, in fact, is say the basis on which he makes this allegation, the evidence on which he bases this allegation. If he says this So-and-so told him so, or he was himself present when this state of affairs, or this particular incident took place, that is what the House needs. We have, for example, had a basis this morning when the same hon. Minister, Mr. arap Moi, substantiated an allegation which he made yesterday. He read out official reports of speeches made by Members and that was rightly accepted as substantiation. Similarly, Mr. Ogle, if you can tell us the basis on which you make these allegations who told you this or how you came to know about it, or where it happened, that is enough because otherwise if hon. Members were not asked to substantiate allegations they might make allegations against anybody, all and sundry, and there would be no way for the Government or anybody else to be able to challenge these allegations and refute them if, in fact, they have to be refuted.

Mr. Ogle: Thank you, Mr. Deputy Speaker, Sir. This Motion, Sir, does not deal specifically with the police. What I have previously said in my speech was how the security forces behaved, and I have illustrated to the House what an Army major, in fact, has done.

The Assistant Minister for Home Affairs (Mr. Nyagah): On a point of order, Mr. Deputy Speaker, Sir, if at all the Minister for Home Affairs is expected to give an effective reply to satisfy the hon. Member who is moving this Motion, and the Minister for Home Affairs has nothing to do with the army, is the hon. Member in order to keep on referring to a Major in the army, of whom we know nothing about?

The Deputy Speaker (Dr. De Souza): Mr. Nyagah, I can see your predicament, but on the other hand, an hon. Member is not confined to speaking only about the police when he is moving a Motion. I mean, his Motion affects the Government, and it is for the Government to decide which Minister, or two Ministers, in fact, there is no objection to the Minister for Defence also coming here and answering any allegations made against his Ministry. I do not think any

[The Deputy Speaker] hon. Member would be restricted in speaking on any other matter, so long as it comes within the purview of the Motion.

Mr. Ogle: The Minister is concerned only with the police, but I am concerned with the whole of the security forces, and if he had read my Motion thoroughly, Sir, then he would have understood what I was saying. Mr. Deputy Speaker, Sir, for the information of the hon. Members all the trading centres in the North-Eastern Province are closed, and all that we know about the North-Eastern Province now is the three main districts, Mandera, Garissa and Wajir. Most of the people have to go to any one of these three places for their needs. Now, Sir, in order that these people can go from one place to another they have to get a permit. They are required first of all to produce their poll tax receipt, secondly, they are required to produce their identity card and thirdly, Sir, he is required to get a pass which is provided at the gate. This is because all the townships are surrounded with barbed wire, and are heavily fenced in, and there is only one way in which one may get into the township. The gate is guarded by policemen and they check on the people going through. Once you have been able to produce all the required documents all the people are put into a long queue which may amount to 700 people a day, but, Sir, the number of cards which are being given may perhaps amount to 150 a day, which means that out of 700 people waiting to go inside only 150 can get in which means that they are forced to form a very long queue day after day in order that they can get into the township and get their requirements. This results in people pushing in along the queue so that they can get into the township quickly, and that is the time when one sees either a policeman or an askari beating these people very badly.

Mr. Deputy Speaker, Sir, you can see people waiting for a whole day in that long queue to get into the township, and therefore I think that it is wrong that there should be so few permits for the amount of people standing there and waiting. Mr. Deputy Speaker, Sir, there is also an area where people are not allowed to go at night otherwise if they are caught they are shot, and many people have been shot, because they have been desperate and tried to get into the township and if they have come into that, let us say, five mile radius, then they have been shot, because they are not allowed there after dark. These people could sometimes spend up to one week waiting to get into the township to get what they require and this is what drives them to such desperate measures.

Mr. Deputy Speaker, Sir, another bad thing which I would like to tell the hon. Members in this House is that a person can wait three days, or even a week waiting to get into that township, but once he has obtained permission to go into the township he is only allowed to take one pound of sugar. This, Sir, I feel is human torture and nobody can deny that, because these people are being forced to take drastic action.

Mr. Deputy Speaker, Sir, if one pays a visit to the North-Eastern Region there are many things which one thinks about, for example, the Berlin Wall, the Nazi concentration camps and the day in Sharpville and therefore, I think that the Minister for Tourism should be told about this as it is almost like a human zoo. A friend of mine, Sir, wrote me a letter from Rhodesia the other day and he told me how the Africans there were living under the White minority Government, and when I compare their situation with that of the North-Eastern Region, I find that the Africans in Rhodesia are better off than what we are here.

Mr. Deputy Speaker, Sir, the Government and the President is always telling us to forget the past, but they are making a very big mistake as there is a big difference of opinion here. The Government is not prepared at all to forget the past, while we are urged to forget the present, because the Minister was so concerned when I mentioned about the security forces, because he does not want me to mention what really happened and what is happening even now. I think the Somalis are subjugated because they once advocated secession and, if that is the case, then I think that every Somali should be detained, and I will be the first to be detained, because I was a secessionist. I was a party with those Somalis who went to London during the Lancaster House Conference, and I was party to another group which visited the Colonial Office twice after that. In fact, Sir, I led a delegation when a decision was being taken in Rome about the future of the Northern Frontier District, and now I am an hon. Member in this House and I accept that I am a Kenyan.

However, Mr. Deputy Speaker, I cannot see the reason why the Somalis should be banished because they are Somalis. It is almost becoming clear that it amounts to treason to be becoming clear that the case may be, I think I am a Somali. Whatever the case may be, I think I will ever remain a Somali; it does not matter whether it is treason, whether you describe it as felonious, never mind, I will ever remain a Somali, I am proud of it in the way that any Kikuyu or Jalu, or anybody would be.

**The Speaker (Mr. Slade):** I think the Ayes have it. I see several hon. Members are standing up. Are they requiring a division? Ring the division bell.

*(The Division Bell was rung)*

Order! I see the hon. bone of contention has now appeared. It may be that in that case hon. Members may take a different view of the adjournment. It is not too late. The way to avoid the division going in favour of the Ayes is for the Ayes to refuse to produce tellers. Then automatically the Noes have it. That course might be taken, now that Mr. arap Moi is here.

**The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip):** On a point of order, Mr. Speaker, my point is this. Since it was not really the intention of the Members that we adjourn the House just like that, and the Minister who was to reply to this Motion is now here, is it not in order for the hon. Member who asked for this question to be put to withdraw this?

**The Speaker (Mr. Slade):** I have just described the right procedure, if hon. Members feel that way. The right procedure is for the Ayes to refuse to produce tellers.

Now, if we are to proceed with the division, I require two tellers for the Ayes and two tellers for the Noes, please.

If there are no tellers for the Ayes, we do not need to go any further.

**Mr. Shikuku:** On a point of order, Mr. Speaker, I wish to request the hon. Mover to try and make the position clear to the House in that we will not produce our tellers for the Ayes. Could he do that?

**The Speaker (Mr. Slade):** Yes.

**Mr. G. G. Karuki:** Mr. Speaker, in view of the fact that the Minister who is very much concerned in this debate has already arrived, though he came late, could I therefore withdraw the suggestion?

**The Speaker (Mr. Slade):** Order! The question has been put. It is too late for the hon. Member to withdraw a Motion when the question has been put. The only way of getting the required result from the division is, as I say, for the tellers on one side not to appear. Then automatically the other side has it. If, therefore, I am told by the Clerk that there are no tellers for the Ayes, I shall declare that the Noes have it.

**Mr. Kamau:** On a point of order, Mr. Speaker, when the two parties, Noes and Ayes, go to the judging point, is it in order for one of the judges to move from that point and go to vote? Is that correct procedure?

**The Speaker (Mr. Slade):** I do not understand what you are saying, Mr. Kamau. I might understand more easily if hon. Members would keep silent.

**Mr. Kamau:** I mean now, Sir, when Ayes go to one side and Noes to the other side and those who are asked to go and judge, the tellers—

**The Speaker (Mr. Slade):** Order! I am trying to understand what Mr. Kamau is saying.

**Mr. Kamau:** Mr. Speaker, I am asking the hon. Members to be silent. Is it in order for the tellers to vote when they have already gone to judge? Have they any right to move from the telling point to the other side?

**The Speaker (Mr. Slade):** Oh, yes. Tellers record their own votes as well as recording those of others. But you have one of each side on either side to check the recording. Tellers are not deprived of their own votes.

**Mr. G. G. Karuki:** Mr. Speaker, on a point of order, I wish to say that we will not be in a position to produce tellers.

**The Speaker (Mr. Slade):** If that is so, and if the Clerk confirms that there are no tellers for the Ayes . . . In that case, I have to inform Members that, there being no tellers for the Ayes, the Noes have it, which means that the House is not adjourned.

Now the debate will continue. Mr. Ogle was moving his Motion. He had had eight minutes and so he has twelve more minutes to go.

## MOTION

PROTECTION FOR LOYAL SOMALIS AND BOSNI

*(Resumption of Mover's speech)*

**Mr. Ogle:** Thank you very much, Mr. Speaker, I will continue from the place where I stopped. I can see the Minister for Home Affairs is now in.

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

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

Before I continue with my Motion, I would like to say that I thought the President would be in the Chamber today to hear this very important Motion. I and most of the hon. Members were also concerned that the Minister in question was not here, and this is one of the stupid practices of this Government, trying to discriminate against the North Eastern Province—

**The Assistant Minister for Home Affairs (Mr. Nyagah):** On a point of order, Mr. Deputy Speaker, is the hon. Mover in order to describe the Government as a very stupid move, just

**The Assistant Minister for Home Affairs:** because we were late and we apologized to the House for not being here when the debate started?

**The Deputy Speaker (Dr. De Souza):** Yes, you are quite right. I think, Mr. Nyagah, I think "stupid" is unparliamentary. Mr. Ogle, and I would like you to withdraw that word.

**Mr. Mate:** Point of order, Mr. Deputy Speaker.

**The Deputy Speaker (Dr. De Souza):** I am already dealing with a point of order, Mr. Mate.

**Mr. Ogle:** Sir, what I said was that this is a stupid practice; I did not say that the Government was stupid.

**The Deputy Speaker (Dr. De Souza):** All the same, I do not like the word "stupid". I think it is too strong, and is also an unparliamentary word. Will you kindly withdraw it?

**Mr. Mate:** Point of order.

**The Deputy Speaker (Dr. De Souza):** Please sit down, Mr. Mate.

**Mr. Ogle:** I withdraw, Mr. Deputy Speaker.

**Mr. Mate:** On a point of order, Mr. Deputy Speaker, is it in order for a Government which is ignorant of the facts to behave like a Government?

**The Deputy Speaker (Dr. De Souza):** Mr. Mate, Order! I regret to say that not only is that not a point of order, but the way in which this has been worded by you shows that your behaviour is not fully in keeping with the procedure of the House and what is taking place. I would ask you to withdraw from this Chamber.

**Mr. Mate:** For today.

**The Deputy Speaker (Dr. De Souza):** For today. *(Mr. Mate withdrew from the Chamber.)*

**The Deputy Speaker (Dr. De Souza):** I would like to appeal to the hon. Members that it is not a laughing matter when the Speaker has to use his power to ask a Member to leave the precincts of the House. It is not something that gives him, either joy, and it is not something that gives any credit to the House. I think we should treat this much more seriously.

## POINT OF ORDER

CONDUCT IN THE CHAMBER

**The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip):** On a point of order, Mr. Deputy Speaker, Sir, I rise now to seek your guidance. This is a dignified House, Mr. Deputy Speaker, Sir, and it is an honourable House and when Members, like this one, constantly shout to the

House and behave like children, what does the Speaker do on matters such as this; such as Mr. Mate has been doing, because, Sir, I have seen him repeatedly shaming the House like he has done today? We take this behaviour very seriously, Mr. Deputy Speaker. This House is a dignified House and we are honourable Members and everybody should respect this House. What steps can you take, Sir, as the Speaker of this House?

**The Deputy Speaker (Dr. De Souza):** The Standing Orders, I think, are pretty well known. I do not want to say that this has been a regular practice of Mr. Mate unless the Speaker has taken notice of it. Today is the first time when I think one can clearly say that Mr. Mate was not with us in this House, and if it does happen quite regularly I am sure the Speaker will take such action as he thinks advisable to take. Standing Orders are available and there is plenty of scope for him to deal with any hon. Member who does not behave as honourably as we want him to do in this House.

## POINT OF ORDER

WITHDRAWAL FROM THE CHAMBER MEANS  
WITHDRAWAL FROM THE PRECINCTS

**Mr. G. G. Karuki:** On a point of order, Mr. Deputy Speaker, Sir, according to the procedure when one is ordered by the Speaker to leave the Chamber, I understand that he is also not allowed to remain in the same building. Now, Sir, what happened the other day, when you ordered some Members out of the Chamber, was that they remained in the bar and enjoyed themselves. Therefore, Sir, they do not feel the effect of what you have decided.

**The Deputy Speaker (Dr. De Souza):** Yes, thank you very much, Mr. Karuki. I perfectly agree with you. We will ask the Sergeant-at-Arms to ensure that the hon. Member who has been asked to leave the precincts of the House, is, in fact, out of the precincts of the House.

*(Resumption of Mover's speech)*

**Mr. Ogle:** Mr. Deputy Speaker, Sir, I will continue from the place where I stopped. I was telling the House about the conduct of the security forces whenever they go out on operations and how they get hold of the women and rape them.

**The Minister for Home Affairs (Mr. arap Moi):** On a point of order, Mr. Deputy Speaker, Sir, he did mention that some members of the Kenya Police Force when they go on these operations rape women, could he substantiate instead of making serious remarks on a matter of that nature?

[The Assistant Minister for Lands and Settlement] him making a Ministerial Statement on substantiation of his statement yesterday, and it is most likely, since he had two matters to deal with in this House, that he has gone back to his office to collect some material to enable him to reply to this Motion.

Therefore, Mr. Speaker, I do not think that we should make such a drastic judgment against the Minister, since we are not quite sure that he is not coming back. The Mover of the Motion has just started his speech and moving the Motion, and it may be that before he finishes or before the Motion is seconded, the Minister will appear here. Therefore, I do not think, Mr. Speaker, that we should adjourn the House simply because the Minister, at the present time, is not in the House, because it is very likely that he will be here very soon. He has seen the Order Paper and he knows that there is a Motion coming and that he is to reply, and unless we are in a very advanced stage of the Motion and the Minister does not appear, I do not think that we should judge the Government by the very short absence of the Minister. After all, Mr. Speaker, it is not only Ministers who are not here; the percentage of hon. Members which is in the Chamber this morning is very, very low. If one Minister is here, or at least one Assistant Minister is here, he can be a representative of the Government, whereas only a handful of hon. Members who are present represent all other hon. Members. If we take it that way, I do not think that we can judge the Minister—

### QUORUM

Mr. Mbogoh: On a point of order, Mr. Speaker, I wonder if there is a quorum?

The Speaker (Mr. Slade): No, there is not. Ring the Division Bell.

*(The Division Bell was rung)*

The Speaker (Mr. Slade): Yes, we have a quorum now.

Continue please, Mr. Gachago.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, I think the situation has gone a long way to proving that the House should not be adjourned simply because of the temporary absence of the Minister.

What I was saying, Mr. Speaker, was that we cannot judge the Government, we cannot judge in this House Cabinet Ministers or their attendance more than we, perhaps, can judge the attendance of other hon. Members, because Cabinet Ministers are hon. Members of this House, as other Mem-

bers are Members, with the exception that Ministers do represent Government and it is just their duty—

Mr. Alexander: On a point of order, Mr. Speaker, I think this debate is quite obvious and I beg to move that the question now be put!

The Speaker (Mr. Slade): No, I think a representative of Government must have a chance to speak against the adjournment. We will allow Mr. Gachago to finish what he has to say.

The Assistant Minister for Lands and Settlement (Mr. Gachago): I thank you, Mr. Speaker. Perhaps the hon. Member thinks that it is obvious that we should not adjourn the House simply because of a temporary situation. The House has a quorum once again, and I can see that another very senior Minister is arriving and, therefore, Mr. Speaker, I beg to oppose the adjournment of the House for that very, very simple and finicky reason.

Mr. Somo: Mr. Speaker, Sir, I rise to support very strongly the adjournment of this House.

Mr. Shikuku: We are fed up with these Ministers.

Mr. Somo: Mr. Speaker, Sir, Members of Parliament go and think for about two or three days, drafting a Motion concerning their people, and when the Motion comes to this House, you find the Minister concerned runs away. Mr. Speaker, Sir, this is a very serious issue about the people of the North-Eastern Province. Furthermore, it is no use, when a Member is speaking on such a Motion, to find the Minister concerned with the Motion running away. This is an abuse of the people of the North-Eastern Province.

Mr. Speaker, with these few remarks, I beg to support, and I move that the question be now put.

The Speaker (Mr. Slade): I would accept that from anybody other than an hon. Member who has had his own speech.

Mr. Shikuku: On a point of order, Mr. Speaker, since it is obvious now, can the question be put?

An hon. Member: On a point of order—

The Speaker (Mr. Slade): There is one which has been put to me now which I have to deal with.

It is quite proper, I think, at this stage of a Motion of this kind to allow the closure, so I will put the question.

*(Question, that the question be now put, put)*

The Speaker (Mr. Slade): I thought the noes had it.

### DIVISION

The Speaker (Mr. Slade): Order! Yes, even on a procedural question, if I am in doubt—and I was in doubt then—Members are entitled to demand a division. Ring the Division Bell.

Mr. Aremam: On a point of order, Mr. Speaker, is that the Division Bell? Why is it being rung when you have already said that the noes have it?

The Speaker (Mr. Slade): Order! Order! We are having a division because I was in doubt as to the result of the vote.

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

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

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. ole Oloitipiti): On a point of order, Mr. Deputy Speaker, I rise to seek your guidance. Normally, when ten Members stand up and call for a division, that is the time the division is effected, but there were not ten who stood, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): No, you do not need ten Members if the Speaker is in doubt, even one person would do.

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Deputy Speaker, if the hon. Mr. Shikuku, who has asked for a division, withdraws, would it be in order that we proceed with the division?

The Deputy Speaker (Dr. De Souza): I am afraid that cannot be now; it has to go through.

Mr. Okwanyo: On a point of order, Mr. Deputy Speaker, we do not know what we are voting for.

The Deputy Speaker (Dr. De Souza): I will explain exactly what the division is about. The question is that the House do now adjourn until the next sitting day. I do not have to go into the reasons for the debate, but the reason given by the Mover, Mr. Kariuki, was that there was no Minister concerned with this particular debate present during the debate on this resolution moved by Mr. Ogle.

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

*[The Speaker (Mr. Slade) resumed the Chair]*

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, Sir, I thought the matter in question was whether the question was going to be put. Now, the Deputy—

The Speaker (Mr. Slade): That is actually why I reappeared in the Chair.

Dr. De Souza: I am sorry, Mr. Speaker.

The Speaker (Mr. Slade): The question now before the House is that the question of the adjournment be now put, not the actual decision on the adjournment.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, is that what we are voting for, that the question be now put?

The Speaker (Mr. Slade): Yes.

Mr. Ngala-Abok: That is very minor, very minor—

The Speaker (Mr. Slade): Order! It is the procedural question entirely of the closure of the debate. On hearing the ayes and noes I ruled, with some hesitation, that the noes had it, that the majority of the House were against the closure; but I was asked for a division and our Standing Orders provide that, even on a procedural question, if the Speaker is in doubt as to the outcome, he must allow a division when required. The other practice, of allowing a division on the demand of ten Members, whether the Speaker has doubt or not, only applies to substantive questions. But where there is doubt, there can always be a division, even on the closure.

Mr. Kamau: On a point of order, Mr. Speaker, I really want to seek your guidance. If the Motion was to adjourn the House because there was no Minister, and if there is now a Minister in the House—

The Speaker (Mr. Slade): No, no, no. It is a perfectly straightforward question which is before the House and on which you are having a division, as to whether the question of the adjournment be now put.

*(The House divided)*

*(Question carried by 16 votes to 15)*

AYES: Messrs. Abdurahman, Alexander, Babu, Balala, Bonaya, Dingirira, Godana, Jubat, Kariuki, G.G., Makokha, Mwamzandi, Ngala-Abok, Ogle, Shikuku, Somo and Tuva.

Tellers for the Ayes: Messrs. Oloitipiti and G. G. Kariuki.

NOES: Messrs. Aremam, Ekitella, Gachago, Kali, Kamau, Khalif, Kibuga, Lorema, Maisori-tumbo, Malu, Mbogoh, Okwanyo, Oloitipiti, Omweri and Oüende.

Tellers for the Noes: Messrs. Khalif and Shikuku.

The Speaker (Mr. Slade): The Ayes have it, which means that the question will now be put.

*(Question of the Motion for adjournment put)*

The Speaker (Mr. Slade): No, I think you know very well, Mr. Shikuku, that the only people who can be heard on the Floor of this House are the Members of this House, without any exception at all. So it has to be proof outside the House. But I have explained to the hon. Members before that, if after showing to another Member that he has misled this House, whether deliberately or through false information from others, and that that Members will not come and acknowledge that fact and apologize to the House, the Speaker should be informed and he will have something further to say about it.

## MOTION

## PROTECTION OF LOYAL SOMALIS AND BORAN

Mr. Ogle: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT in view of the fact that the loyal Somali citizens of Kenya are always in a state of fear and despair and are doubtful as to whether their sincere loyalty is being recognized by our Government, and in view of the fact that loyal and innocent Somalis are always subjected to torture, beating, detention, confiscation of property, chasing away from our towns and homes, etc., this House urges the Government to safeguard the rights and interests of loyal Somalis.

Mr. Speaker, Sir, I would like to say that I regret having to isolate the case of the Somalis as far as we have accepted, the Somalis, as citizens of this country. But, Sir, there are circumstances which sometimes force someone to take such a decision, and I have been forced by these circumstances to make this decision. Mr. Speaker, Sir, it is a well-known fact, and every one of us in the Chamber will be able to recall it, that the Somalis in the first instance were advocating the secession from Kenya so that they could go and join the Somali Republic. Even during the period of internal self-government hon. Members will be able to recall that the Somalis in the then Northern Frontier District, were being administered directly under the British Governor who was here. That was because there was no Somali representative in this House. Mr. Speaker, Sir, even after independence was achieved there was no Somali representative in this Parliament. Mr. Speaker, Sir, after an extensive effort by the Government to try and show the Somalis that they had something to do with Kenya, it was at last decided that the Somalis should remain as part and parcel of this Republic and that they should accept Kenya as their country. As a result of that and for the

first time Members were elected from the North-Eastern Region to this House, and they took up their respective position.

Mr. Speaker, Sir, it is a very wrong assumption for one to think that those hon. Members were stupid. We have accepted to come into this House to represent the interests of our people just for the sake of African unity, African solidarity and for the interest of this Republic. Therefore, Mr. Speaker, Sir, it is very wrong to assume that either these Members are bought or that they stay in this House as stooges of this Government, and just fill the political gap for this Government.

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

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

Mr. Deputy Speaker, Sir, the first action that the Members of the area took was to try and get rid of the European officers who were stationed in that province. We thought that we could fill their places with Africans, and that there would be a sort of understanding between the local inhabitants and their fellow Africans. But, Sir, that proved not to be right. Most of the European officers transferred, the decision being taken over by the Government, in the police, administration and the army, and their places filled with Africans! But, Sir, that proved to be a very wrong approach that we made, because it did not take us long to realize that the Europeans who were already there could do much better, and were doing better, than the Africans who were posted there. For example, Mr. Deputy Speaker, Sir, during the night, we once saw a person wearing a Somali *kikoi*, wearing a white turban and driving a military Land-Rover. You would have thought that this man was going to the mosque, but when you ask him "What are you doing here?" he turns round and answers that he is on duty, but, Sir, how can he be on duty when at the same time he has in the Land-Rover about two or three women?

Another thing, Mr. Deputy Speaker, Sir, the House is always being told that the army is fighting the *Shifita* in Kenya, but there is one thing which I would like to make quite clear here today. Whenever there is an operation to be carried out by the army the great sufferers are the innocent people there, because all the army is interested in, although they are meant to be fighting the *Shifita*, is the women. They manage to get hold of a woman first before they go and fight the *Shifita*. The news we get is that when the army approaches a *manyatta*, the first thing

Mr. Ogle] they do is throw off their trousers and get hold of any woman in sight, before they even think of fighting the *Shifita*. For example, Mr. Deputy Speaker, Sir, if I may elaborate to the House, there was an operation whereby members of the security forces went out to hunt the *Shifita*. The army captain who was in charge of this party came back with a girl having taken her by force, he then keeps this girl under the custody of another woman because she cannot refuse, otherwise she will be detained or shot. The local chiefs came to hear of these things which were going on and protested to the district commissioner. The district commissioner was a good man and he sent that woman to prison for one month, because there is a pass system whereby everybody has to obtain a permit before they can ride or stay in the township.

It was only three days before that chief was arrested, Mr. Speaker, and detained. We cannot see the reason why. They just said it was connected with security, but I do not agree. The only reason which led to the detention of that very chief—and this is Chief Ale Hersi in case somebody would like to take a note of it—was that he protested against what the army personnel were doing there.

Mr. Deputy Speaker, Sir, I should say—and I must make it quite clear to hon. Members here—that the women over there are not interested in men, in fact, and if this Government is determined to rule by 'rapping,' that is a different story—

Mr. Somo: On a point of order, Mr. Deputy Speaker, it is in order, when a Member is moving a very serious Motion like this, for there to be not a single Minister present, whether concerned with the Ministry of Home Affairs or any other Ministry?

The Deputy Speaker (Dr. De Souza): Well, it is not out of order, according to Standing Orders, but it is, of course, a very regrettable fact.

Mr. G. G. Karikiki: On a point of order, Mr. Deputy Speaker, in view of the fact that no other Minister is here and you have regretted the fact that the Minister concerned is not here, could we therefore suspend the business of this House until the Minister has come?

The Deputy Speaker (Dr. De Souza): You can move an adjournment of the House, if you want.

Mr. G. G. Karikiki: Adjournment of the House under what Standing Order? I am seeking your advice, Mr. Deputy Speaker.

The Deputy Speaker (Dr. De Souza): If you just move that the House stand adjourned until the next sitting day, that will be accepted.

## MOTION

ADJOURNMENT OF THE HOUSE: UNDER S.O. 31 (b)

Mr. G. G. Karikiki, Mr. Deputy Speaker, Sir, I beg to move that the House stand adjourned until such time as the Ministers will be in the Chamber to enable them to listen to this serious Motion, which is very important, in fact, to the Somali tribe and also people in the North-Eastern Province. Mr. Deputy Speaker, we have heard a lot from the North-Eastern Province and, as far as you know, it is an area where an emergency is still going on and many people there are loyal Somalis and they have been killed by armed forces, according to allegations which have usually been made by Members from the North-Eastern Province. Therefore, it is quite important, when this Motion is debated, that we have present Members of the Cabinet, particularly senior Ministers in the Kenya Government.

Therefore, Mr. Deputy Speaker, I beg to move.

Mr. E. D. Godana: Mr. Deputy Speaker, Sir, I beg to second the adjournment of the House.

It is very, very regrettable to see that the Minister for Home Affairs and his Assistant Minister are not here to reply to this important Motion concerning the lives of the people and the property of the loyal Somalis in the North-Eastern Province, people who have recently been beaten up and their property looted.

So, Mr. Deputy Speaker, with these few remarks, I beg to support the adjournment of the House.

## (Question proposed)

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Deputy Speaker, Sir, I am sure the House appreciates that this is a rather regrettable fact, that the Minister concerned with this Motion is not present in the House, but at the same time we must not forget that the Minister was here only a few minutes ago, and it is most probable that the Minister has not gone away; it may be that he is still in the lounge having his tea or smoking, or doing something else.

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

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

Mr. Speaker Sir, we cannot really say that the Minister is not here since he has been in the Chamber until only a few minutes ago. We heard

**[The Speaker]**

of the Committee of the House, to substantiate some statement he made; and he promised to do so today. Actually, the right time to do that, the right time for a Ministerial or Personal Statement, is at the end of Question Time. But he is here, ready to substantiate; so I thought it would be desirable for the House to hear his substantiation in between these two Orders.

Perhaps you would like to give your statement now, Mr. Moi?

**MINISTERIAL STATEMENT****SUSPECTED THIEVES BEATEN TO DEATH**

**The Minister for Home Affairs (Mr. arap Moi):** Mr. Speaker, Sir, I beg to make a statement in substantiation of what I said in the House yesterday, as follows: I am concerned with the incidence of "reported murders" which occurred last year in the Western Province in which suspected thieves were beaten to death by the local population, instead of being handed over to the police for proper investigation and process, according to law. A check of the public meetings held throughout the year in the province clearly indicates that this action by the public is due, in no small measure, to speeches made by political leaders who have publicly advocated violence of this nature.

The person first responsible for instilling into the minds of the people that thieves should be killed before reporting to the police was undoubtedly Christopher Makokha, Member of Parliament for Elgon West. Makokha's influence began to be felt in 1964 and, by the beginning of 1965, threats by the people to kill thieves were widespread throughout much of the provinces. Although Makokha has moderated his views during recent months, or at least refrained from airing them in public, others have taken up the call and it is this activity on the part of the politicians, particular parliamentarians, which has led to the deaths of a number of thieves or persons suspected of being thieves.

It is evident that these politicians have been conditioning the people to look upon "beating up" as a praiseworthy dispensation of justice to anyone not holding views in accordance with their own. In the face of such blandishments by persons in high positions, it is not to be wondered that their constituents believe that they are legally empowered to mete out summary punishment to those they consider to be offenders, support for this view being given by the number known to have been killed or assaulted in this manner.

Whilst in some cases, the murders cannot be directly attributed to a speech made in the area concerned, "this policy" of the hon. Members of the House and local politicians in advocating violence in such cases throughout the whole of last year, can be said to have a direct bearing on the attitude of the whole population in meeting out summary punishment which they no doubt believe they are legally permitted to do.

I will now quote some incidents and remarks made by hon. Members in the Western Province during this year and last year. On the 17th January 1965, at Lugari in the Kakamega Division, Mr. Christopher Makokha advised his audience of 200 to beat up thieves, and he was supported by Clement Lubembe.

On the 7th February 1965 at Busia in the Bungoma Division, Mr. Makokha told an audience of 600 people that they should beat up thieves and then hand them over to the police. On the 22nd February 1965, in the Malakisi area of the Bungoma Division a man named Mr. A. O. Ikachi was killed by a group of people who alleged that he was trying to steal their cattle.

On the 22nd March 1965 in the Butere area of the Kakamega Division, a man named Anyanj Oloche was beaten to death by a gang of people who alleged that he had stolen a bicycle.

On the 30th May 1965 at Isokha Market in the Kakamega Division, Edward Khasakala, Member of Parliament, told an audience of 200 people that thieves should be beaten up and then reported to the police. On the 5th May 1965, in the Busia area of the Bungoma Division, a group of villagers killed a man named Salwa Ngatsi an alleged stock thief who was found near a slaughtered cow which had been stolen the previous night.

On the 5th June 1965 in the Busia area of the Bungoma Division, a man named Omega Ompembo was beaten to death by a crowd of people who found him in possession of what they believed to be stolen property. On the 18th June 1965, in the Vihiga area of the Bungoma Division, a man named Elabuna Tubaya was beaten to death by two men who alleged that they caught him stealing thatching grass. On the 24th June 1965, in the Butere area of the Kakamega Division, a man named Bukachi Wandero was beaten to death by villagers who alleged he had been caught breaking into a house in the village.

On the 13th July 1965, in the Busia area of the Bungoma Division, a man named Odour Eliakim died in hospital after he and two other persons had been severely beaten by villagers who alleged that they were cattle thieves.

**[The Minister for Home Affairs]**

On the 15th August 1965, at Lugari in the Kakamega Division, local speaker John Lusietti, the Kanu branch chairman, called upon the 500-strong audience to beat up thieves. On 22nd August 1965, at Hoyey's Bridge Sisal Estate, a member of the provincial Ngome Naliewa, a member of the provincial advisory council told 200 people that thieves should be killed. He was supported by Jonathan Masinde, a Member of Parliament. On the 7th August 1965, in the Malakisi area of the Bungoma Division, a man named Mathayo Magona was beaten to death by two people who alleged that he was in possession of stolen cattle. On the 8th August 1965, in the Butere area of the Kakamega Division, a man named Akwoni Ingeti was beaten to death by villagers, because they alleged that he had stolen a box containing clothes.

On the 11th November 1965, at Kapsakwany Trading Centre in the Bungoma Division, Mr. Makokha changed his attitude and told an audience of 200 that thieves should be handed over to the police, but, he added, they should be beaten up a little first. On the 20th November 1965, at Mangalia Market—

**The Speaker (Mr. Slade):** The reference to the hon. Members should be prefaced with the word, honourable, according to our custom.

**The Minister for Home Affairs (Mr. arap Moi):** Yes, Mr. Speaker, Sir, I see. I will repeat that last bit. On the 20th November 1965, at Mangalia Market in the Kakamega Division, Mr. Martin Shikuku, Member of Parliament, expressed his annoyance at thieves arrested by the police being released. He appealed to an audience of 50 people to kill anyone found stealing. On the 16th November 1965, in the Vihiga area of the Kakamega Division, a man named Jeremiah Aguyahila was beaten to death when he was found in possession of a hen by villagers who believed him to be a thief.

On the 16th December 1965, at Shiatsola School in the Kakamega Division, the hon. Mr. Shikuku, M.P., took a more moderate line when he advised the 150 people present not to beat up thieves, but qualified this by saying that they might do so in self-defence. On the 20th December 1965, at Kwisero Market in the Kakamega Division, the hon. E. Khasakala, M.P., advised an audience of 300 Luhya to beat up persons found stealing and break their limbs, especially if they had been released by the police.

On the 17th, 18th, 22nd and 30th January 1966, Ibrahim Mulama, Member of Parliament, told an audience of between 150- and 200-strong

that they should beat to death or bury alive anyone known to be opposing the establishment of a sugar factory at Mumias. On the 16th January 1966, in the Busia area of Bungoma Division, a man was beaten to death by a group of people who alleged that he had stolen a bicycle.

Now, Mr. Speaker, Sir, this is my substantiation to prove what I said yesterday.

**Mr. Makokha:** On a point of order, Mr. Speaker. In view of the fact that my name has been mentioned several times by the Minister; and in one place, perhaps because I came in late, my name was mentioned in connexion with Kapsakwany where I have never held a meeting since I have been in this Parliament, I do not know how I can ask the Minister to substantiate further what he means, because he said. I held a meeting at Kapsakwany which is in the hon. Mr. Moss's constituency, where I have never addressed a meeting.

**The Speaker (Mr. Slade):** Mr. Makokha, this sort of thing does happen sometimes. When hon. Members are asked to substantiate, they give the grounds on which they have said something, and in this case it is official reports of specific incidents which the Minister has received, and that is adequate substantiation of what he said, though not necessarily proved absolutely true. Then you get hon. Members saying that it not true. At that point we can get no further in this House, apart from hearing the hon. Member's denial. But if an hon. Member can, by some means or other, outside the House, prove that the substantiating statement was, in any particular, untrue, he can then require the Member who made it to come and acknowledge that it was untrue; and I am quite sure that if you can prove, for instance, that you were not ever at a place where you are alleged to have made an inflammatory statement, Mr. arap Moi will come and acknowledge that it has been proved, and apologize for the false information on which he was led to act. That is how we have to leave it, I am afraid.

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir, I am seeking your guidance on this. Mr. Speaker, Sir, you say that if you can prove to the Member, who has given substantiation, outside this House that the information he gave the House was wrong, he should come and apologize, but, Sir, what happens in a case where if you can only get the people to support the fact that you never said that thing, could the hon. Member bring such people to this Parliament to prove his case?



[Mr. Kibuga] place; and these places should also be remembered. But it is up to those people to show the initiative.

I would like to comment on the speech by the hon. Member who claims to be the president of the poor people. It was interesting to note that he only talked about the Government erecting the statue. But when the West Pokot people are asked by this Motion to start by self-help and then the people from outside would also assist them, this man who claims to be the president of the poor people—though I do not accept that he is what he says he is—says the West Pokot people are poor. But if the Government was to get some money from the National Fund and take it to Kapenguria this money would not come from the rich people only; it would come also from the poor people. If someone is poor, at least he can raise ten cents, a shilling or a goat, or even a donkey. I understand the West Pokot people keep donkeys, cows. Do they keep coffee?

An hon. Member: No.

Mr Kibuga: Because if they also grow coffee, then they could assist themselves.

So, Sir, I very much support the Motion as amended and hope that the Government and the House will see no difficulty in supporting this, because the Government has indicated that it is ready to come and help the Kapenguria people with expert knowledge and also with money.

As far as the raising of funds is concerned, it is not necessary that this money must come from Government funds. It could come from the people throughout the country, because everybody within Kenya and outside, appreciates the importance of Kapenguria as the place where the President and his colleagues were tried.

Mr. Speaker, Sir, with these few words, I beg to support the amendment.

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

The Speaker (Mr. Slade): I think we only have five minutes before the Mover is due to reply. Meanwhile debate on this amendment will be limited strictly to that question of whether, or not those words be inserted.

Mr. Omweri: Mr. Speaker, Sir, I beg to support very strongly the Motion as amended by the hon. Mr. Ngala, that the Government should give assistance. Sir, what we are seeming to forget is that the West Pokot people have taken the initiative already. The buildings which are there were put up by the West Pokot people. The building where the trial took place belonged to the Kapenguria people, it did not belong to the

Government. If these people have indicated their wish to offer such buildings for use, I think it is proper that the Government takes the initiative in putting in some material of historical importance, to be referred to when people go there.

Mr. Speaker, Sir, what we would like the Government to do, in the way of showing initiative, is this. The new Department of Archives is collecting information. We would like them to establish centres where they can show that this actually happened here, at such and such a time. We would like, for example, Government to take the initiative and copy what the case was and put it there so that people could see. We would like some fencing, Mr. Speaker. All that the Motion now asks is that Government will give assistance in addition to what the Kapenguria people have already offered. They have given the buildings; they have made the roads; they have given land; they have given the jail; and all they are asking is for the Government to put in extra effort and make that place really attractive. I think it is proper that Government accepts this suggestion of assisting, because they are not asked entirely to be responsible. The people themselves have shown initiative and we now ask the Government to give assistance, in the form of material, of historical references construction and also personnel and recurrent expenditure to maintain the place.

This is all that the people want and it is what the Motion as amended asks, that Government should show initiative and interest by maintaining that place in a proper manner, so that when either tourists or local people in future, our children will be interested in seeing that place, and they will also like to visit it and see exactly what happened. We would not like them to be told only that this happened there, without their going and seeing exactly what happened. We would like the Government to take more interest in this, as we all enjoy and have confidence in the President, and Government should do something to do this in practice, not just saying, in words, that we have confidence, and then, when this kind of thing comes, we do not really take a proper interest in showing that confidence in practice.

Mr. Speaker, Sir, I beg to support the Motion as amended.

The Minister for Information and Broadcasting (Mr. Achieng-Onyko): Mr. Speaker, Sir—

The Speaker (Mr. Slade): You want to speak on the amendment, do you? I think you would be entitled to do that. It does raise some new matter and go a bit beyond what you said in the debate.

The Minister for Information and Broadcasting (Mr. Achieng-Onyko): Mr. Speaker, Sir, since we have already agreed that investigations will have to be carried out to determine the manner in which Chewoyet should be commemorated, I do not think we have strong arguments against the few words which have been suggested by the Member for Kilifi South. Therefore, I would like to accept the amendment as proposed.

The Speaker (Mr. Slade): Mr. Kamau! Just one minute, Mr. Kamau.

Mr. Kamau: Mr. Speaker, thank you very much for just allowing me to say a few words on this Motion. I have to declare my support for the original Motion and for the amendment, and I have these few words to say. We must congratulate the Member from Pokot because he has brought this Motion in a very timely way. It is well known, all over the world, that to miss such statues of our President, Mzee Jomo Kenyatta—

The Speaker (Mr. Slade): Order, Mr. Kamau! I am sorry, you could only speak on the amendment, that is, the question of inserting these few additional words. And I am afraid the time is finished now. I shall have to put the question of the amendment.

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

*(Motion as further amended proposed)*

The Speaker (Mr. Slade): It is now time for the Mover to reply.

Mr. Lorema: Mr. Speaker, Sir, first of all, I would like to thank awfully those Members who have contributed to this Motion. As I said, this Motion was a national Motion, from its appearance, and, Sir, the Assistant Minister for Home Affairs, who spoke in his capacity as Member for Embu South, and who had the opportunity of visiting this area, did say very strongly that he had visited Kapenguria and had seen the place and that this could be of great value to our people in future. That is why I thought of bringing the Motion, with good will, of course. I did not bring it in a way which some Members might have thought, that I only wanted the statue to be erected in my constituency. But, with due respect to history and to the love that my people have for our President, Mzee Jomo Kenyatta, I thought it was timely for me to bring this Motion.

Now the Member for Teso thought that this type of Motion was only meant for the Pokot people, but I only sympathize with him in that he only knows about his own constituency, and not about national matters, as such.

Now, Sir, this Motion has been amended. Of course, when I leave this place, I am going to urge my people to start off with the funds; and I think the Government also will play their part, as has already been stated in the Motion, in giving assistance. Of course, in such a matter as the building of a statue, a lot of things are needed, as has been said by many Members here. First of all, the artists who have to do the work itself must be the people who are knowledgeable about the whole matter; this is the sort of advice from the Government that we need; also the finance, of course. I do not see how the Government could stand aside in such a matter. But now that these words have been added, I hope the Government will play its part in assisting in the erection of this statue.

Of course, I am going to start off with this fund and make a special collection. It would look very awkward indeed without the amendment that has just been passed, that is, without the assistance of the Government, because the President's statue which is now outside the National Assembly here was made possible through the special contributions of the people in the country. And I think if the Government were to put the load entirely on the backs of the Pokot people, despite the fact that they appreciate the whole thing, it would be really hard.

Sir, as regard the question of the latter part of the Motion, that is, making it a centre for Kenyatta Day celebrations, I hope the Government, or the party responsible for this, will not just make it a centre for celebrations, but will note the word "chief". Now, in the last two years, Kapenguria has been neglected, as far as this is concerned, so I think this year it would be a good thing if on the 20th October, Kapenguria were on the list.

With these few remarks, Sir, I beg to move.  
*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT in view of the fact that Kapenguria has some historical significance connected with the early life of our President, the Rt. Hon. Mzee Jomo Kenyatta, this House urges the West Pokot people, with the assistance of the Government to erect his statue at a place known as Chewoyet and further urges the Government to include Kapenguria as one of the chief centres for Kenyatta Day celebrations (i.e. 20th October).

The Speaker (Mr. Slade): Just before we come on to the next Order, I understand from Mr. Moi that he was required yesterday, in the course

[Mr. Mbogob]

I propose that they do something cheap which would keep them remembering the President without having to undergo a very great strain in building expensive statues or stone buildings. They could have it made with bricks or any local materials that they have.

Mr. Speaker, I think that the people of West Pokot, if the Member for West Pokot was given the mandate to come and move this Motion here by the people, love the President and as an example of people who love this country, the Government might also consider helping them with something very little to add to the effort they will make in building this monument.

Mr. Speaker, it is with great pleasure that I welcome the suggestion by the hon. Member that his people should build a monument.

Mr. Speaker, I beg to support.

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): Mr. Speaker, Sir, I would like to make certain clarifications since the Government has already moved the amendment, urging the Pokot people to erect a statue at Chewoyet. Chewoyet is not in the bush, Chewoyet is not a forest, but it is a place. What I think we would like to emphasize is that this statue will be built in a place of gathering, if there is a school, or at a place where many people will be visiting.

I think, Mr. Speaker, if we now try to suggest a school or something else, we may appear to be defeating the Motion itself. The intention of the Motion originally was to ask the Government to erect a statue, but since it has now been amended and the Government also accepts the amendment supporting that the place will be of public interest and that some places connected with the struggle for independence should be preserved.

Mr. Speaker, we know that people like to remember the days of our struggle and it is not only we in Kenya who will feel proud to remember those days or the places were our struggles were centred. However, I would like only to say that we would have, if possible, built even schools, erected statues almost everywhere where our struggles were centred, but because of lack of funds we may not be able to do so. But this time we are urging the local people, the Pokot people, to start the move, as they have initiated the move themselves. Whatever will happen later, that really depends on the availability of funds. Sometimes when the local people start a thing, they appeal for public collections and, of course, even their county councils or the

Government or some people—including Members of Parliament—can assist the Pokot people to erect the statue that they are asking for.

There is no need for us at the present stage of our development to copy certain foreign countries who have insisted on preserving every single place connected with their history. I feel that, although we cannot insist on preserving almost every place, our future generations will ask us how we struggled for independence, the places of interest, and these places of interest will be visited, as we also visit places of some historical character when we go overseas. We know also of an example of a cigar butt being preserved in a museum because it was a cigar which Churchill smoked during the time he was speaking to the German Kaiser, and of course the British people attach great importance to this.

As far as Kapenguria is concerned, the suggestion in the Motion is accepted in principle, but investigations have to be carried out to determine the manner in which Chewoyet should be commemorated. As I have said, if we are just going to build a statue, it will not be of interest to anyone. Therefore, if the local people start themselves, then the Government may assist in advising the best way of doing it, and help them with advice and also attract the Kenya people by directing them, if they can help the local people with any funds or anything they wish, once they have started.

The House will be interested to know that some of the buildings used by the President during his detention in that district and also in Lodwar are already places carefully preserved for their historical significance. For instance, in Lodwar, I do not think the house is being misused, it is being preserved for historical significance.

On the question of including Kapenguria as one of the centres for Kenyatta celebrations, this, of course, will be arranged in future. I do not want to say that the President himself will go there during Kenyatta Day celebrations, but I think that can be arranged. One Member of Parliament can be asked to go and represent not the Government necessarily, because Kenyatta Day is a party day to remember our struggle; or a prominent party leader can be asked to represent the party, or the President of the party. As far as the representation during Kenyatta Day celebrations is concerned, I think this is supported fully, but as far as the erection of a statue is concerned, it requires investigation and advice on the best way of doing it.

With these few words, Mr. Speaker, Sir, I beg to support.

Mr. Ngala: Mr. Speaker, Sir, there is very little that can be said on this Motion, but I would like to say that Kapenguria is a centre of national significance in our freedom struggle, because the President was tried there. This fact has been very fully appreciated by the West Pokot people and thus their Member has brought the matter forward to the House.

I think we appreciate this very much, but I think it is very important that the Government should do a good job of contributing. It is Government who have refused to do so—

The Speaker (Mr. Slade): It cannot quite be that, Mr. Ngala, having substituted West Pokot people for Government; it can be that still Government should contribute.

Mr. Ngala: Mr. Speaker, Sir, I wanted to amend the Motion by adding three or four words. I would like to add the words "with the assistance of the Government", so that it reads "the West Pokot people with the assistance of the Government".

The Minister who has just sat down has acknowledged the need for the West Pokot people to be assisted financially, and also be assisted technically, so that a good job is made of the statue. We all appreciate that a statue of this type, if it is well done, is well beyond the technical knowledge of the West Pokot people; it is also well beyond the financial resources of the West Pokot people. Having admitted that, since the Government has admitted that, then I submit that in the Motion there must be specific words so it shows that the Government is going to assist the West Pokot people. I agree that the initiative should come from the West Pokot people as has already been shown by the Member; and the West Pokot people should also work with their hands and sweat to start the work. But the Government cannot run away from its responsibility; it must show that it appreciates the fact that the President was tried there in the struggle for freedom, and it must do its bit.

We do not want the Government to be left out of this show, and afterwards say, "Well, we did not commit ourselves." We want the Government to commit themselves definitely in the Motion. Therefore, I would like to add these few words just to show that the West Pokot people will work together with the Government. After all, this is not a local effort. If we build a statue there, it is not for the West Pokot people alone, it is for the whole nation. People from overseas, as tourists or as visitors, will go and

see it. It must be done very well indeed, so that it does not damage the image of Kenya and the confidence we have in the President.

Therefore, Sir, I would like to move that these words, "with assistance of the Government", are added to the wording of the Motion.

Mr. Kibuga: Mr. Speaker, Sir, the Motion as amended is very important. The Government, through one Minister, the Minister for Information, has shown quite clearly that it is ready to assist; and this should be expressed not only in words during the debate but in the Motion as it stands, so that, in future, when the West Pokot people have collected their share of the funds, they could come and seek assistance from the Government. We do not want these West Pokot people to come one day and then the Government says, "No, we never promised any assistance."

But it is most important that the West Pokot people take part and help themselves. Kapenguria is a very important place, very historical, and if the West Pokot people really appreciate the historical significance of Kapenguria, as indeed it is appreciated by the whole of the nation, they will be the first people to make donations. They may not be able to donate much money, but they should at least show that they are interested, not only expect free things. I was surprised—and this is deplorable—when the hon. Member who was to second the Motion said that he withdrew his support merely because the West Pokot people were asked to help themselves. Why should the hon. Member only wish for free things? We ought all to want to help ourselves. So if the Kapenguria people help themselves, we will then be ready to help them.

If the hon. Member from West Pokot and his Senator want to start a fund, they could start such a fund within their constituency and also within Kenya as a whole; and, in fact, I have no doubt that if they were to start this fund the people who were tried with His Excellency the President would also be willing to contribute; and many nationalists would also assist in this.

So I have no doubt that when the Mover of the Motion comes to reply, he will support it and he will take the initiative, because his people appreciate the historical position of Kapenguria, and they will start on this straight away. I think it would be wrong for the Government to carry out the erection completely, without the assistance of the people of Kapenguria, because, although Kapenguria is historical, it is not the only place which should be so considered. There might be some other places where the President visited, where an incident or important occasion took

**[The Minister for Commerce, Industry and Co-operative Development]**

This will then lead to people saying, "You have done this, now we want you to do that." Mr. Speaker, Sir, I think that will then be a waste of money. But, Sir, as I have already said, this spirit of *Harambee* is very encouraging and therefore I would like to ask the people of West Pokot, if they really wish, and I know that they are cattlemen like the people of Masai, but if they really wish for this statue, then they can each give one cow and raise enough funds to start erecting this statue. But, Sir, there is no way in which we can come back here and say that we want the Government to go and do it for them.

Mr. Speaker, Sir, we must think about this and be very straightforward, because the Member, who claimed here to be the president of the poor people supported this Motion that the Government should come into this business of helping the people erect this statue, when he knows that there are many people in the town unemployed who want money, this and that—

Mr. Agar: On a point of order, Mr. Speaker, I hear the speaker at the moment constantly trying to make an issue that the Government should not come into this, yet you have ruled that has already been disposed of, is he not repeating himself on what has been disposed of?

The Speaker (Mr. Slade): Yes, to this extent as I ruled on Mr. Oduya's point of order. Mr. Shikuku urged that although the West Pokot people were being asked to do this, it would still be proper for the Government to help them, and I ruled that was in order for him to say on the question as amended. Now, Mr. Oloitipitip, has made it very clear that he is answering this proposition, that the Government should help, not undertake the whole thing, but help the people. He is entitled to do that, but we do not want repetition of the argument.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitipitip): Thank you, Mr. Speaker, Sir, but I do not think that I have repeated myself. All I was saying is that—

The Speaker (Mr. Slade): You have actually repeated what other Members said in the debate.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitipitip): All I was saying is that Mr. Shikuku—

Mr. Shikuku: Hon. Mr. Shikuku!

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitipitip): Mr. Speaker, Sir, the hon. Shikuku, president of the poor people is one moment saying that there

are a lot of unemployed people on the street who want employment and something to eat, and the next moment, he says that we should spend so much money on the statue. Now, Sir, what I was trying to make clear and that is which is which. What do we do? I think that we have no objection against the poor people raising this money and erecting a statue in the memory, and for historical purposes, of our President. They can do that on a self-help scheme.

Mr. Speaker, Sir, there is one important point which was raised by the West Pokot people and that is that they want the Ministers on Kenyatta Day to go to Kapenguria, which I think is very admirable of them. I think, Sir, that I should support this, and request the Government at any time that apart from sending senior or important Ministers of the Government to other places like Eldoret and others, they should visit the places where our people or the President has suffered, and also where our big politicians, for example, the hon. Mr. Achieng-Onyko, have suffered, at all times. A big reception should be given and a salute should be taken in honour of the previous convictions of our leaders. But, Sir, we have a lot to do in this country, and we require money, and therefore, Sir, we must see that we are not extravagant on such small purposes, and wasting the money of the country, but—this is my idea, Mr. Agar.

The Speaker (Mr. Slade): Order! Address the Chair!

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitipitip): I therefore would like to urge the Members to be very careful because they have a lot to do in this country, and unless we have sufficient money with which to do it we shall be accused of having done nothing for and in this country. Therefore, Sir, if a small matter comes up like this one where the people can do it themselves, then the people should not come here into Parliament and ask the Government to give them money, because we have so many things to do with that money. It is not a waste, but we must see that the money is spent sensibly on the needy people, and where the people can do things by self-help, then they must be encouraged. It is likewise with the people from Karachuonyo, if they want to erect a statue on a self-help basis, they can do it.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the hon. Member not repeating himself?

The Speaker (Mr. Slade): Yes, he is, I think.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitipitip): Mr. Speaker, Sir, I think I have made my point and I do not think that I repeated myself, but if

**[The Minister for Commerce, Industry and Co-operative Development]**

I did, then I will not do it again. Mr. Speaker, Sir, my point is this I would like to urge the Members—

The Speaker (Mr. Slade): You have said this really, Mr. Oloitipitip, too many times. Mr. Okelo-Odongo, you did actually second the amendment did you not? I am afraid that rules you out of any further speaking.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, I do not know whether I seconded the amendment—

The Speaker (Mr. Slade): I have it recorded that you did.

The Assistant Minister for Finance (Mr. Okelo-Odongo): I see. But, Sir, I have instructions here from Dr. Waiyaki to put forward some further points for the Government on this.

The Speaker (Mr. Slade): I am afraid that somebody else will have to do it. Perhaps you could brief somebody else, while we invite Mr. Mbogoh to speak. Mr. Oduya you have had your speech, I am afraid.

Mr. Oduya: Mr. Speaker, Sir, I spoke on the original Motion, but not the amendment.

The Speaker (Mr. Slade): That is the end of your opportunity in the debate. Hon. Members should understand by now the rules of debate. Each hon. Member has the right to speak once only in any debate, whether or not there is an amendment in the course of the debate. The only exception is that if you have an amendment proposed, an hon. Member who has already spoken may speak again to any new matter raised by that amendment. That is all. Otherwise he has had his turn.

Mr. Mbogoh: Mr. Speaker, it is quite clear that the Mover of the Motion wanted the West Pokot people to build a statue. Mr. Speaker, what I would like to comment on this proposition is that the West Pokot people were very, very generous to our President when he was in detention and, in fact, after leaving detention, the people of West Pokot, who live at Kapenguria would very much like to remember him—

The Speaker (Mr. Slade): Order! Order! Mr. Oloitipitip, please remember not to walk in front of a Member who is on his feet.

Mr. Shikuku: On a point of order, Mr. Speaker, the hon. Member is saying that the Rt. Hon. Jomo Kenyatta was detained in Kapenguria and the people of Kapenguria helped him. Is he not misleading the House when he knows very well that the hon. Jomo Kenyatta was only—

The Speaker (Mr. Slade): Order! Order! Mr. Shikuku, how do you imagine you can raise this on a point of order? Please sit down.

Mr. Mbogoh: That is an argument, not a point of order.

Mr. Speaker, the people of West Pokot would very much like to remember our President and have memories of him all the time. I would think that to erect a statue of the President in that area would be bit expensive, so I was going to suggest that if the people were very much interested in having something for remembrance of the President, they should erect something in the likeness of the one we have erected at Embu, and I would be very, very much pleased to have the Member for West Pokot coming to Embu and looking at what we have done, and then he can go and show the people of West Pokot exactly what should be done, and this will keep the memory for ever.

An hon. Member: What have you done in Embu?

Mr. Mbogoh: What we have done at Embu is that we have erected a stone plus the head of the President on one side and some other things—I do not need to elaborate here just now, but if the Member is interested, I am quite willing to show him that.

An hon. Member: Where did you get the head of the President?

Mr. Mbogoh: We made it. We have enough artists.

Mr. Speaker, when the hon. Member asked for Kapenguria to be made one of the places for Kenyatta Day Celebrations, I quite agree with that, and I always think that if Kapenguria could be made a place to celebrate, then the President himself could go there during the celebrations; it would stimulate the love of the Pokot people for him, so that they will remember his trial there all the time until the end of his time.

Mr. Speaker, if the people of West Pokot need some remembrances, I propose again that they build a self-help secondary school, in the spirit of *Harambee* which the President himself founded, and then they will name it after President Kenyatta: Kenyatta Secondary School or Kenyatta *Harambee* Secondary School. After that, they would continue to remember him while their people are being educated in that school. But the idea of building a statue, I still hold, would be a bit costly for the people themselves and, knowing that the people of West Pokot need a lot of maize and they also need education and everything that other people have in other areas,

Mr. Shikuku: Mr. Speaker, I understand the Minister is questioning whether this is a poor people's Motion. No, Sir, I am not speaking in my capacity as the president of the poor people; I am speaking as the Member for Butere.

Sir, I wish to dissociate myself from the amendment as proposed.

The Speaker (Mr. Slade): I am sorry, it has been passed. The amendment is there. You have to speak to the Motion as amended now.

Mr. Shikuku: I see. Then, Mr. Speaker, I am of the opinion that, since Kapenguria is an historical place, where the old man was tried with others, it is only reasonable that the Government should do something to help the local people in the area to erect a statue there. But when you take into account the position of the people in Kapenguria, financially and otherwise, you will find that putting up a statue there would cost quite a bit of money. I am aware that they want it, yes, but we have to look into the question as to how they will get the money. Wanting something is one thing; being able to do it is quite another. They are two different things.

Therefore, we in this House, which is a National House, should look into the problem of the Kapenguria people because there is famine in the area and people there are suffering from a shortage of food; they have no water; we need irrigation in the area, and so forth. So I think it should be the responsibility of this House, and of the Government, to try and help the Kapenguria people to have their wish fulfilled.

Mr. Speaker, another hon. Member is asking me to collect money to erect a statue in Butere. I am sorry, but the Rt. Hon. Mzee Jomo Kenyatta was not tried in Butere; we are talking about the place where he was tried, and that is Kapenguria, not Butere. So there is no need for a statue in Butere.

Therefore, Sir, since the wish of the people of Kapenguria is that they should have a statue in remembrance of what took place there—including the hon. Achieng-Onyko, I suppose—I think you should support this Motion so that the poor people, the supporters of the Rt. Hon. Mzee Jomo Kenyatta, should have their wish fulfilled by having a statue there.

Sir, I do not think this is something we can waste a lot of time on; I think it is a formal thing for the Government to undertake to make sure that the wishes of the people in Kapenguria are fulfilled by helping them to put up a statue.

Mr. Oduya: On a point of order, Mr. Speaker, is it in order for the Member again to continue

urging the Government, when the Government actually has amended the Motion to read that if it is the wish of the people of Pokot, under Harambee, to have a statue of Mr. Kenyantham, they should do it? He is mixing it all up.

The Speaker (Mr. Slade): There is some reason, Mr. Oduya, in your point. It is true that the question before the House is no longer that the Government should do this; it definitely is that the West Pokot people should do it. But still I think it is open to Members to suggest that the Government might help them. I have been thinking about this, and it does seem to me to be in order.

Mr. Shikuku: Thank you very much, Mr. Speaker, Sir, that is what I have explained. I think that the Government should try and help because I know the financial position of the West Pokot. If there is the spirit of Harambee by the West Pokot, then the Government is prepared, as they have said in the past, to help those people who help themselves. If the Kapenguria people can raise about 15 per cent, then the Government can meet the other 85 per cent and their wish will be satisfied.

With these few remarks, Mr. Speaker, Sir, I think the Government should help.

Mr. Khalif: Thank you very much, Mr. Speaker, Mr. Speaker, Sir, I would like to speak on both the amendment and the original Motion.

The Speaker (Mr. Slade): No, Mr. Khalif, the amendment is finished.

Mr. Khalif: I beg your pardon, Sir?

The Speaker (Mr. Slade): The amendment is finished. We have disposed of the amendment and it is no longer open to debate.

Mr. Khalif: Mr. Speaker, Sir, I was listening very carefully the other day to what other hon. Members had to say, including the Ministers of the Cabinet, in respect of this Motion and I wanted to know the immediate feelings of the hon. Members in respect of the question of building a statue at Kapenguria. I now firmly stand, Mr. Speaker, Sir, to say that the people in Kapenguria and Chewyot need better things more than they need the statue of the President. They have great need for education and water—

The Speaker (Mr. Slade): Will you speak up, please, Mr. Khalif, I cannot hear you I am afraid.

Mr. Khalif: Mr. Speaker, Sir, they need better things than a statue, because we know that Kapenguria and Chewyot are amongst the less developed areas; and therefore their immediate needs at the moment, Sir, are education, water—

The Speaker (Mr. Slade): Mr. Khalif, that has nothing to do with this question. You have seconded a Motion that a statue be established. This has nothing to do with education or water.

Mr. Khalif: Mr. Speaker, Sir, I am indicating—I know that this Motion has nothing to do with water, but, Sir, I am just collecting it up in a way so that I will be able to emphasize to the House that there is no need for a statue in Kapenguria, because this place needs more important things first.

The Speaker (Mr. Slade): But, Mr. Khalif, you seconded the Motion that there should be a statue.

Mr. Khalif: But, Sir, I explained that I reserved my—

The Speaker (Mr. Slade): Really, Mr. Khalif, you must keep relevant to the question. You must speak in accordance with your attitude to the Motion. You have seconded this Motion that there be a statue. Now, all you can do is to speak on the desirability of having a statue. This has nothing to do with education and water. You must keep to the point.

Mr. Khalif: If that is the case, Mr. Speaker, Sir, I beg to withdraw the fact that I seconded the Motion.

The Speaker (Mr. Slade): You cannot do that. The only thing, if you are sorry that you seconded the Motion, is to keep silent, which I advise you to do, Mr. Khalif.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): Mr. Speaker, Sir, with regard to this Motion, I would like to say that I think it is very kind of the Pokot people to remember those old days when our President was tried and subjected to hardships by the Imperialistic Government, and I think that our mercy should go out to them and support this Motion, because the spirit of the Motion is really very encouraging, and at the same time it shows that the Pokot people are supporting the President. Mr. Speaker, Sir, I think though that if we are going to waste Government money on erecting statues all over the country, then we are going to find ourselves very short of money for the things which really need money spent on. Also, if we are going to erect a statue at every place where our politicians have visited, been tried, convicted and jailed, then I think we shall incur a great expenditure on our Government, which is unnecessary.

But, Mr. Speaker, Sir, I think that if the people of West Pokot could build this statue themselves on a self-help basis, then I feel that this would be

very encouraging indeed, and if our government could come forward and aid them then I have no objection to this.

But, Sir, I think that if we are going to spend a lot of money on helping nearly every place, where the President has been, in erecting a statue, then we are going to incur a lot of unnecessary expenses on our people. Already, Sir, we have a statue erected here in our own Parliament grounds where every leader, every man and every little child can come, for historical purposes, and see our beloved President who fought for the independence of this country, and I think that this statue is enough.

Mr. Speaker, Sir, not only in Kenya, but in most places, you will find that big men, brave men who have worked for the benefit of their people do not have their statues erected all over the country, but erected in one centre, for example, in Nairobi here, we have the statue of our President. It is not necessary for us to waste so much money erecting statues all over the country where—

The Speaker (Mr. Slade): Order! I think you are missing the point of the question. Mr. Oloitiptip, that is now before the House. The question is not that the Government erect the statue, but that the West Pokot people erect the statue.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): Yes, I know that, Mr. Speaker, Sir, but as the Motion has been amended here it says that the Government is going to provide the West Pokot people to do something, to come and help the Pokot people.

The Speaker (Mr. Slade): Oh no, it does not say that. If you are simply answering the proposal that the Government should help them, then that is in order. It is relevant. But you have to be clear, it is only a question of helping them to do it, but not a question of the Government doing it themselves.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): That, Sir, is what I was saying. Mr. Speaker, Sir, I was saying that if the Government is going to be able to help them as the West Pokot have already shown themselves that they are able to erect this statue, I have no objection. But, Mr. Speaker, Sir, I think that the moment we do that, then the people, say, in Lodwa, will turn round and say, "The President has also stayed here for such a long time; also the hon. Mr. Achieng-Onyko or Mr. Paul Ngei has been here, and therefore we want a statue of the President".

[Mr. Gatunga]

Could he also tell us what are the qualifications of assessors who are required and who have been so difficult to get?

Mr. Otende: Mr. Speaker, in spite of what the Minister did, he has had some difficulty in getting, as I say, local people with knowledge of Nairobi and yet who do not have an axe to grind in this matter.

Mr. Balaha: Mr. Speaker, Sir, from the answer of the Minister, that the Ministry is still looking for a suitable chairman, will the Minister not agree with me that a chairman has already been appointed?

Mr. Otende: No, Mr. Speaker, I said suitable assessors. The chairman has already been appointed, as we all know. Now I may also say that the Minister has succeeded in getting together a number of people suitable for assessors and he promises us to publish this on 1st March this year.

The Speaker (Mr. Slade): Next question.

#### Question No. 253

##### TITLE DEEDS AND LAND LEASES, HAMISI

Mr. Godia asked the Minister for Lands and Settlement when he would complete the issue of title deeds and land leases for farmers and traders in Hamisi Constituency.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Lands and Settlement. At the present pace, which is governed by the amount of money available to finance land consolidation and registration, the issue of title deeds would be completed in Hamisi Constituency in 1968. On the other hand, if the funds are increased and the co-operation of the public maintained, the work could be completed in 1967.

I would, therefore, request the hon. Member to insist upon his constituency members to give as much co-operation as possible to my staff, so that the work can be completed within the target date.

The issue of land leases to traders is dependent on the land registration and, as this work is completed in Hamisi Constituency, consideration for leases will be given each application according to its merit.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, is he aware that last year the Ministry indicated that it was going to endeavour to give land leases and title deeds to farmers and traders before the end of that year; and now he is indicating that the Ministry intends to get this completed by 1968. Is that not contradicting his former statement which he gave to the House?

Mr. Nyagah: Mr. Speaker, I have not quite understood what the hon. Member is trying to ask.

The Speaker (Mr. Slade): A little bit shorter and a little bit louder, Mr. Godia.

Mr. Godia: Mr. Speaker, is the Assistant Minister not aware that last year the Ministry indicated that land leases and title deeds to farmers and traders would be given to the people concerned before the end of last year, and this has not taken place?

Mr. Nyagah: Mr. Speaker, I am not aware neither would I like to contradict the hon. Member. But I would say that an indication is not necessarily a promise. The Ministry has not refused to do what the hon. Member is asking. All it has said is that the work will be completed in 1968, and probably 1967 if more money is made available. But the hon. Member must also realize that there are people who have not even been given an indication, as he has been given. He should be thankful for that.

#### Question No. 251

##### KAPKERER SUB-POLICE POST

Mr. Godia asked the Minister for Home Affairs if he would advance Kapkerer Sub-Police Post to that of a full police post, providing it with a V.H.F. radio and a Land-Rover to help it maintain law and order effectively on the Western/Rift Valley border.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. Kapkerer is already a full police post. Tests are currently being made with V.H.F. radio equipment and, depending on the outcome, radio communication will be established at the post. At present, I am satisfied that the incidence of crime in the area of Kapkerer Police Post does not warrant the provision of a Land-Rover.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, would he tell the House the progress in the area as far as law and order is concerned, so far?

Mr. Nyagah: Again, Mr. Speaker, I would like to say that I have not quite understood what the hon. Member is asking.

The Speaker (Mr. Slade): No, I could not hear it either, Mr. Godia.

Mr. Godia: Mr. Speaker, Sir, will the Assistant Minister tell the House the progress being made in the area so far as law and order are concerned?

Mr. Nyagah: Mr. Speaker, I would like to say that we have police officers at Kapkabet and we have the provincial police officer, who keeps the

[Mr. Nyagah]

matter under constant review. He tells us that the incidence of crime there is not as high as the hon. Member would like this House to believe.

Mr. Maitiro: Would the Minister not agree with me that a police post without a Land-Rover to assist in cases of crime does not fulfil its purpose?

Mr. Nyagah: No, Sir.

Mr. Choge: Mr. Speaker, is the Minister aware that Kapkerer is outside the hon. questioner's constituency, and that it is in my constituency, and that there are more crimes committed in Hamisi Constituency than there are in Kapkerer?

Mr. Nyagah: Mr. Speaker, as to the first part: yes. As to the second part: no, I do not agree.

The Speaker (Mr. Slade): It is not relevant 12390!

Mr. Agar: Mr. Speaker, since I am acquainted with the geography of that area, can the Assistant Minister tell us how policemen reach the scene of a crime, say twenty miles away from the police post, without a Land-Rover?

Mr. Nyagah: Mr. Speaker, Sir, if the policemen were always to go after the criminals in a Land-Rover, then they would never be able to apprehend most of the criminals in this country. There are some places where the policemen have to go on foot to get to the criminals; sometimes they have to go on horses. A Land-Rover is not necessarily the only thing they use. It is a very rugged country, this particular part.

Mr. Shikuku: Arising from the Assistant Minister's reply, where he referred to policemen going on foot and so forth, could he tell us whether he has employed special runners in this area who can run and chase thieves who steal things, let us say, twenty miles away from the police post?

An hon. Member: What about Kipchoge?

Mr. Shikuku: Can they still walk it and find the thieves waiting there for them, without having any mechanical means of getting there? Why is it, therefore, necessary in Nairobi to have 999 cars when there are good roads for people to walk and run?

Mr. Nyagah: Mr. Speaker, Sir, I think the hon. Member for Butere is a little confused. The Kenya Police Force utilizes every means possible of apprehending criminals. Where Land-Rovers or 999 cars cannot work, people on foot are employed to do the work efficiently. But if the hon. Members would help the Kenya Police Force by making their people understand that crime does not pay, then there would be no need for all the Land-Rovers they are asking for.

The Speaker (Mr. Slade): Next question.

#### MOTION:

##### STATUE OF THE PRESIDENT FOR CHEWOYET

THAT in view of the fact that Kapenguria has some historical significance connected with the early life of our President, the Rt. Hon. Mzee Jomo Kenyatta, this House urges the West Pokot people to erect his statue at a place known as Chewoyet and further urges the Government to include Kapenguria as one of the chief centres for Kenyatta Day celebrations (i.e. 20th October).

(Mr. Lorema on 11th February 1966)

Amendment proposed, put and agreed to:

THAT the word "Government", where it first appears, to be deleted and that there be inserted in place thereof the words "West Pokot people".

(Dr. Waiyaki on 11th February 1966)

(Resumption of debate on Motion as amended interrupted on 11th February 1966)

The Speaker (Mr. Slade): I would remind hon. Members that the Motion now before the House is the Motion originally moved by Mr. Lorema, as amended. The amendment is noted on the Order Paper, but I think I should again propose the question as amended. It reads as follows:—

THAT in view of the fact that Kapenguria has some historical significance connected with the early life of our President, the Rt. Hon. Mzee Jomo Kenyatta, this House urges the West Pokot people to erect his statue at a place known as Chewoyet and further urges the Government to include Kapenguria as one of the chief centres for Kenyatta Day celebrations (i.e. 20th October).

We have had thirty-two minutes spent on this debate; that leaves fifty-eight minutes. So the Mover will have to reply in forty-eight minutes' time.

(Question of the Motion as amended proposed)

Mr. Khalif: On a point of order, Mr. Speaker, perhaps you do remember that I was the seconder of this Motion and I reserved my right to speak. Because of this, perhaps you will give me a chance?

The Speaker (Mr. Slade): Yes, I think I did explain to you, Mr. Khalif, during this debate, that the Member who seconds formally has not, as a matter of order, any absolute right to a place in the debate afterwards. He is not debarred from speaking because of the formal seconding, but there is no guarantee that he will have a chance to speak; so you cannot raise this as a point of order. It is, of course, borne in mind.

Mr. Shikuku?

## Question No. 310

## REPORT OF AUDIT INVESTIGATION, SAMBURU

Mr. Rurumban asked the Minister for Local Government if he would tell the House whether the recent audit investigation into the Samburu Local Authority finances had found any shortages, as far as misappropriation of public money had been concerned.

**The Assistant Minister for Labour (Mr. Odera-Jowi):** Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Local Government: The investigation carried out recently at Samburu by an audit team from my Ministry found a cash shortage. Information has been placed in the hands of the police and it would be improper therefore for me to disclose any further details at this juncture.

Mr. Rurumban: Mr. Speaker, Sir, arising from the Assistant Minister's reply, will he tell the House the actual figure that was found to be short in terms of pounds, by audit investigation?

Mr. Odera-Jowi: Mr. Speaker, Sir, I do not have the actual figure at the moment.

Mr. Agar: Mr. Speaker, Sir, can the Assistant Minister assure this House that the police are not going to be asked to drop the case, as happened in the case of a shortage of local authority funds in South Nyanza last year?

Mr. Odera-Jowi: Mr. Speaker, Sir, at the moment I cannot conceive of any reason for dropping the case.

Mr. Ole Tips: Mr. Speaker, Sir, may we know from the Assistant Minister at what intervals these audit teams audit the books of accounts of various local authorities to prevent any of the offenders disappearing, thereby causing a lot of loss of public money?

Mr. Odera-Jowi: Mr. Speaker, Sir, there is no specified time interval. The hon. Member, I am sure, realizes that we are short of these auditors, and the fact of the matter is that they are kept working round the year.

Mr. Rurumban: Arising from the Assistant Minister's reply, it is now almost two and a half months, Sir, since this audit investigation took place. Why has the Government not yet come to any conclusion?

Mr. Odera-Jowi: Mr. Speaker, Sir, I have said that the matter has been handed over to the police and police investigations are going on.

Mr. Agar: Mr. Speaker, would the Minister take our advice that in future, if an investigation is to be carried out, it should not be done by local police who sometimes become friendly with the local government officials?

Mr. Shikuku: Mr. Speaker, Sir, arising from the last reply by the Minister, that if the doctor charges higher fees he will not have any patients, is he aware that if my son is very sick, and I am prepared to borrow as much money as is needed to keep him alive, and if that is the case, is the Minister not going to try and convene a meeting of the doctors and try and put this case to them, that in view of the fact that the people in Kenya are very poor and that disease does not choose who is poor and who is rich that, therefore, they should lower their fees?

Mr. Otieno: Mr. Speaker, Sir, I quite agree with my hon. friend. However, there is a strange part of human nature which I must refer to. Whereas my Ministry endeavours to give free medical treatment, sometimes for epidemics, it is noticeable in cities like Nairobi, certain people prefer to go to private doctors, even for small-pox inoculations. They refuse the free issue by Government and go and pay for it.

Mr. Choge: Mr. Speaker, Sir, is the Minister aware that the private doctors are charging high fees because of the taxation on medicine being brought into the country, and that medicine should, therefore, be free of duty?

Mr. Otieno: Mr. Speaker, Sir, I disagree with my hon. friend. All private practitioners get medicine at a very reduced rate.

## Question No. 309

## GRANT-IN-AID: SAMBURU LOCAL AUTHORITY

Mr. Rurumban asked the Minister for Local Government to tell the House whether the Government had ever given the Samburu Local Authority any grant-in-aid since Kenya had become a sovereign state. If the answer was in the negative, would the Minister tell the House why this was so.

**The Assistant Minister for Labour (Mr. Odera-Jowi):** Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Local Government. The answer is yes. The following grants-in-aid were paid to Samburu County Council during 1965, i.e., the first year after Kenya attained Republic status.

General grant	£2,600
Grant to offset loss of health centre fees	85
Total grant-in-aid for 1965	£22,685

In 1966, it is proposed to give a general grant-in-aid amounting to £17,200.

Mr. Odera-Jowi: Mr. Speaker, Sir, I reject this implication, that the local police in certain areas become too friendly and, therefore, are willing to be bribed into overlooking violations of the law. I think that the police are honest officials of the Government and we trust that anywhere they will discharge their duties.

Mr. Shikuku: Arising from that reply, Sir, could the Assistant Minister tell the House what steps so far have been taken in terms of suspension of the people concerned? Have they been suspended, pending investigations?

Mr. Odera-Jowi: Mr. Speaker, Sir, in a case like this, it is not wise to suspend an official of a local authority before it is proved that there was some embezzlement of the funds.

Mr. Rurumban: Mr. Speaker, Sir, is the Assistant Minister aware that he contradicts the reply that was given yesterday by the Minister of State, that the officers of this local authority were suspended, whereas the clerk had not yet been suspended?

Mr. Odera-Jowi: Mr. Speaker, Sir, I revise the information: they were suspended.

## Question No. 302

## IMPLEMENTATION OF LANDLORD AND TENANT ACT

Mr. Balala asked the Minister for Commerce, Industry and Co-operative Development how far the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act had been implemented in Nairobi and Mombasa, in particular.

**The Minister for Health (Mr. Otieno):** Mr. Speaker, Sir, on behalf of my colleague, I beg to reply. The Landlord and Tenant (Shops, Hotels and Catering Establishments) Act applies only to Nairobi at the present time. At a later date, the operations of the Act will be applied to Mombasa and to other main centres throughout Kenya.

The Minister for Commerce, Industry and Co-operative Development has had some difficulty in finalizing the administrative arrangements for the setting up of the tribunal called for under the Act. However, I am confident that the employment of qualified staff and the appointment of a suitable chairman and assessors will be completed very shortly and I am hoping that the Business Premises Rent Tribunal will be fully functional by 1st March 1966.

Mr. Balala: Mr. Speaker, Sir, does the Minister agree with me that since this Act has been passed by this House, many unscrupulous landlords

have increased the rents of business establishments, and the Government did not do anything against them? As such, can the Minister assure this House that very stern action will be taken against such unscrupulous landlords?

Mr. Otieno: The answer is yes, Sir.

Mr. Shikuku: Arising from the answer yes, Sir, would the Minister also assure the House that he will check on any landlord who increased the rents after we had passed this Act in this House and that any such landlord will have to refund the amount taken from the tenants from that date up to now?

Mr. Otieno: Mr. Speaker, Sir, I would like to allay the fears of the House on this. We shall deal very sternly with any house owner who has, since this Act came into operation, increased his rents. Since we now have records of the amount paid every month, it is very easy to catch those who have increased the rent.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that it is the habit of Ministers to promise stern action in this House and then to do nothing afterwards, would the Minister tell us now what steps he is going to take, what type of action, and give us examples, such as confiscation or any other action that he is going to take against these landlords?

Mr. Otieno: Mr. Speaker, Sir, the Minister can only be as stern as the laws of the country permit; he cannot go beyond the provisions of the law.

Mr. Balala: Mr. Speaker, from the "yes" answer of the Minister, can he assure this House that a notice will be published in the local Press asking all tenants who had their rents increased to make a written complaint to the Minister concerned?

Mr. Otieno: On behalf of my colleague, Mr. Speaker, Sir, I will pass on the information and I hope that that will be done.

Mr. Agar: Mr. Speaker, Sir, arising from the Minister's reply, that the Minister for Commerce and Industry had encountered some difficulties in instituting a tribunal, could he tell the House what exactly these difficulties were?

Mr. Otieno: It is a very simple difficulty, Mr. Speaker, and that is to find a suitable chairman and to find assessors who have no interest in this question of owning premises, so that they are impartial.

Mr. Gatuguta: Mr. Speaker, Sir, does the Minister agree with me that the appointment of the chairman was announced a month ago and that the work of this tribunal has not started yet?

## WRITTEN REPLY TO QUESTION

Question No. 313

## ALLOCATION OF AGRICULTURAL FINANCE CORPORATION LOANS

Mr. Warfahi asked the Minister for Agriculture and Animal Husbandry what the allocations were, district-wise, of loans by the Agricultural Finance Corporation to farmers for the year 1964 and 1965.

## The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Small Scale Loans Allocations:

District	1964/65	1965/66
<i>Individual Farmers</i>	£	£
Murang'a	13,000	20,000
Kirinyaga	15,000	17,000
Nyeri	8,000	17,000
Kiambu	12,900	17,000
Machakos	4,800	12,000
Kitui	5,000	4,500
Meru	18,000	22,000
Embu	4,000	17,000
Kwale	5,000	7,500
Lamu	1,000	2,000
Tana River	1,000	1,500
Mombasa	—	1,500
Kilifi	2,000	7,500
Taita	3,000	5,000
South Nyanza	7,000	12,000
Central Nyanza	7,000	8,500
Kisii	15,000	20,000
Bungoma	12,000	20,000
Kakamega	—	20,000
Busia	5,000	12,000
Narok	6,000	4,500
Kajiado	3,000	6,000
Baringo	6,000	8,500
West Pokot	4,000	8,500
Elgeyo-Marakwet	20,000	17,000

District	1964/65	1965/66
<i>Individual Farmers</i>	£	£
Nandi	10,000	8,500
Kericho	3,000	13,000
Lakipia	—	2,000
Uasin Gishu	—	2,000
Trans-Nzoia	—	2,000
Nakuru (Special Allocation)	5,000	6,000
Nairobi	10,000	14,111

Over and above these allocations, there are loans to co-operative societies and districts that did not get loans for individual farmers who get loan funds through the co-operatives.

Large Scale Allocations: There is no specific limit of loan funds in as far as large-scale funds are concerned. The only limiting factor is the qualifications of the applicants and these are:—

- (i) Not less than fifteen acres of productive land likely to produce a gross income of £500 within a reasonable period.
- (ii) Less than fifteen acres of productive land if the district agricultural committee recommends that the piece of land will yield a gross income of £500 within a reasonable period.
- (iii) Two or more small-scale farmers in partnership who, in the opinion of the district agricultural committee, would be able to produce not less than £500 as gross income within a reasonable period.
- (iv) In all three cases above, the applicant must satisfy the Agricultural Finance Corporation that he either had title to his land or his land was consolidated or demarcated pending issue of title deed.

Friday, 18th February 1966

The House met at Nine o'clock.

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

## PRAYERS

## COMMUNICATION FROM THE CHAIR

## SENATE AGREEMENT TO BILLS

The Speaker (Mr. Slade): Honourable Members, I have received messages that the Senate has agreed to the Loans (Guarantee) Bill and the Income Tax (Allowances, Reliefs and Rates) Bill without amendment, on Friday, 11th February 1966, and has also agreed to the Pig Industry Bill and the Traffic (Vehicle Licences) (Duration, Fees and Refund) (Amendment) Rules (Validation) Bill without amendment on Wednesday, 16th February 1966.

## NOTICES OF MOTIONS

## APPOINTMENT OF MINISTERS FROM COAST

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

THAT in view of the fact that the Lower Coast Districts—namely—Mombasa, Kwale, Kilifi, Tana River and Lamu have special difficulties which are not adequately voiced in the Cabinet of Kenya, this House urges the Government to appoint two members of the Lower Coast as Ministers so that such difficulties can be effectively represented in the Cabinet.

## WOMEN MEMBERS OF PARLIAMENT

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

THAT this House urges the Government to introduce legislation to amend the Kenya Constitution so as to provide for the special representation of the womenfolk of Kenya by women in the Parliament of Kenya.

## COMPENSATION: NYABASI TRADERS

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

THAT this House being aware of the lack of police protection for the lives and property of the Nyabasi Trading Centre traders, harassed by frequent attacks by Tanzanian burglars, calls upon the Government to compensate them for their losses and show them where to go for safety; and furthermore return the following traders their arms: that Government has seized: Abdi Hassan Abdulahi; Abdi Saidi Barudi; Mohamed Noor.

## ORAL ANSWERS TO QUESTIONS

Question No. 300

## REMOVED FEES BY DOCTORS

Mr. Bahala asked the Minister for Health if he could tell the House how far the Minister's call to the private doctors for reduced treatment fees has been heeded to.

The Assistant Minister for Labour (Mr. Odero-Jowi): Mr. Speaker, Sir, on behalf of the Minister for Health, I beg to reply.

Private medical practitioners have been requested—

The Speaker (Mr. Slade): Would you like now to hand over to the Minister, as he has just walked in?

Mr. Odero-Jowi: Yes, Sir, I would like to hand it over.

The Minister for Health (Mr. Otiende): I am sorry, Mr. Speaker, Sir, but I have just had this question come into my office.

Mr. Speaker, Sir, I beg to reply. Private medical practitioners have been requested to reduce their treatment fees because the fees they are charging at present are beyond the scope of the ordinary citizen. But it must be borne in mind that we can only request them to reduce their fees, and at present there is no means of enforcing any order.

Private doctors in Kenya argue that, because of the higher cost of drugs and maintenance expenses, they are forced to keep these fees up. As hon. Members know, I have asked them to see if they cannot charge the absolute minimum.

Mr. Bahala: Mr. Speaker, Sir, can the Minister tell this House how many private doctors are involved in his call for the reduction of their fees for treatment, by that I mean, how many private doctors are there in the country?

Mr. Otiende: Mr. Speaker, our estimate is that there are about 500 private practitioners in Kenya at present.

Mr. Bahala: Mr. Speaker, Sir, can the Minister tell this House whether it is possible for his Ministry to introduce legislation against high fees charged by private doctors?

Mr. Otiende: Mr. Speaker, Sir, we have been thinking carefully about this, but with the introduction of a national hospital insurance scheme which we hope to introduce next July, it was thought that the fees would regulate themselves, because if anybody charges higher, then he will not have any patients in his clinic.

**The Assistant Minister for Economic Planning and Development (Mr. Kibaki) seconded.**

*(Question proposed)*

*(Question put and agreed to)*

**SUPPLEMENTARY ESTIMATE NO. 1 OF 1965/66—DEVELOPMENT**

**Dr. De Souza:** Mr. Speaker, Sir, I am directed to report that the Committee of Supply has considered the resolution that a sum not exceeding £333,324 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966 in respect of Development Supplementary Estimate No. 1 of 1965/66, and has approved the same without amendment.

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

**The Assistant Minister for Education (Mr. Mutiso) seconded.**

*(Question proposed)*

*(Question put and agreed to)*

#### BILLS

##### First Reading

**THE SUPPLEMENTARY APPROPRIATION BILL**

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I hereby signify His Excellency, the President's consent to this 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 Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be now read a Second Time.

This is a formal Bill which gives statutory approval to the financial provision made in the Statement of Excess 1962/63, Supplementary Estimate No. 1 (Recurrent) and Development Supplementary Estimate No. 1 of 1965/66 which have been approved by the House.

Clause 6 of the Bill seeks a reduction of supply already granted by the Appropriation Act No. 26 of 1965 as already explained in the notes contained in Supplementary Estimate No. 1 (Recurrent) and during the debate on this Supplementary Estimate. These savings are in respect of services transferred to other Votes as a result of the changes in Ministerial portfolios announced by the President on 14th December 1965.

I, therefore, do not propose to weary the House by needless repetition. Mr. Speaker, Sir, I beg to move.

**The Assistant Minister for Economic Planning and Development (Mr. Kibaki) 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**

Clause 2

**Mr. Malinda:** Mr. Chairman, I want clarification on this clause. I want the Minister to elucidate why we have to go back to June 1963 and combine that with June 1966 whereas we have not yet reached June 1966.

I cannot follow this.

**The Minister for Finance (Mr. Gichuru):** Mr. Chairman, this is the Statement of Excess and we need this money to cover up until June this year.

*(Clause 2, agreed to)*

*(Clause 3, agreed to)*

Clause 4

**Mr. Balala:** Mr. Chairman, Sir, I would like to know from the Minister what is this repayment of the Uganda Government loan to the Mombasa Pipeline Board. I seek enlightenment on this.

**Mr. Gichuru:** I think the hon. Member should appreciate this very much. The Uganda Government loaned us money for the water pipe because they were interested in Mombasa as a harbour. So we borrowed the money from them. The amount is about £1 million.

*(Clause 4, agreed to)*

*(Clause 5, agreed to)*

Clause 6

**Mr. Balala:** Mr. Chairman, Sir, could we be told when this population census is going to take place?

**Mr. Gichuru:** It is necessary to set money aside but no date has been actually set for the census.

*(Clause 6, agreed to)*

*(First Schedule, agreed to)*

*(Second Schedule, agreed to)*

*(Third Schedule, agreed to)*

*(Title, agreed to)*

*(Clause 1, agreed to)*

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

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Assistant Minister for Education (Mr. Mutiso) seconded.**

*(Question proposed)*

*(Question put and agreed to)*

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be now read the Third Time.

**The Assistant Minister for Economic Planning and Development (Mr. Kibaki) 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)*

#### BILLS

##### First Readings

**THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) (AMENDMENT) BILL**

*(Order for First Reading read—Read the First Time)*

**The Speaker (Mr. Slade):** I see that the Second Reading of this Bill is on the Order Paper, subject to the leave of the House. Having regard to the

time, I do not know whether Mr. Odinga will want to start with the Second Reading today or defer it until tomorrow.

**The Vice-President (Mr. Odinga):** Mr. Speaker, Sir, if the House has no objection I would like to carry on with the Second Reading of the Bill.

**The Speaker (Mr. Slade):** Yes, all right. When we come to that Order we will see what the House has to say about it then.

Next Order.

**THE CONSTITUTION OF KENYA (AMENDMENT) BILL**

*(Order for First Reading read—Read the First Time)*

**The Speaker (Mr. Slade):** I see that the Second Reading of this Bill is also on the Order Paper, but as there is no possibility of reaching it today, I think it will be tomorrow.

*(Ordered to be read the Second Time tomorrow)*

##### Second Reading

**THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) (AMENDMENT) BILL**

**The Speaker (Mr. Slade):** This, as hon. Members realize can only be taken if we have the leave of the House, that is, no hon. Member objecting to the Second Reading being taken the same day as the First Reading.

**Mr. Seroney:** I object, Sir.  
*(Ordered to be read the Second Time tomorrow)*

**The Speaker (Mr. Slade):** In that case hon. Members are released ten minutes before the usual time for interruption of business.

I am sorry, I should, I think, just see whether we have the leave of the House to take the Second Reading of the Constitution of Kenya (Amendment) Bill since it is on the Order Paper. If no hon. Member objects we can proceed with that today.

**Hon. Members:** We object.

**The Speaker (Mr. Slade):** I thought they would.  
*(Ordered to be read the Second Time tomorrow)*

#### ADJOURNMENT

**The Speaker (Mr. Slade):** In that case this does conclude the business on the Order Paper with which we can deal with today. The House is therefore adjourned until tomorrow, Friday, the 18th February, at 9 a.m.

*The House rose at twenty minutes past six o'clock.*



[Mr. Mutiso]

Members know the terms of service of civil servants and of expatriates. I cannot go into details showing how much a person earns.

It is only fair, Mr. Chairman, as I said earlier, for these American expatriate teachers to be paid in the same terms as any other expatriate teacher today in this country. It is not fair for us to discriminate against the American expatriate teachers as opposed to the British or Asian expatriates we have in this country. It is only fair in the eyes of the Government to bring these American teachers into line with every other expatriate teacher. Originally, when they first came into this country it was not necessary to bring them on these terms but after great thought it was thought fit to increase their salaries to bring them into line with other expatriate teachers.

Mr. Balala: On a point of order, Mr. Chairman, is it in order for the Assistant Minister not to answer my question? I said I wanted to know how many American teachers were involved.

The Chairman (Dr. De Souza): Mr. Balala, I understand your point, but that is not a point of order, you know. It is entirely up to the Assistant Minister to speak as he wants; to speak straight to the point or to beat round and round the bush. He is at liberty to answer as he likes.

Mr. Gichuru: On a point of order, Mr. Chairman, I think there is a little misunderstanding here. We are very short of secondary school teachers; very, very short indeed, and many of these teachers we have, we do not pay them. They are given to us. We pay the housing element, we pay the transport and things like that only. It is no good saying some of the things that have been said because they are not true.

The point is this. These teachers are given over to us and they are doing a very fine job. They come for a couple of years, then they go away. If we need more, we ask for them. I mean, they are not forced on us. We are very short of these teachers. If hon. Members argue it this way, then it is about time they resigned and went into the teaching job.

Hon. Members: What about you?

Mr. Gichuru: I have taught for twenty years. I have made my contribution. I do not come here just to shout so that people can hear me talk. This is where some of these hon. Members go wrong.

This is a matter where we need to feel grateful. We are getting this assistance, we are not paying full salaries. We ought to be very grateful. Maybe

within the next five to ten years we shall have enough teachers. We have a programme for teachers. For instance, we have this programme for getting science teachers specially trained. Now, when we have our own people they will take over. However, I think that within this period we are so short of teachers that we would look extremely ungrateful and this would sound bad to those who are trying their very best to help us.

So, Mr. Chairman, I appeal to the House to be constructive in a matter of such great importance. Schools are multiplying every day and it is no good just saying, "Why are they here?" unless you have an alternative. Let us know where we are going to get these teachers from. Who is going to pay them? We must be grateful that we are getting them, that we are saving money on this.

Mr. Wamuthenya: Mr. Chairman, according to the debate on the Supplementary Estimate today, concerning the additional expenditure for teachers, I feel we should be in a position to recommend it because we are short of teachers in this country. Everybody who is assisting us from overseas is doing us an exceptional service.

We have been about to close some of our schools in my own constituency and then we managed to get some teachers from America who volunteered their services in order to help us.

Mr. Odhya: You are an old man, you do not know anything.

Mr. Wamuthenya: Mr. Chairman, I am speaking of my constituency and am giving my own opinion. You cannot control me, my dear friend. I am saying what I know from practical experience, not just theoretical matters. I am not speaking like some people who just sit here and say things about which they know nothing at all.

I want to make this very clear, that we should support this Supplementary Estimate so that we can get those teachers to be paid what they have to be paid. That is their right. I say this because without them I am quite sure that we cannot get sufficient teachers. We do not enjoy having to import teachers from abroad if we have enough here. That is very clear. If anybody can tell us that we have sufficient teachers here in order to replace those who are coming from abroad, then we will thank him very much because we do not want to run unnecessary expenses. The countries who are helping us are not spending their money just because they are happy to do so but because they know we are in need of these teachers. We have submitted our need to them.

[Mr. Wamuthenya]

So, Mr. Chairman, I agree that those teachers are very important to us and this money is not being wasted when it is being expended on them.

Mr. Ngala-Ahoki: Mr. Chairman, on a point of order, may I propose that the question be now put.

The Chairman (Dr. De Souza): There is no question to be put. It is convenient that we should move to the next subject and I agree with you there. We have exactly three minutes left. So, we will move on now.

(Head C1 agreed to)

### C3—Grants and Grants-in-Aid

Mr. Omweri: Mr. Chairman, Sir, although you have cut me short on C1, I would like to say that in C3 we would like the Ministry to tell us exactly what is this money that is to be given by way of grants to schools, what is it to be paid towards and where it will go, because in my own case I know that some schools which used to have a grant-in-aid when they were under the regional authority have now lost that grant.

I would like the Assistant Minister to tell us what is happening to schools which used to be boarding schools, which had grants-in-aid to provide facilities and now they have nothing.

I would like the Ministry to give a bit of explanation and tell us whether this money is going to be used in a particular area or whether it is going to be spread among many schools because we find that in certain cases money is only given to particular areas while other areas have no allocation at all from this particular Vote.

I would like the Ministry to answer my first question where a boarding school which used to have grant-in-aid no longer has it; the Ministry has left this school without proper facilities and there is not enough money. I would like to know whether this question will refer to our own areas in Kiisi.

Mr. Mutiso: Mr. Chairman, Sir, this money definitely is going to be used for the whole country. All the schools on provincial level send their estimates for various secondary schools which should be aided by the Government. After all the estimates have been compiled in the Ministry, this is precisely the money that is required to aid all the schools throughout the country. Therefore, I say that this money is not being asked for in order to benefit one particular area, one particular province, or one particular district. It is going to be spread quite evenly throughout the country.

The Chairman (Dr. De Souza): Order! Order! It is now half an hour before the time for interruption of business. According to Standing Order 145 (3) allow me to put the Motion to the vote.

(Question put and agreed to)

### MOTION

SUPPLEMENTARY ESTIMATE NO. 1 OF 1965/66—DEVELOPMENT

THAT a sum not exceeding £333,324 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966 in respect of Development Supplementary Estimate No. 1 of 1965/66.

The Chairman (Dr. De Souza): I will now put this Motion to the vote.

(Question put and agreed to)

(Resolutions to be reported without amendment)

(The House resumed)

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

### REPORTS

STATEMENT OF EXCESS: 1962/63

Dr. De Souza: Mr. Speaker, Sir, I am directed to report that the Committee of Supply has considered the resolution that a sum not exceeding £8,244-6-06 cents be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1963, in respect of Statement of Excess 1962/63 and has approved the same without amendment.

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

The Assistant Minister for Education (Mr. Mutiso) seconded.

(Question proposed)

(Question put and agreed to)

SUPPLEMENTARY ESTIMATE NO. 1 OF 1965/66—RECURRENT

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the resolution and its approval of the same without amendment: That a sum not exceeding £1,339,114 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Supplementary Estimate No. 1 of 1965/66 (Recurrent), having regard to the proposed savings of £252,702 therein appearing.

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

The Chairman (Dr. De Souza): That applies to hon. Members as well. If hon. Members had all been a little more brief we might have been able to get on much faster. No more points of order on this.

Mr. Oduya: On a point of order, Mr. Chairman, I thought that I, personally, gave you notice of my amendment yesterday; I thought I had given you and that is why in fact I had the intention of moving—

The Chairman (Dr. De Souza): No, you gave me a notice, Mr. Oduya, on C3—Grants and Grants in Aid.

Mr. Oduya: Only that?

The Chairman (Dr. De Souza): Yes.

Mr. Gichoya: On a point of order, Mr. Chairman, I have already given you my notice of my intention—

The Chairman (Dr. De Souza): No, it is too late. We will move to the next one.

(Head B4 agreed to)

Secondary Education

#### C1—Personal Emoluments

Mr. Waribiti: Mr. Chairman, on this one—Secondary Education, C1, Personal Emoluments—now we are told that this money is required for three purposes. I have no quarrel with 2 and 3, but 1, the purpose here is to pay American T.E.A. teachers with retroactive effect from 1st April 1964. This will cost £20,000 of which £12,570 is offset by appropriation-in-aid—see subhead "2", item 12. Now, Mr. Chairman, here my quarrel is why is this found necessary to increase the salary of these American teachers who we know are spoiling our children. They speak horrible English. Now, the point is that it is true that we need teachers but I think these are not the type of teachers we should get for our children. In any case, my main quarrel here, Mr. Chairman, we see that their salary is to be increased by 124 per cent, and that to take effect from 1st April 1964, and to any thinking person it is quite clear that this must be an afterthought. If during the years 1964, 1965 and 1966 nobody thought of increasing these salaries, now we come to 1966 and we are asked to vote some money to pay them salaries going back to 1964. Somebody must have thought of this, or maybe there was a complaint or negotiations going on somewhere, I think the Minister should tell us the reasons why first of all it was necessary to increase their salary, and secondly why go back to 1st April 1964.

The Assistant Minister for Education (Mr. Mutiso): Mr. Chairman, I think, first of all, I would like to refute the allegation by the hon. Member that it is hard to understand what some of these American teachers say, and that they speak horrible English. Mr. Chairman, this is not true because I think, what the hon. Member has in mind is just a debating point. These are well-trained teachers and they speak beautiful English, unless perhaps the hon. Members do not understand English themselves. Now, Mr. Chairman, this—

Mr. Gichoya: On a point of order, Mr. Chairman, is it in order for the Assistant Minister to allege that Members of this House are not able to speak English, whereas we have already passed an English test?

The Chairman (Dr. De Souza): I do not think that the Assistant Minister said anything like that.

Mr. Mutiso: Mr. Chairman, I used the word "unless", and that ought to have shown the hon. Member, perhaps he does not hear English well. I said "unless perhaps the hon. Members do not understand English".

Mr. Chairman, this increase of 124 per cent was thought necessary for these American T.E.A. teachers because these particular teachers are loaned to us by the American Government. Yes, they are loaned to us, we are short of teachers. Mr. Chairman, these hon. Members came to this House and rendered the Government into the difficulty of the lack of teachers. Therefore, we have to look round and borrow teachers. Mr. Chairman, it was found necessary to raise the salaries of these American teachers in order to bring them into line with other civil servants, or rather other expatriates in the country. It is not fair to have the British expatriate teachers having a higher salary or earning more than the American expatriates whom we have borrowed from the American Government. This is the reason why this increment was thought necessary. I think this is the information the hon. Members wanted.

Mr. Ngala-Aboki: Mr. Chairman, I would like to have a proper assurance from the Minister that the country is receiving these teachers from America, and that the majority of them are not trained teachers, but if they are all trained teachers the Minister must let the country know, because as far as I know it has been said time and time again that many of them are university graduates, some of whom go back after having completed their contract to University. They may be undergraduates, some of them probably finish as far as East Africa is concerned, school certificate. I

(Mr. Ngala-Aboki) do not know what they call it in the United States. Then they are sent here to help. In fact, I would like them to help us because we are short of teachers, but we must admit one thing, that they are not skilled, trained teachers, and therefore we cannot compare them with British teachers, people who have been teaching and who speak the correct language which is English. In fact, the intonation of the American people is decidedly odd, and if, for example, I could just say a sentence, you would think it sounded very funny, I know. So this sort of thing is not actually English. Mr. Chairman, I just want the Minister to tell the House clearly that they are not trained teachers.

Mr. Mutiso: Mr. Chairman, I think there is some confusion which I would like to clarify. When I stood up to explain to the previous speaker Mr. Chairman, I did say quite clearly that these particular teachers are not the Peace Corps teachers. These Peace Corps teachers are volunteers who come for a period of about two years, but these particular teachers we are talking about in this Vote, are well trained teachers. They are not the Peace Corps type of teachers who come here voluntarily. The Peace Corps teachers are not paid by our Government. Therefore, I think this is the thing which the hon. Members ought to know.

Mr. Gichoya: Mr. Chairman, we have heard the reply from the Assistant Minister who profited no more than the Member for Gichugu. However, Mr. Chairman, I would like to know from the Assistant Minister how much or the amount of money we are supposed to pay these American T.E.A. teachers, who, after coming from America as loaned property, they are sent to Makerere College for one year's training: to familiarize themselves with Swahili, and perhaps to learn the background of the country. Does that one year's training make them capable of teaching in our secondary schools, and holding better positions than our own African teachers? Mr. Chairman, the Assistant Minister asks us to believe him. Luckily, the other Assistant Minister coming from a district where we have Kericho Kagumo he knows for certain—yes, geography shows me, Mr. Chairman, that this hon. Member, who is elected for Doonholm Road, in Nairobi City, belongs to Nyeri, to Othaya. Mr. Chairman, we are told that the teachers have been to Makerere, but to my surprise Mr. Chairman, their way of teaching is comparatively inferior to the method of teaching which is conducted by the African teachers who have attained the Teacher-Training Diploma and yet these P1 teachers are subjected to humiliation by these American T.E.A. teachers. I was to know what remedy my friend has in his

own Ministry for helping promotion, in terms of responsibility, of the African teachers in these schools where you have these American T.E.A. teachers?

Mr. Kiboga: Mr. Chairman, while I appreciate the fact that these teachers are welcome to come and teach us, because we have no teachers, I would like to add to what quite a number of hon. Members have said that we need a little bit of planning. Last year when we were debating the Ministry of Education Vote, the Minister promised to ask ten students from every Constituency Member here to go and be trained at the Kenyatta College, so that they will be able to staff our schools. It was not carried out and I am wondering what the Minister is doing, although we would like to have these foreigners for a short time, we do not want them to be here all the time. Not necessarily because they cannot teach, they can teach but they do not know our way of life. They probably will not understand our African Socialism. We would like to train more teachers within the country, who can understand our aspirations, who can guide the development of our country. Whether these come from America or from Britain, or from Scandinavia, Russia, or Peking, we must not depend on these foreigners all the time. What has the Minister got on the question of training local people? When are we going to cut away from this method of having to import teachers every now and again?

Mr. Dalaba: Mr. Chairman, I personally believe that we are not suffering from as acute a shortage of teachers in this country as the Assistant Minister has implied because we will find in this House today that we have more than fifty Members who are ex-teachers. Also, in other parts of the country we have people who are ex-teachers. This was caused by the discouragement of the terms of service of Government.

Mr. Chairman, Sir, I would like to know from the Assistant Minister, (1) how many American T.E.A. teachers are involved in this increase of 24 per cent and (2) why did the Ministry think fit to increase the rate of pay for American teachers while our teachers, here, in this country have been discouraged?

Mr. Mutiso: Mr. Chairman, I think we are coming back to this point every now and then. If the hon. Balala was listening, when I spoke earlier I said that the reason why we had to raise the salaries of the T.E.A. American teachers was because these are expatriate teachers. Expatriate teachers have separate terms of service, they are not like our local teachers here. You can see that I am sure. Mr. Chairman, the hon.

[Mr. Mutiso]

The hon. Member also wished to know whether this was a question of political pressure from somebody within Government circles. This is not so, Sir. We inherited these schools after independence; we found them there and we thought it necessary to continue running them. I think it was some time last year that I mentioned in this House that we have three of this type of school: one in Kitale, one in Eldoret and another in Nyeri. These are the only three primary boarding schools, and if the hon. Members want to send their children there, they can.

Mr. urap Soi: Mr. Chairman, the Assistant Minister has stated that these schools are meant for the children of the officials regularly, and now—well, if it was regular, it is all finished now and it should be dismantled. If it is not, then he should have said, and that would be all right. But if it was just meant for the past, it is not necessary now.

We also want to know, Sir, what fees are payable there, and we want to know what contribution is made by the county council. Are they contributing any money or is it just being given by Government? We do not want to create classes or unnatural distinctions in this country. If the Government would like to establish a good primary school in every county, that would be all right; we would accept that, because there would be one in every county. But just to have special counties or to continue colonialistic ideas created by people who have left the country, that is not right, in our view.

So, Sir, would the Minister tell the House the contribution of the county council, the fees payable there so that we can know that we are supporting something right.

Mr. Mutiso: Mr. Chairman, I did explain that the county councils are not constitutionally supposed to run boarding schools, and, therefore, there is no question of any contribution being made by the local county councils. These boarding schools are run by the Central Government, just like any other boarding school; and therefore this is why we thought it necessary to ask for this additional sum of money in order to run this school. We thought it was going to close down and be handed over to the county council as an ordinary primary school. But we found that it is useful to run this school for the time being. So, when the Estimates were proposed, this was not included, and this is why we ask for this money.

Mr. Malinda: Mr. Chairman, I want to inform the Assistant Minister that if these schools are being set aside for children of members of the

Civil Service or even Members of this House, that is a discriminatory act, in that only those children whose parents are able to pay the high fees charged in these schools may be sent there which will create a privileged class of people. If these schools are for the country, they should be used not exclusively or even set aside for members of the Civil Service.

Again, I think the Assistant Minister is wrong in saying that these are the only three primary boarding schools in this country, and that there are no county councils or local authorities which run primary boarding schools. If it is necessary for any of these members of the Civil Service to move from one place to another, or go on overseas tours or other things like that, here in Nairobi there are more than a dozen primary boarding schools. Why do they not send the children there? That is a fact, and if the Assistant Minister does not know, he knows now. The Nairobi City Council has boarding schools here.

There are boarding schools here and in Mombasa, too. Why should only these three be the ones to be looked after by Government? Now if children going to these primary boarding schools can get bursaries from the Government, then why not give bursaries to those other children who go to the other primary boarding schools?

The Chairman (Dr. De Souza): Mr. Malinda, there is no suggestion of a bursary being given.

Mr. Malinda: But, Sir, he said that the fees are so high that the Government has to subsidize.

The Chairman (Dr. De Souza): No, no. Students' places are subsidized.

Mr. Malinda: All right. The other thing is this. It is quite unfair to give any chance to children from outside Kenya when our own children are going without education. We should give them a chance to enter these primary schools. It does not mean that all the children of school age have places in primary schools. It is unfair, Mr. Chairman.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Chairman, I think there is need here to make the position absolutely clear, before we are accused of any discrimination or of any subsidy or of any other imaginary crimes which the hon. Specially Elected Member, Mr. Malinda, is proposing. The fact is, Sir, that if anyone cares to read the explanatory note on page 12, it says very clearly: "The school is not closing and additional provision is now required which will be more than offset"—more than offset, very simple.

[The Assistant Minister for Economic Planning and Development]

basic language—more than offset, by increased collection of tuition and boarding fees of £9,400 shown under subhead 'Z', Item 11." That is, appropriations-in-aid.

In other words, Mr. Chairman, the position is that this money is in the nature of an advance to help save a very useful institution which would otherwise have been closed. The money will be more than replaced, more than offset, by the collection of tuition and boarding fees, as I quoted. In other words, we are not being asked in any way to subsidize anything. This point ought to be made quite clear. We are not being asked to subsidize anything at all. All we are doing is to help bridge a period when no provision has actually been made.

Now, Sir, there is no question of Government paying a subsidy. The fees for tuition and boarding will cover these costs. That point is disposed of, and I hope that no hon. Member is going to try and misguide the people, that the money of the country is being mis-spent on three primary boarding schools. That is not true.

As to the utility, as to the need for these primary boarding schools, this is a need which is recognized everywhere in the world. We have parents—and I believe very many of the hon. Members here are parents with children who are going, or will shortly go, to primary schools—we have parents who, by the very nature of their job, because they travel, move, too much from town to town, to keep on moving their children as well; and therefore it becomes necessary for them to have a primary boarding school where they can leave their children to have a proper education.

Therefore, what the position is, is that these schools actually existed; this was existing capital we found. I do not know whether hon. Members would suggest that these places should have been closed, should have been burnt down, or dismantled or turned into beer halls, or something. I do not know what they would have wanted done with them. What is being proposed, therefore, is that these institutions which can afford to maintain themselves by the collection of fees, without subsidy by the Government, should be allowed to continue. Now what is wrong with a good institution which can maintain itself from the collection of fees being able to exist? If we were spending money to subsidize it, Sir, I agree it would be unfair, I would agree it was discriminatory. But then we are not. The institution exists on its own. In fact, Sir, for

those who are worried about the need to increase education facilities, the existence of these schools does mean that we have more facilities than we would otherwise have. So I do not know what is worrying the Members.

Sir, my own suggestion is this, that we need this kind of school. In fact, we should in fact help many more parents to educate their children. The hon. Member for Gichugu will be able to speak until the cows come home. I will give him the perfect opportunity. There is no need for him to worry. Oh, he has no cow.

Mr. Chairman, the point about the schools being used by civil servants, again, this is a red herring. No, Mr. Chairman, it was true that in the old days where you had civil servants, whether they were in administration or elsewhere, who had, by the very nature of their job, to travel from place to place. They kept being transferred by the very nature of their job, they were forced to put their children into boarding primary schools. The district commissioners we have now, and this same hon. Member insists that we should transfer them to district areas of Kenya. If we have to, do we seriously want that district commissioner to move his child all over the country and lose the chance of a good education? He should have the opportunity of a good boarding primary school provided he pays the full tuition and boarding fees and that the school is not subsidized. Mr. Chairman, the position is very straightforward, and I think we should not be misguided into emotional talk about imperialist legacy, all these people were imperialist legacies as they were born before independence.

Mr. Shikuku: On a point of order, Mr. Chairman, I was wondering whether it is provided anywhere in the Standing Orders, where, if Members are not satisfied with the discussion on one item, we could move that we do not go over.

The Chairman (Dr. De Souza): No, I am afraid there is no such thing. If any hon. Member felt so strongly about it, he should have mentioned that he had given notice beforehand to reducing the particular vote. But, Mr. Shikuku, you must realize that when I say we move to the next Head, there is only thirty-five or thirty-six minutes more, and we have not even done half the vote. It is in your interest, as well as in everyone else's, that we might get on to some other items.

Mr. Shikuku: Mr. Chairman, I am not challenging your ruling, but the point is that the Ministers are just trying to speak longer and waste more time so that we cannot get on with it.

The Chairman (Dr. De Souza): You are too much in advance, I think, you might just as well sit down.

Mr. Oduya: But anyway, let me speak on this one; I thought I would give you a note on that, that was why I was rushing. But let me speak on the other side, that is travelling. Now, Sir, we have a lot of problems today in the field. Although the Minister is asking for an additional £200, today his officers in the field, for example, the education officers, are not doing their work properly, either because there are not enough staff or may be because of inefficiency. This is something which the Minister must explain to the House.

I remember, Sir, there was a strike at Kolanya Secondary School just recently, and it took almost ten days for the Ministry officer to reach that place. I am giving the example of Kolanya Secondary School, where the headmaster fought with the children and on the spot, without a decision by the board of governors, the headmaster got rid of Form IV who are going to sit school certificate this year; and up to date they are still away. That means that he has already cancelled Form IV and no action has been taken. So this is a part of the officer's—

Mr. Malinda: On a point of order, Mr. Chairman, is the Member in order to talk about secondary education, when I thought we were talking about primary education?

The Chairman (Dr. De Souza): You are quite right, Mr. Malinda. I was not quite aware at first what Kolanya School was until the Member mentioned Form IV, so I think you are perfectly in order. Mr. Oduya, you fully appreciate the necessity to be relevant to what we are discussing?

Mr. Oduya: Yes, you are very correct in your ruling. I did not actually follow; I thought that here we were generally discussing the item. So I think I will have to give way for those who want to talk on this one.

The Assistant Minister for Education (Mr. Mutiso): Mr. Chairman, Sir, I think it would be proper if I explained about this head B2, travelling and subsistence expenses on duty. This money, Sir, is being requested because originally, as you can see from the revised estimate, we thought, before this estimate was prepared, that the Kitale Primary School, which is a boarding school, was going to close down and be handed over to the county council. But we had a second thought because normally, as a general rule, we do not give boarding schools to the county councils. This money is required to facilitate the inspection and also—

Mr. Shikuku: On a point of order, Mr. Chairman, I am just wondering whether what the Assistant Minister is saying is relevant to what we are talking about. He is talking about Kitale when we are talking about travelling and subsistence expenses on duty. How does Kitale come into it?

The Chairman (Dr. De Souza): I think you should give him a chance to speak so that you can understand how he becomes relevant, rather than interrupting him in the middle of a sentence.

Mr. Mutiso: Mr. Chairman, the hon. Member was not listening when I started. I did say, Sir, that originally, when this estimate was proposed, we thought the Kitale Primary School was going to close down and be handed over to the county council—

Mr. Warũthi: On a point of order, Mr. Chairman, this comes under B4, equipment and maintenance, in the explanation. The Kitale issue comes under B4 and we are talking about travelling.

The Chairman (Dr. De Souza): Yes, you are quite right. You were perfectly right, Mr. Shikuku. I was not listening fully to Mr. Mutiso because I was listening to the Clerk at the time. I think you are very much ahead, Mr. Mutiso.

Mr. Mutiso: I agree, Mr. Chairman!

Sir, I think the hon. Members will realise that at this stage we have not got an excessive number of staff, particularly on the supervisory side. As you can see, we require this money in order to facilitate the travelling and subsistence allowance for members of staff when they are on duty in various parts of the country. Hon. Members have been asking, saying that their schools are not being inspected; there are not sufficient staff members to inspect the schools and make sure that the lessons which are being given are in accordance with the requirements of the country. This is why we felt it necessary to ask for the additional sum of £200 in order to facilitate an increase in staff.

Mr. Kasse: Mr. Chairman, I am still not satisfied with the answer from the Assistant Minister. Now £200 is actually Sh. 4,000.

An hon. Member: Yes.

Mr. Kasse: Now if half the amount—if I understand well—which is £1,400, has really been a failure—because these supervisors, we are told that they are doing some proper supervision, but we have noticed poor results and this is why I want the Assistant Minister to tell me about the Sh. 4,000. Where have they used £700, and it has failed? We are wasting this money, Sir. There

[Mr. Kasse] anywhere else. We want to know why is no efficiency here. We want to know why these people have travelled. They are supposed to have travelled to these schools; they are supposed to have supervised these children. We want to know whether the standard of the teachers has gone down. We want to know whether these have, in fact, not travelled but have still used this money. We want to know whether some more vehicles have been bought. But we cannot just be asked to add another Sh. 4,000.

Kenya has forty-one districts, and that makes about Sh. 100 per district. Now if you are a sensible man of the world, you will see that to add Sh. 100 on to one education officer is not going to increase his efficiency. We know these supervisors he is talking about. They do not have desks in the offices. Why is he adding all this money? We must get an assurance from the Assistant Minister that their efficiency will be increased; and he must tell us why the Kenya Preliminary Examination results were bad. If it is a question of teachers, we know.

The Chairman (Dr. De Souza): I think we will move on.

Mr. Mutiso: Mr. Chairman, I think if we are to be fair to ourselves, I fail to understand the point raised by the hon. Member. If we find it necessary to ask for this little sum of money, and yet he sees no efficiency coming from this money because it is such a small sum—I think he is trying to confuse the House. If he thinks this is a little little money, and that we should ask for £3,000, then he had better tell us and then we shall ask for that, money.

The Chairman (Dr. De Souza): I think we will move to the next subhead.

(Subhead B2—agreed to)

B4—Equipment, Maintenance, Postal and Incidental Expenses

Mr. Malinda: Mr. Chairman, I would like to know from the Assistant Minister why it has been found necessary to continue with this Kitale Primary School, when it has been an established fact, right from the beginning, that all primary education was a matter for county councils and other local authorities?

Mr. Shikuku: On a point of order, I thought we were moving to item B.

The Chairman (Dr. De Souza): If you did your homework better, it would be more useful, Mr. Shikuku.

Mr. Malinda: Again, Sir, I want to know why it has been found fit to continue with this primary school at Kitale, and why it is at Kitale and not

anywhere else. If Government has decided to look after or run some primary schools, we would like to know how many of these schools are going to be run by Government, where they are going to be established and also what type of pupils attend this Kitale Primary School. Why should it not be in the hands of the county council there, as in other areas? Why should Kitale be favoured? Has anyone brought any pressure to bear on the Ministry of Education, to get the Kitale Primary School run by Government? If so, Sir, we want to know, we can also bring pressure to bear, if that is the method Government uses to listen to people. We also can bring pressure to bear to get some of these primary schools in our areas.

Mr. Chairman, the other thing is that I heard the Assistant Minister saying earlier that he thought that this school was going to be closed but that it had been found necessary to continue it. When was it supposed to be closed? Because, from the original estimate, it will be seen that there was a provision for £21,000. Now only an additional £6,000 are required for the running of this school. What difference will £6,000 make in an establishment which needs £21,000, when we know that it was likely to be closed?

Sir, I think answers to those points will clear my difficulties up.

Mr. Mutiso: Mr. Chairman, Sir, I think the point raised by the hon. Member is important, and I would like to explain to the House that this is one of the rare cases that happen sometimes. In every country, Sir, you find that there are some primary boarding schools, which can especially be used for anybody, and mostly it is meant to be used by the children of serving officers, particularly the Government officers, who can be transferred here and there, all over the country. If a man is a district commissioner or a provincial commissioner or a police inspector, or someone of that rank, he is likely to be moved from district to district, and if he has a family, then normally he has to find a place where he can put his children, even if he is transferred from that area, so that they can continue their education.

Now Kitale is open even to the children of hon. Members, if they can afford to send their children there. It is meant to suit everybody. In fact, we also receive children from other countries, such as Uganda, in this school, and the Uganda people who want to send their children there pay the full fees of the school; our own people who send children there pay at reduced rates because they are citizens of this country.

[Mr. Ngala] wrong, then the Minister will say, "I wanted more money but you refused to give it to me." Then we shall be in a bad way. What we should do is give the Minister money but at the same time give him a serious warning. He is a big man and can take it well. If we give him this warning, and the money, then the work of the country can be done.

We have been told a story by the hon. Mr. Ngala-Abok, how his car has been lying on its side, no wheels. That matter must be investigated to find out who has removed the wheels, the tyres and so on.

If you refuse to give the Minister money, how are we going to investigate things?

There is another point. This money is not money that the Minister wants for the sake of wanting it. It is money that he wants to improve the criminal investigation service. If we refuse him on the basis that what has been happening is not satisfactory, then I think we are making a mistake and will end by worsening the service of the police.

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

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

Now, Mr. Chairman, I believe the money is not being thrown away. It is shown very clearly here that originally we gave the Minister £100,000 and now he wants £5,000 more. He has also shown us how this money is going to be spent. It may be a lot of money but the police establishment needs it. Therefore, I submit very strongly that this House should avoid future blame by the Minister by increasing the amount of money originally voted. We should give him the money he wants and at the same time we should give him sufficient warning so that the work can be done efficiently.

Mr. wrap Moh: Mr. Chairman, I would like to answer one question. I was not satisfied with what the hon. Mr. Gichoya said. If he had any trouble or mistreatment by the police, he should have reported to the Commissioner of Police or to my Ministry so that the matter could have been taken up. However, I do not think it is fair for hon. Members to air their troubles and problems in Parliament instead of having them dealt with administratively and properly. It is no good bringing these complaints to Parliament and suggest that the police have said this and that. The matter could have been very serious and could have been dealt with outside Parliament.

I do not think that a circular has been issued to any police officer in the terms stated by the hon. Member. I am sure this is an absolute fabrication of the entire problem.

Now, Mr. Chairman, I would like to make it clear that the hon. Member for Kilifi did indicate that this money was for salaries. Although the Supplementary Estimate refers to salaries, staff and so on, I refers to the amount required to buy certain things which would improve efficiency in the Criminal Investigation Department.

Mr. G. G. Kariki: Mr. Chairman, personally I have no quarrel with the police because I am aware that the police are not being given a chance to defend themselves in this Chamber. They have been accused seriously by Members of Parliament and they cannot come here and defend themselves. I strongly oppose the idea of Members of Parliament criticizing the police because these people cannot come here and tell us why they are being criticized.

Mr. Oduya: On a point of order, Mr. Chairman, we have laboured this issue for quite a long time, so would it be in order for me to suggest that the question be now put.

The Chairman (Dr. De Souza): I think we will let Mr. Kariki finish first.

Mr. G. G. Kariki: Mr. Chairman, maybe this point I am trying to make is affecting some Members seriously. We must see that Members of this House behave like hon. Members. If it is no use abusing the police in the street and then complain if they are arrested.

What I expect the Minister to tell us is why he wants this money, £5,000. I am not opposing the amount of £5,000, but I expected the Minister to tell us the reasons why he wanted this money because only the words "criminal investigation" does not satisfy us at all. We want to know whether he wants it for employing more people in the Criminal Investigation Department.

An hon. Member: He said that.

Mr. G. G. Kariki: Well, then if he has said that, it is all right.

So, Mr. Chairman, I conclude by saying that Members of Parliament should not be given a chance to criticize the police at any time because the police are not here to defend themselves.

Mr. Oduya: On a point of order, Mr. Chairman, I propose that the question be now put. (Question, that the question be now put, put and agreed to)

(Question of the amendment put and negatived)  
(Resumption of debate on original Motion)

Several hon. Members: Division!

The Assistant Minister for Labour (Mr. Odoerose): On a point of order, Sir, I thought that a certain minimum number was required to force a division.

The Chairman (Dr. De Souza): No, but if there is a little uncertainty, I think we had better—the vote was very close, and even if some hon. Members stand, I think we should have a division.

But I notice that the Members have sat down, so there will be no division.

Mr. Shikuku: On a point of order, Mr. Chairman, the Member for Laikipia has just shouted that the Members are criminal.

Mr. Chairman, I was addressing you and not the Minister for Home Affairs.

Mr. Chairman (Dr. De Souza): Order! Please continue, Mr. Shikuku.

Mr. Shikuku: Mr. Chairman, the hon. Member for Laikipia has just shouted to us that we, the Members who are calling for a division, are criminals. Can he substantiate that?

The Chairman (Dr. De Souza): There is no question of substantiation. If he said that, it is quite out of order, and he must withdraw it. I did not hear him.

Mr. G. G. Kariki: Mr. Chairman, in view of the fact that you did not hear—

Mr. Chairman (Dr. De Souza): No, no. Order!

Mr. G. G. Kariki: I did not say that.

The Chairman (Dr. De Souza): You did not say it? All right, we will accept that. No, no more points of order.

(Head J agreed to)

(Vote 8 agreed to)

#### VOTE 11—MINISTRY OF EDUCATION

##### B2—Travelling and Subsistence Expenses on Duty

Mr. Kase: Mr. Chairman, I am interested in this; I am interested in why we have this additional money, and we want to know who is being paid for subsistence, because we have noticed that the results of the Kenya Preliminary Examination this year have been very bad indeed; and we want to know who is travelling to use this money. The percentage this year, Mr. Chairman, if I may quote is less than 30 per cent total passes.

This man is travelling. We want to know who this man is. For what business is he travelling? And if it is the supervisor of schools which are doing primary education, we want to know the reason why this money is being used, and yet

people are not being supervised properly, so that it has led to the fact that pupils have failed in such great numbers this year. Unless we get proper clarification of this matter of this money, we shall not find it very easy to release this £200 to the Ministry.

Mr. Oduya: Mr. Chairman, I also rise to join my colleague. Here I can see one of the difficulties is that we have the duplicate Minister in the House to answer.

The Chairman (Dr. De Souza): Order! Order. Mr. Oduya! Please withdraw that. It is quite out of order to talk like that.

Mr. Oduya: Assistant Minister.

The Chairman (Dr. De Souza): No, no, I have heard you say this so often. You have been told so often that you have to call the Minister by his proper designation. It is not amusing, it is pointless and it does not help this House or you, for that matter.

Mr. Oduya: Very well, Mr. Chairman.

The Chairman (Dr. De Souza): Have you withdrawn and apologized? I want you to withdraw and apologize.

Mr. Oduya: It is withdrawn.

The Chairman (Dr. De Souza): We do not want to hear it again, please.

Mr. Oduya: Now I go on to Question 1A. I do not think the Minister—Let me go ahead and don't interrupt me.

The Chairman (Dr. De Souza): Order! Mr. Oduya! Please address the Chair.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Chairman, is the hon. Member in order to call me a thief?

Mr. Oduya: No, I did not say that.

The Chairman (Dr. De Souza): I am sorry, I did not hear it.

Mr. Oduya: I did not say it; he accuses me because he is sitting here.

The Chairman (Dr. De Souza): Order! Order!

Mr. Nyagah: He did, he called me a thief.

The Chairman (Dr. De Souza): Members must try not to bandy words with one another.

Mr. Oduya: All right. What I want to say is about what we call grants and grants-in-aid. I would like the Minister, when he replies, to explain to the House how they give grants because—

The Chairman (Dr. De Souza): We are speaking on B2, travelling and subsistence expenses on duty.

Mr. Oduya: Oh, you are still up there, eh?

[Mr. Gichoya]

Now, the Minister does not state that the money that is needed is to establish a school of criminal investigation in this country or expanding the existing one so that we have more officers for criminal investigation, or training the existing people who have no basic education in investigation. Mr. Chairman, I say this because most of the people we have in the Criminal Investigation Department group were the former workers in the Colonial Government when they were trying to train people to trace the freedom fighters only. That was the basic qualification. A man who was able to say, "So-and-so has taken the *Mau Mau* oath," that man today is one of those who is reputed to be a very good criminal investigator. Mr. Chairman, it is very unfortunate that we have to pay money to our people who have failed the public.

Another thing I would like to say is this. The police have been given—it is a rumour, Mr. Chairman, I have never seen the circular—a circular to see to it that if they can arrest a Member of Parliament that would be an additional badge, an additional flash for their shoulders. This is a rumour.

Mr. *urap Moki*: On a point of order, Mr. Chairman, hon. Members have been told from time to time not to quote rumours. Could the hon. Member substantiate what he has stated rather than give the House false information?

[The Chairman (Dr. De Souza) left the Chair]  
[The Deputy Chairman (Mr. Slade) took the Chair]

The Deputy Chairman (Mr. Slade): Yes, after hearing that substantiation, I must remind hon. Members that they have forgotten the limitation of debate on Supplementary Estimates. A Supplementary Estimate is merely an addition to that which is already voted, and does not give an opportunity of full debate on the whole policy of the particular Ministry concerned. It is only when the additional money involves some new question of policy that the policy can be debated, as being a new issue not raised by the Annual Estimates; otherwise all we can discuss is whether the money is needed.

Now, Mr. Gichoya, would you substantiate what you said.

Mr. Gichoya: Mr. Deputy Chairman, I said it is a rumour, which is being circulated and I do not think one could substantiate a rumour.

The Deputy Chairman (Mr. Slade): Ah, no. Please read HANSARD, Mr. Gichoya. You will find on several occasions I have warned hon.

Members that they cannot escape their obligations to substantiate by alleging rumour. It is as bad to allege rumour as to allege fact. In other words, unless you have some reason to believe the rumour, then you must withdraw it.

Mr. Gichoya: Mr. Chairman, I have some reason to believe it and I will give the reason now. On 14th—we have already heard of one such incident from the hon. Member for Butere. The latest case to date is the one which took place on the 14th at Thika near the sisal research level. This was when the Member for Gichugu was coming to Parliament. At about 9.30 p.m. after reaching that particular place, I found the police checking vehicles and what I did was to obey the particular policeman who was there. I stopped my car and when they saw it was the Member for Gichugu, with the red label, I was told, "Please park your car on the side." They did not check the car, they only asked me to park it to one side. Then I tried to find out, Mr. Chairman, why I was asked to park it aside. I merely asked a question, why I had to park the car to one side, and I was instantly removed from the car, handcuffed and put straight into a Land-Rover. Luckily enough I had my own driver who is my colleague in business. We were coming to Nairobi together. He remained in the car and I was taken to the Thika Police Station. Was taken inside the station. The officers who were there told me, "Look, we have already put in Tom Gichohi, we have already put in Gachaga; we have already put in Gachago"—although Gachago is here—and we can put you in, too." This is exactly the position, Mr. Chairman, and one of them said they had received a circular to deal with the Members of Parliament squarely.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Deputy Chairman, is it not out of order to refer to the hon. Member as Gachago instead of saying the hon. Gachago?

The Deputy Chairman (Mr. Slade): Order! Order! The hon. Member is in order, for he was quoting what the policeman said.

Mr. Gichoya: With due respect to the Minister's inquisitive approach I will go to the extent of saying that Tom Gichohi is still Senator under our Constitution. All these people are still on the payroll of the Kenya Government, unless the Constitution is amended.

The Deputy Chairman (Mr. Slade): You must keep within the bounds of the debate.

Mr. Gichoya: Mr. Chairman, after being taken to the police, and having been informed in that manner, the medical officer telephoned the doctor

[Mr. Gichoya]

of the hospital and I was taken to the hospital for medical examination. Blood was taken from my right hand. After the blood had been examined the doctor pronounced me as having no alcoholic influence and said that there was nothing to prevent the Member for Gichugu from driving his car.

I would like to state here, Mr. Chairman, that I was not the driver of the car. I had a driver.

I am trying to prove that the investigation that is being carried out today is a sure sign that the police must investigate how a Member of Parliament sleeps, how he eats, where he goes, what he says.

The Deputy Chairman (Mr. Slade): Order! Order! You are now going beyond the bounds of the Supplementary Estimates. We cannot discuss the whole policy of the police. We must limit ourselves now. Mr. Gichoya you must only speak on the question of the need of an additional sum.

Mr. Gichoya: Mr. Chairman, after having explained to the Members that this money cannot be usefully used, I request all the Members of this House to accept the deduction of £1.

Therefore, Mr. Chairman, I beg to move that £1 be deducted from Vote No. 8.

(Question of the amendment proposed)

Mr. Ngala: Mr. Chairman, I would like to oppose the deduction. I think that—

Mr. Shikuku: On a point of order, Mr. Deputy Chairman, I rise to seek your ruling on this. I thought the procedure of the House is that once a Motion has been moved, we need a Second and only then do we get other people speaking. Is it in order, therefore, that somebody should stand up to oppose this Motion before there is a Second?

The Deputy Chairman (Mr. Slade): Yes, we are in Committee and procedure now is less formal. We do not have a Second.

Mr. Ngala: Mr. Chairman, Sir, I oppose the deduction of £1. Perhaps the Mover does not understand the seriousness of deducting £1. Normally, £1 is deducted from a Ministry when it shows some serious deficiency or short-sightedness in its functions. In this case it is far from that. I think the Minister has shown understanding of his Ministry and other aspects involved. If I understand the position correctly, I think he is asking for more money for salaries; I think he wants extra personnel so that the Criminal Investigation Department can work more effectively.

What we want to know from the Minister, specifically, is whether this extra money will bring in extra personnel to make the work efficient? Now, when a Minister is asking to pay more salaries, to make his work more effective, I think it is unfair to reduce the Vote.

I feel, therefore, that it is quite wrong to reduce £1 when there is no efficiency shown at all. It is only a request by the Minister for additional money.

When the Minister want to make *ex gratia* payments, it is apparently for people who have served well when they were in the police department. So, it is wrong that we should let him have this money so that these payments can be made?

I quite agree with the Members that the Criminal Investigation Department has very much deteriorated. It has really deteriorated considerably and I think there are two reasons. One, is that they are too slow to act. I do not know whether independence has affected the Criminal Investigation Department badly, but they are very slow indeed to act. Two, in my assessment, they are politically influenced. I would like the Minister to check these points very, very carefully.

The Deputy Chairman (Mr. Slade): I am sorry, Mr. Ngala I think you are moving far from the bounds of the Supplementary Estimates. You must realize that you are limited to the justification of an additional sum. We cannot get on to the whole merits or failings of the police or any particular department of the police, even though that department may need more money.

Mr. Ngala: Mr. Chairman, the Minister originally was given this money, £100,000, and he wants 25,000 in addition. He has shown us that he wants it because he wants to pay more salaries. Apparently he wants more personnel. He wants this money because he wants to pay the civil staff, the ordinary people who are working in his Ministry. We want to pay extra to the people. Now, when he wants this additional money, which is very legitimate indeed, it is not good to come here and say that his Ministry's Vote should be reduced that is very, very unfair.

What we ought to do is to warn the Minister very seriously so that he can look into the efficiency properly. In this way in future proper action can be taken. However, I do not think there is any ground for reducing the money. If we reduce the money, Mr. Chairman, and then we find there is something happening in Butere and this cannot be investigated—or it may happen in Kilifi—after which something really goes

**[The Chairman]**

for example, bring the question of a rival Kanu office in Kutus that is what you are trying to refer to and say that the police are not arresting the person, by putting it on the Criminal Investigation Department. The Criminal Investigation Department is well known and I think that you should restrict yourself to that, if you go too wide I will have to interfere, otherwise we will never finish, and do not forget that we have a lot of other Heads to discuss, after this one.

**Mr. Gichoya:** Thank you very much indeed. **Mr. Chairman.** Now the criminal investigation group, let me take them as the Criminal Investigation Department, we are voting this money for the Criminal Investigation Department. We have so many crimes committed in our own districts, and in Kirinyaga money is even being stolen from the society's offices, and yet the criminal investigation group is already stationed within the district. **Mr. Chairman,** there has been gossiping going on that some money has been stolen, or that So-and-so has stolen some money, and yet the investigation group has not given us any clue as to the person who has stolen that money. That is a reflection, **Mr. Chairman,** of the failure of these people, even if you give them more money, it will mean giving them more money for drinking purposes.

**Mr. Mallanda:** On a point of order, **Mr. Chairman,** is the hon. Member in order in imputing improper motives as to the use of this money, and if so can he substantiate that the money is going to be used for drinking purposes?

**The Chairman (Dr. De Souza):** **Mr. Gichoya,** it is quite wrong to impute improper motives. The Minister has explained that this money is going to be used for photographic equipment and other equipment which is necessary to help the Criminal Investigation Department in their work. It is quite wrong for you to say that this money is going to be used for drinking. If you have proof of this, yes by all means bring it up, and present it. If you do not, please withdraw it. These general accusations against any member of the Civil Service are out of order. **Mr. Gichoya** will you please substantiate or withdraw.

**Mr. Gichoya:** **Mr. Chairman,** I put it as a general case and there are possibilities—I withdraw.

After withdrawing that, I must say that there is a possibility, **Mr. Chairman,** of this money being used by some of these officers who are supposed to investigate for enjoyment purposes, whereas they claim they were on duty.

Now, **Mr. Chairman,** we have a police department of people who are supposed to investigate the problems. Today, **Mr. Chairman,** I understand, that the Kenya Police, because here—**Mr. Chairman,** you will have to make it clear to me although I am clear over it, that the money is for salaries and expenses of the Kenya Police, when it comes to the question of criminal investigation, as a specific purpose—

**The Chairman (Dr. De Souza):** Yes, I think I will clarify that, in fact, as I said earlier on, I said that **Mr. Khasakhala** appeared to be right, since then I have had the opportunity of discussing it with **Mr. Thomas,** and he has explained to me, that Vote 8 of Supplementary Estimate No. 1 is the general description of the department, and I is in fact, the details, the specific requirements for which this money is wanted.

**Mr. G. G. Kariki:** On a point of order, **Mr. Chairman,** in view of the fact that the hon. Mover has totally failed to explain his case, could you ask him to discontinue?

**The Chairman (Dr. De Souza):** He is still moving and I have to give him time. Do keep to the point, **Mr. Gichoya.**

**Mr. Gichoya:** **Mr. Chairman,** my point is this. In quite a number of cases, and if I am supposed to quote them I am ready to do so. May I quote them, **Mr. Chairman?** I will proceed. In quite a number of cases—**Mr. Chairman,** there appear to be an organized group here—there are so many interruptions, however I will proceed.

**The Chairman (Dr. De Souza):** If you keep moving from the point, do not blame the hon. Members for getting impatient.

**The Minister for Finance (Mr. Gichuru):** On a point of order, **Mr. Chairman,** would you, perhaps, remind the hon. Members that at 6 p.m. the gullotine will come down, and therefore if they want to discuss most of the items we ought to move a little faster.

**The Chairman (Dr. De Souza):** Yes, I think you are quite right, **Mr. Gichuru.** I think hon. Members should realize that two days have been given to this debate, and yesterday I by-passed what hon. Members wanted to move as an amendment to reduce a vote, by £1, Ministry of Economic Planning and Development, because I was trying to rush forward in the interests of the House, and to ensure that we are able to discuss as many items as possible. We have had a full discussion on this particular item, I am not trying to stop any hon. Members. I allowed **Mr. Shikuku** a great deal of latitude to explain

**[The Chairman]**

his point of view, and **Mr. Ngala-Abok.** If you have anything specific to say **Mr. Gichoya,** then say so, don't get up and make a generalized lecture on the police.

**Mr. Gichoya:** **Mr. Chairman,** Sir, the position as it is this. If other Members are not disappointed by the activities of the Criminal Investigation Department, these sensible people—

**Mr. Malsori-Itumbo:** **Mr. Chairman,** on a point of order, would the hon. Member withdraw the allegation that he made that the hon. Member dining here is not sensible?

**The Chairman (Dr. De Souza):** I do not think he said that. I think one or two Members interrupted him by saying "you have no material, sit down", and he said "be sensible". Both the remarks were quite out of order. I think we will continue as we are, I am going to be strict in future about needless interruptions.

**Mr. Kase:** On a point of order, **Mr. Chairman,** we have listened to the hon. Member for the last ten minutes. We have failed to get his point, **Mr. Chairman,** would it be in order, under the Standing Orders, to make him sit down as he has no point?

**The Chairman (Dr. De Souza):** The **Chairman** can ask him to sit down if he wastes the time of the House in repetition, or becomes completely irrelevant. I think I must give him a chance to try to get to the point. I do not want hon. Members to stand up every second on points of order, because then he does not get the chance to speak either. You may want to put forward a point, but please let the hon. Member finish his speech.

**Mr. Gichoya:** On a point of order, **Mr. Chairman,** am I not in order, when I try to explain certain difficulties which I, myself, have faced in my own area, in order to illustrate the exact position of the inefficiency or efficiency of the criminal investigation group?

**The Chairman (Dr. De Souza):** Order! I have pointed out earlier on, that whenever an hon. Member rises on a point of order there seems to be ten or more other hon. Members who want to give a ruling before anybody else has the chance. I would request you, please, to let the **Chairman** decide what is right and what is wrong. That is his duty when he is here. **Mr. Gichoya,** you are perfectly entitled to give an example, but I have not heard you try to do so yet. I do not know what examples you have been giving, but I would like you to come to

the point. Do not beat round the bush as it were, but get to the point straight away, we do not have a lot of time. No more points of order.

**Mr. G. G. Kariki:** On a point of order, **Mr. Chairman,** with due respect to your ruling, you have just said, **Mr. Chairman,** that when a point of order is raised by hon. Member, we should not shout in view of the fact, **Mr. Chairman,** that we have been here now for nearly three years, and we know what a point of order is, are we not allowed to shout and tell him what it is, when he is wrong?

**The Chairman (Dr. De Souza):** No, if you tell him privately I do not mind, but what happens is this, that when one hon. Member is raising a point of order there are sometimes about a dozen other hon. Members who are shouting to tell him what is right and what is wrong. The **Chairman** does not get the chance to have a word I am afraid. It is his duty to—**Mr. Mbogoh,** please sit down. Please sit down, **Mr. Mbogoh.** Order! **Mr. Mbogoh,** please sit down otherwise I will have to ask you to leave the Chamber.

**Mr. Mbogoh:** **Mr. Chairman,** I will sit down now but I will not take orders from anybody else other than from the Chair. The hon. Member telling me to sit down, should shut up.

**The Chairman (Dr. De Souza):** Yes, all right. Sit down. Order!

**Mr. Gichoya:** **Mr. Chairman,** it is very unfortunate that the House seems to be disorderly.

**The Chairman (Dr. De Souza):** Please get to the point, **Mr. Gichoya.**

**Mr. Gichoya:** **Mr. Chairman,** I was trying to give an example of to what extent we have been disappointed by the method of investigation of which we are being told let us pay more money to get better services. **Mr. Chairman,** I do not think that it is more money that is needed, other than better brains, and if we are being told by the Minister today that the money he is demanding £5,000, will mean getting experts from England, from Scotland Yard for investigation purposes, then we can listen to that. If it is a matter of adding more money to the "none" services we have received in the past, I feel, **Mr. Chairman,** that we are here wasting the public funds. An additional £5,000 is a sheer waste of public money when we need this money for development purposes. All the time the Ministers say we need more money, and they go from one corner of the world to another trying to beg for money for our development.

Mr. erap Moi: Mr. Chairman, I do not know why the hon. Member should raise that point of order. I read, "Expenses of Criminal Investigations, etc." I do not know what he understands by the word "police". I have given all the information required, and for what purpose the £5,000 is going to be used.

The Chairman (Dr. De Souza): I can understand Mr. Khasakhala's point of view, I must say, Mr. Moi. With all due respect, I would also have looked upon it in the same way as Mr. Khasakhala has done. If you look at the Supplementary Estimate, it says, "Supplementary Estimate of the amount required in the year ending 30th June 1966 for the salaries and expenses of the Kenya Police, the Kenya Police Reserve, and civilian staff and *ex-gratia* payments "£5,000." But it may mean that when it says "salaries and expenses" it only means expenses. I do not know. We will accept your explanation. I think the Minister is entitled to explain and we have to accept his explanation.

Mr. Ngala-Aboki: Mr. Chairman, I just wish to take this opportunity to draw Members' attention to the great and serious need for much more money, even double this figure, to safeguard the efficiency of the police. In doing this, I would like to mention two incidents affecting me personally and showing that we do not have efficient investigation in this country.

I know we have a good police force, a well-disciplined police force, a smart police force; this I understand, and I understand that people claim it is the best on the continent. Whether or not this is so, is not my concern. What I think is that we want much more money than this figure because one day last year, when I just went a few yards to park my car, I had already left this place. I was going home. I went to change a cheque for Sh. 800, and just after passing the bridge at Embakasi I parked my car, not even 500 yards. I parked my car. I went into the bush a little to help myself. On trying to sit and help myself, two people came with muskets—I am just telling this story to show how inefficient this particular investigation team is.

On trying to help myself, the two people jumped on me, with muskets on their faces. I could only see their eyeballs, and then I could see they had long sticks. They said, "For goodness sake give us some money; get into your car and sit there and hold your arms up like this." I went into the car and held up my arms; I could not do anything else. They ransacked the car and found the Sh. 800. I said to them, "I am going home, you see, I am a Member of Parliament—I wanted to see every way I could to ransack them—and we are the people who are

fighting for you. Just give me Sh. 100, and I will help you with the rest." They gave me bloody Sh. 5, they told me—

Mr. Shikuku: On a point of order, Mr. Chairman, is the hon. Member in order in using the word "bloody"? Is this parliamentary?

The Chairman (Dr. De Souza): No, you are quite right, Mr. Shikuku. The word "bloody" is certainly not parliamentary.

Mr. Ngala-Aboki: Now, just to be very brief, and to show that the police force—and particularly the investigation team, is a complete failure, I will finish my story. How they arrested the clever *Mau Mau* chaps, perhaps the Minister will tell us today.

Now, Sir, what happened was that they left me in the car. They said, "Don't do anything. We are going up to that tree and we are going to leave the key there. When we reach the tree, you come and collect the key." I said, "But if you drop it on the ground, I will not be able to trace it." They said "We shall be hanging it on a branch of the tree." They went off; they hung it there, and then they beckoned me—

Mr. Maitiro-Mumbo: On a point of order, Mr. Chairman, I wonder whether this is the time when I would be in order to move a reduction of some pounds, instead of wasting time, talking for nothing.

The Chairman (Dr. De Souza): For your information, Mr. Maitiro, we are already debating this question of reducing this Vote by £1.

Mr. Ngala-Aboki: Mr. Chairman, let me appeal to my colleagues who are my friends here; let me put this case plainly, because this is going to affect many, more Members of Parliament, and not only Members of Parliament. If one went to the Police headquarters one could see that many criminal cases are never investigated, never traced; and no one knows where these people run away with whatever money they get.

Now these fellows beckoned me. I followed them, very much relaxed, very much finished, so much shocked. I picked up the key where they had left it and they started running right into the edge of the National Park. When I got back to my car, I had to go back to Embakasi Police Post to report. First of all, the police were not quick enough about taking my statement. I went with the police right to my car, and then they had to use this police message-sending thing, right to headquarters, to ask for dogs to come.

Mr. Ochiyo, please do not interfere.

They had to ask the police to bring the dogs. These dogs took about 30 minutes or 45 minutes to arrive there. When the dogs arrived,

[Mr. Ngala-Aboki] Mr. Chairman, I do not know why they came with very reluctant men, who were very willing along very slowly with the dogs. Now the dogs started racing, they started very smartly. We were going round with the police car to try and see where these people went, and I was showing them.

The dogs did not go beyond my nose. They stopped there and they started looking all over the place, and behaving like idiots. The matter ended there, and my Sh. 800 went, these dogs did nothing, and yet we are told that we have the best police force and the best dogs in the world. If these dogs were arresting the *Mau Mau* chaps, who were so clever in getting rid of the colonialists, why should they not trace these open criminals who are in the bush, around the parks and around the airport. Therefore, we need more money and we need a more efficient police force. We do not want a biased police force and we need more efficiency.

Just last night, Mr. Chairman, the last one—because I do not want to dominate the whole thing, last night, I am living in Eastleigh Section 3, in a storeyed building, a very safe place, and my car is parked down below on the ground. This morning at 7.30 a.m. when I woke up I found my car lying on its tummy, no wheels, no rims, nothing. I have no car it is still lying there. The wheels and rims I got recently about three weeks ago with new Michelin tyres, and now they have all gone. I went to Pangani Police Station, where the policeman did was to take my statement and then told me "Oh, gentleman, what we shall do is to go and get the fingerprints and so on, and you know we cannot help it." I can inform the Minister that the whole of Eastleigh is served by Pangani Police Post, but that is the most corrupt place. There is no petrol for the police cars to patrol, and yet there are so many thefts. If one went to Pangani today he would find that last night so many tyres, and so many cars were stolen, and the police are doing absolutely nothing. I think it is partly due to the fact that there is no petrol, and partly because they have not got enough vehicles. That is why we want more money so that we shall not blame—we need more money so that we can deal with the Minister on the grounds of inefficiency rather than lack of money. Mr. Minister, we need more money, and your Ministry must ask for more money, so that if petrol is not there, if efficiency is lacking, if there are any other grounds trying to prevent the police force from investigating these things, then we shall blame you, but we will not blame the Government for lack of money. Thank you very much.

Mr. Gichoya: Mr. Chairman, I am deducting £1 for certain reasons from this Vote. In the first place, I must say at the outset that our police force today has failed the public. Our police force today has taken to itself the role of ruler. The police have—

The Chairman (Dr. De Souza): May I remind you that we are at the moment discussing the Criminal Investigation Department, and you must confine your remarks to only those items on which there is a Supplementary Estimate required. Not the general police force, that will do at the Budget debate when it comes.

Mr. Gichoya: Mr. Chairman, I think I will need your clarification. A policeman, whether a Kenya Police Reserve, a policeman in uniform or a policeman not in uniform, I believe, Mr. Chairman, that they are supposed to be investigating any crimes that are committed, in order to avoid any crimes being committed?

The Chairman (Dr. De Souza): You are quite right, but on the other hand, there is a specific department called the Criminal Investigation Department, you must have heard of them, and it is this department we are discussing, not the entire police force.

Mr. Gichoya: Thank you, Mr. Chairman, as I said at the outset, the morale of our criminal investigation group has deteriorated badly. I have certain reasons to give. In the first place I quote an instance which has bothered the people of Kirinyaga for quite a long time, and I refer to an illegal office operating at Katusu an illegal office in the name of Kanu. Mr. Chairman, as I say in the office is an illegal one in the sense, I am a member of the Executive Committee of Kanu as well as the administrative officer of Kanu, that is the district executive officer, according to the Kanu Constitution. Consequently, I know the legal offices of the party and the legal officers of the party.

Mr. Omar: On a point of order, Mr. Chairman, in view of the fact that there is too much repetition in the statements and examples given by almost every Member who is speaking, would I be in order to put the question that it should be put now?

The Chairman (Dr. De Souza): No, I am afraid you are not, Mr. Omar, I think this is only the second or third speaker, and in any case he has not even moved his amendment. How can I put it without his having moved it?

Mr. Gichoya, I do want to warn you I do not like interrupting any hon. Member, but you must realize that the line you are on is not strictly relevant to this particular debate. You cannot,



[Mr. Shikuku]

today no one has been arrested. Then we want more money for investigation. This is only for chasing up politicians.

Mr. Chairman, the other point is in Butere itself—I do not know whether this £5,000 additional sum includes the Butere people. I have complained here sometimes that there is a lot of crime in that area and we require more petrol, I wonder whether this is going towards petrol and if it is then I will support it, but if it is not I am not going to have it supported, and in addition to that my support will be with strings attached to the effect that we should have two Land-Rovers in Butere, one in Kisa Location and one in Butere for criminal investigation to ensure that there is no crime in Butere, because I am the greatest enemy of crime.

The other thing, Mr. Chairman, is the question of the investigations, where you have people who are known as Special Branch. I am afraid to say that I have the feeling that these people are not really specializing in their stories and they say So-and-so said this—

The Chairman (Dr. De Souza): That I am afraid, is not part of this, Mr. Shikuku, I think we are talking about the Criminal Investigation Department.

Mr. Shikuku: I understand your ruling, Mr. Chairman, but crime is also committed through speeches, is it not?

The Chairman (Dr. De Souza): If you are referring to Special Branch, it is not part of the Criminal Investigation Department.

Mr. Shikuku: Oh! I see. Criminals also listen to speeches that might be criminal and these people report very falsely sometimes, because I remember once I gave a speech denouncing thieves in my area and gave instructions to the effect that they should not kill thieves, but tie them on to the trees, I mean tie them to a tree and call the police. But to my surprise I understand from some friends of mine that I was reported to have said that thieves should be killed, which is completely opposite to what I have done. If this is the way the police are going to work to try and kill those who are trying to help them in their work or to get them tied up somewhere, then it is not a sufficient reason to give them this £5,000 to go and tell lies. We want to work with the police and we will help the police in every respect, and for your information, Mr. Chairman, I arrested a thief at the Overseas Transport Company and he is locked up. I was pinching from someone's pocket and I twisted his arm; I gave him one slap only, Mr. Chairman, he was very

rough so to make him calm I showed him I was powerful and he is now to appear before a court, which goes to show that I am also helping the police to do their work. We want the police to work with us so that we eliminate crime.

With those few remarks, Mr. Chairman, I shall be delighted if the Minister would explain why the £5,000 is required.

The Minister for Home Affairs (Mr. arap Moi): Mr. Chairman, I have taken an interest in the speech of the hon. Member who has just spoken. First of all, in his last remarks he said that he got hold of a thief and took the law into himself and hit him. This is not what the Government wants.

Mr. Shikuku: Is it in order for the Minister to misrepresent what I said? He said that I took it on myself to beat him, and yet I said, "Because you tried to rough-handle me, I had to slap him." Is that not in self-defence?

The Chairman (Dr. De Souza): Order! Order! I think Mr. Shikuku is right, Mr. Moi. A man can use reasonable force in order to apprehend a criminal. I think he said that a man was being rough, mainly because he was resisting arrest.

Mr. arap Moi: Mr. Chairman, if the hon. Member suggests that when a policeman arrests somebody, he should slap, or they should slap him, then this is absolutely wrong.

The Chairman (Dr. De Souza): No, no.

Mr. Shikuku: On a point of order, is the Minister in order to continue misrepresenting what I said? What I said was that this man was rough and I had to slap him. Is he in order to do that?

The Chairman (Dr. De Souza): No, I am afraid, Mr. Moi, you are not in order. Mr. Shikuku did not say that a policeman is entitled to beat up a person after he has arrested him. I think what he said—and what the law says, in fact—is that the policeman is allowed to use reasonable force to apprehend a person.

Mr. arap Moi: Mr. Chairman, I cannot recollect the fact that some remarks made by some of the hon. Members at certain meetings could help prevent crime. I would like to point out to the hon. Member who spoke that, in his province, crimes have increased, beatings have increased, several people have been murdered, as a result of encouragement by speakers at certain meetings, that people who are—

Mr. Muliro: Point of order, Sir. Could the Minister substantiate the motive which he, in fact, imputes to Members from the Western Province, that they encourage subversive speeches?

Mr. arap Moi: Mr. Chairman, Sir, I am prepared to bring a statement tomorrow about speeches made by some of the hon. Members which would justify what I have said, Sir.

The Chairman (Dr. De Souza): All right. He will bring the statement tomorrow, speeches or reports tomorrow, and lay them on the Table.

Mr. G. G. Karuki: On a point of order, Mr. Chairman, is it in order for the Minister to bring this speech here, rather than taking such speeches to court?

The Chairman (Dr. De Souza): It is up to the Minister what he decides to do. It would be in order for the Minister to take this report—Mr. Shikuku, please! When I am making a ruling, I do not want five other people giving rulings at the same time. Either one person is going to speak or all the others.

Now I think it is perfectly in order for Mr. Moi to take them to court; in fact, that is probably what he will do. But, on the other hand, he has been asked to substantiate an allegation he has made; and therefore it is quite right for him to bring extracts or summaries or full verbatim accounts of those speeches, because that is, in fact, what he has been asked to do. We cannot, on the one hand, ask him to bring here the report and substantiate it, and at the same time object to his bringing them here.

Mr. Oduya: Mr. Chairman, we want to make sure, when he brings us the statement tomorrow—he has just mentioned the issue as to why there are a lot of murders and beatings, things like that, and it is because some Members are encouraging the public. So we would like him, in this statement that he brings; to assure the House that the Members are, in fact, encouraging their voters to fight and kill one another.

The Chairman (Dr. De Souza): No, no, no. I do not want you to prejudge the issue or anything. All I understand, from what Mr. arap Moi has said, is that some Members, by their speeches, tend to encourage crime. I think this was the gist of it. All right, this is what I understand, and I do not want to go through this again. He is going to produce the evidence on which he bases his allegation tomorrow; and I think we will leave that until he does produce his statement.

Mr. Kase: Would I be in order, Mr. Chairman, since the Minister is going to produce the facts tomorrow, to ask you whether it is in order for the Minister to bring this statement, detailing so many crimes, so that we can see the—

The Chairman (Dr. De Souza): No, Mr. Kase, it is up to him to decide how he is going to substantiate his allegation; it is not for us to tell him what to do.

Mr. Khasakhala: On a point of order, Mr. Chairman, could the Minister tell the House whether he is going to produce before the House tape-recorded speeches or mere reports from policemen?

The Chairman (Dr. De Souza): I am afraid that is entirely up to him, Mr. Khasakhala.

Look, we do not want to have so many points of order. We are getting a little too many, and we must continue the debate.

Mr. Gichoya: On a point of order, Mr. Chairman, I wonder whether I am in order to ask that when the Minister brings this statement of his, we should be allowed to debate this, so that we can make a judgment based on fair information, since there is bound to be a story which perhaps could be challenged?

The Chairman (Dr. De Souza): No, I am afraid that is not possible, Mr. Gichoya. Sorry.

Order, Mr. Shikuku!

The Minister is going to substantiate his allegation tomorrow and that is as far as it goes. We cannot wait and have another debate tomorrow. It depends on whether today's debate on Supplementary Estimates comes up or not. If hon. Members are not satisfied with the substantiation tomorrow, they are now very fully versed in all the Standing Orders and will know what to do if they want to do something. But we do not want another debate tomorrow.

Mr. arap Moi: Mr. Chairman, I do not see why the hon. Members should be so sensitive. If they are interested in knowing what is happening, they should be calm and sober.

Now this £5,000 provides, *inter alia*, for the purchase and maintenance of photographic and laboratory equipment in connexion with the investigation and detection of crime, fees for forensic services and post-mortem examinations and payment of rewards for information which assists in the detection of crime. The amount originally provided for in 1965/66 has proved to be insufficient and this additional amount of £5,000 is required to meet increased expenditure which is being incurred during this current financial year.

Mr. Khasakhala: On a point of order, Mr. Chairman, the Minister has just stated that the money required is to buy equipment for investigation. Is he not misinforming the House. Under the same heading, it says here "... the amount required in the year ending 30th June 1966 for the salaries and expenses of the Kenya Police ...", not equipment.

[Mr. Shikuku]

Mr. Chairman, there are so many things motor accidents and so forth. The other day we had an accident at Nakuru and we were told it was still *sub judice*, but I know for certain that that accident was caused by the police force itself. Even the other day, Mr. Chairman, at Kikuyu Station I nearly passed away because the police force placed their lanterns in the wrong place and when I came in they stopped me and they said I was over-speeding. Well, I was not. Do you know what happened, Mr. Chairman? After eight minutes somebody else came up and banged all their lanterns and he nearly lost his life and went over the blockade on the road, which shows that the police force were wrong to place those lanterns in that place and on top of it they were drunk.

An hon. Member: That makes two of you then.

Mr. Shikuku: Mr. Chairman, if they feel that they have to have this money increased, then I feel that the Minister has a lot to explain before we give him the O.K. to spend £5,000, because we must be satisfied that the services are worth it.

The Attorney-General (Mr. Njonjo): On a point of order, Mr. Chairman, the hon. Member has raised a very serious allegation against the police and if in fact those police officers were drunk, it was the duty of the hon. Member to report the matter to the police, and I would be very grateful if the hon. Member can substantiate this, tell us when this took place and we will then be able to check who those people were.

Mr. Shikuku: I thought you would do that, Sir, I will not withdraw, I will substantiate, Mr. Chairman. It was on the 23rd December 1965, at five minutes to eleven at the Kikuyu Bridge just where the junction is leading to the Kikuyu Police Station and the one continuing to Nairobi, when I was stopped, Mr. Chairman. My being stopped—I am in the process of substantiating—they said, was because I was travelling very fast and that there was a police check. I said, Mr. Chairman, that there was no speed restriction at the area and, at the same time, the lanterns had been placed in a corner where the oncoming traffic could not see them and there was nobody on that day to signal the oncoming traffic to inform them of the check-point. Then when I came there I controlled my car and stopped it and they came and shouted at me and told me that I was drunk. Mr. Chairman, I was detained in that place from five minutes to eleven until twelve, midnight when I was sent to the Kikuyu Police Station and eight minutes after I had been stopped somebody came in who could not see the lanterns

and was not good at driving. He overran their lanterns and nearly overran one of the policemen and went over the road block, burst all his four tyres and nearly overturned, then all they did was to detain me there and when I asked them to check my driving licence they just refused to take it. They told me "You wait here, *ata kama wewe bwana Shikuku, you will stay here*". I stayed, Mr. Chairman, and I refused to go, afterwards when they said "*Sasa kwenda*", but I said "No, I must go to the police station and be proved a drunkard or you are drunk". Mr. Chairman, I went to the police station in Kikuyu, I found the Inspector very co-operative, the man in charge, I told him the whole story and we were sent to the Kenyatta National Hospital for medical examination and I said that I must have the police also examined.

Mr. Chairman, even the Minister in charge of the police, the hon. arap Moi, can bear me witness. He could stand as my witness No. 1 I have never drunk any alcohol in my life. Mr. Chairman, when I go to the Kenyatta National Hospital the doctor heard my name and called me in—Mr. Shikuku—I walked in, Mr. Chairman. That was round about 2.30 in the morning at the Kenyatta National Hospital after having been detained at the police station. Now I was checked, Mr. Chairman, I was told to walk on a straight line and I walked very smartly and then later on, Mr. Chairman, the doctor threw down about six matchsticks and he asked me to pick them up at once, I picked them up at once and then the doctor told me to stand on one leg and I stood easily, and then, Mr. Chairman, the doctor asked me to breath in his face, which I did, and there was no trace of drink on my breath. The doctor said "What are you doing here?" and I replied that the police inspector had taken me there to be examined to see if I was drunk.

Mr. Chairman, my comrades were the two policemen, they were drunk and the doctor told them that they smell of liquor, in front of me. If you want any further substantiation, Mr. Chairman, may I refer the Attorney-General, and if you want me to get the documents from the doctor at the Kenyatta National Hospital to prove that the hon. Shikuku was never drunk but the police were drunk I will do so. That is why, Mr. Chairman, I say I do not blame the policemen, because I know the work of the police is very difficult. They come up against a lot of trouble. I know that, but when there is a mistake I will never hesitate to point out that mistake even if it means them chasing me around. That is why I say this £5,000 to be given in addition to all that, Shikuku objects.

[Mr. Shikuku]

Mr. Chairman, leaving that aside there is another thing here. You will find, for example, that there is a lot of cattle stealing and that there is a lot of maize stealing—if stealing maize is not criminal, then I criminal, if stealing cattle is not criminal, then I should be told what is criminal. You will find that these people steal cattle and nobody is arrested. Are these cattle stolen by devils who are invisible.

An hon. Member: Or Ministers.

Mr. Shikuku: If there are any investigations at all I should like to know what these investigations are, and if this additional amount is only to chase politicians to find out what they have said we should be told, but if it is for crime, they almost do nothing.

Mr. Chairman, the Butere people are totally disappointed and they are living in a state of fear and they do not even know whether the Government exists, because they say "*Wakati wa kuberu kama ukupa mtu uta pata ume kwisha kuberu ndani ya Land-Rover; siku hizi mtu unapiga ndani ya Land-Rover, unapiga mtu na kaka hapo bila kusika*". They say these days, Mr. Chairman, if I may translate that that during the imperialist time if you messed about you found yourself right in the Land-Rover and they took you to the police station where you were questioned until you told them what you were doing, but these days, someone hits somebody and that man goes on bragging around without being arrested.

Mr. Chairman, I have here also a document, it is a letter which I have received, addressed to the district commissioner, with a copy to the hon. Member for Butere, where somebody is complaining of having had his house burned on the 25th December 1965. When he reported this matter to the administration the chief did nothing, the sub-chief did nothing.

Mr. Oduya: On a point of order, Mr. Chairman, how does the administration come into it and the chiefs and so on.

The Chairman (Dr. De Souza): Mr. Oduya, I think he is in order because he is trying to state facts and there was no criminal investigation to find out the persons who burned down the hut.

Mr. Oduya: But, Mr. Chairman, with all due respect, those who deal with investigations are the police and not district commissioners.

The Chairman (Dr. De Souza): Yes, I know, but he is coming to that.

Mr. Shikuku: I am just coming to that, Mr. Chairman. He reported the matter to the chief, the sub-chief, but none of them did anything. He

telephoned and sent a telegram to the chief to get in touch with the police at Butere, but no one ever went there and nothing happened, and up to today nobody has been arrested for burning the house, so the house must have burned itself. Is this why you want more money? Can the Minister tell me that the house just burned itself.

An hon. Member: Children.

Mr. Shikuku: There were no children in the House and the man was in Nairobi. Mr. Chairman, some people may take these things very lightly, but—

Mr. Njonjo: On a point of order, Mr. Chairman, I think what the hon. Member is saying is rather important and so I wonder whether he could move from where he is and come round here so that we can hear him properly?

Mr. Shikuku: Thank you very much, Mr. Chairman.

Mr. Osogo: On a point of order, Mr. Chairman, I am wondering if it is consistent with the Standing Orders of this House that the hon. Mr. Shikuku can speak from the Front Bench.

The Chairman (Dr. De Souza): I do not know whether there is anything to say that a Member cannot speak from the Front Bench, he cannot sit on the Front Bench.

Mr. Shikuku: Thank you, Mr. Chairman.

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitipiti): Mr. Chairman, Sir, my point of order is this. Since we all entertain the speech by Mr. Shikuku, Sir, and at the same time we have microphones all over the place and the hon. Member can speak from the other side, is it not in order for him to speak where he is, because the microphones are everywhere and the Members, as well as the galleries, can hear.

The Chairman (Dr. De Souza): I think all this is unnecessary. I did not ask Mr. Shikuku to come here or in fact to be where he is, he is entitled to be in any part of the House he wants to be. I think the hon. Attorney-General did suggest that he comes a bit nearer. I do not think that we want to be over-sensitive about where he stands.

Mr. Shikuku: Mr. Chairman, I promise I will never repeat anything. Mr. Chairman, Sir, I'm afraid the hon. Members will have to excuse me, for all they know one day I might even be at this Front Bench and they might be at the back, because I am the president of the poor people and they are in the majority.

Mr. Chairman, this is the issue where you have somebody who has had his house burned and this happened on the 25th December 1965, but up to

[Mr. Shikuku]

hopes—he said hopes—will the Minister assure this House that, for that part of the country, his hopes will not be against hope, so that we may know when the Government is going to do something rather than mere hoping which may end up in hoping against hope?

Mr. Nyamwaya: Mr. Speaker, I do not really know whether I understand the hopes of the hon. Member, but the hon. Member for Butere knows that, for the first eighteen months we had, a regional constitution—of which the hon. Member was a very strong supporter—and the question of providing houses was a very great responsibility. Government has only taken over the responsibility since December 1964. It is not only a hope the Government is expressing. The Government is seriously looking into this and we are going to do it.

The Speaker (Mr. Slade): There is a question by private notice.

#### QUESTION BY PRIVATE NOTICE

##### TRADE EMBARGO ON RHODESIA

The Speaker (Mr. Slade): Mr. Makone, I think you have a question by private notice? Will you ask it now?

Mr. Makone: Mr. Speaker, Sir, I would like to ask the Minister for Commerce, Industry and Co-operative Development what is the effect of Kenya's trade embargo with Southern Rhodesia. Is the Minister aware that agents of Rhodesia's commercial concerns are, as before, carrying on with their business in Kenya?

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): Mr. Speaker, Sir, I beg to reply. Kenya's embargo on trade with Rhodesia will not have a very great effect on Kenya's economy, or, for that matter, on the economy of Rhodesia, because our trade with that country has never been very significant.

Mr. Speaker, Sir, at the time that Kenya introduced the trade ban, it was fully appreciated that the individual economic effect would not be ruinous to the Smith régime, but that the clamp-down on trade indicated Kenya's complete condemnation of Smith, and added weight to the trade boycotts introduced by Rhodesia's former trading partners.

During 1964, our two-way trade totalled only £5,078 but would probably have shown a slight increase during 1965; for by October, Kenya's exports to Rhodesia had already reached £200,094, whilst our imports from that country were over

£252 only. The main items, Mr. Speaker, sold to Rhodesia in the past, were soda ash, pyrethrum extract, sisal products, beans and peas.

In return, Mr. Speaker, we purchased Rhodesian manufactured goods. Markets for export products have been found elsewhere and manufactured goods from Rhodesia, excepting Rhodesian copperware, are easily obtainable from many other sources.

Mr. Speaker, Sir, in regard to part two of the question, I must confess that I fail to understand the motive which has prompted the second part of the hon. Member's question. Are there Rhodesian agents in Kenya? I have never heard of any at all and as our trade ban and currency controls have effectively stopped all trade and transfers of money to Rhodesia, I fail to see what profit these so-called commercial agents could be expected to gain from remaining in Kenya.

Mr. Speaker, Sir, perhaps the hon. Member is not aware of the fact that the former Rhodesian Trade Representative in Nairobi left Kenya a few days after the unilateral declaration of independence and, as far as is known, most other representatives from Rhodesia, Mr. Speaker, also left at the same time. I am aware that one or two international companies have transferred staff and records from Rhodesia to Kenya since the rebel régime took over, but, Mr. Speaker, these transfers are not contrary to Kenya's interest but, do, in fact, enhance Kenya's importance as the commercial centre of East and Central Africa. These companies, Mr. Speaker, found it impossible to operate from Rhodesia and maintain their organization with any independent African State, and have, therefore, voluntarily come to Kenya. I would not describe these new Kenya residents as Rhodesian commercial agents.

Mr. Makone: Mr. Speaker, I would ask the Assistant Minister to convince the House that the former Standard Bank of South Africa, now known as the Standard Bank, does not transfer money from Kenya to Southern Rhodesia through London?

Mr. Oloitiptip: Mr. Speaker, Sir, I am not aware of this South African Bank operating here, all I know is the Standard Bank which is legally operating here and has nothing to do with the Rhodesian régime.

Mr. Makone: Mr. Speaker, Sir, how many Southern Rhodesian citizens were shareholders in this Standard Bank of South Africa?

The Speaker (Mr. Slade): I think you are getting rather far from the question now, Mr. Makone. I do not expect the Minister knows the answer.

[The Speaker]

and I do not think it is really relevant to this question of agents of commercial concerns operating here.

Mr. Khasakhaha: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House when the last importation of blankets and radios from Southern Rhodesia were received in Kenya and why there are still plenty in all the shops around Nairobi?

Mr. Oloitiptip: Mr. Speaker, I think the hon. Member knows, as well as the rest of the hon. Members know that, since the introduction of this Act in Kenya, the Government has given time, up to 8th June when all the goods from Southern Rhodesia or South Africa will be cleared from Kenya and by then, Mr. Speaker, if any goods from those particular countries are found, then anyone who is holding them will be prosecuted.

Mr. Oduya: Mr. Speaker, in view of the fact that most of the bankers and the shareholders of the Standard Bank are South African Nationals, what type of machinery is being used now to check on those people and to discourage them from using the Standard Bank to transfer their money through London or any bank in East Africa?

Mr. Oloitiptip: Mr. Speaker, Sir, I do not think that this question either is relevant, because we are here concerned with Rhodesian goods which the Kenya Government is trying to get rid of and not with a question of money or banking with the Standard Bank which, we all know, is registered in London and not in Southern Rhodesia. I do not think our Ministry is concerned.

The Speaker (Mr. Slade): It is time to go on now. May we have the next Order.

#### 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

SUPPLEMENTARY ESTIMATE NO. 1 OF 1965/66—  
RECURRENT

THAT a sum not exceeding £1,339,114 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Supplementary Estimate No. 1 of 1965/66 (Recurrent), having regard to the proposed savings of £252,702 therein appearing.

(Minister for Finance on 16th February 1966)  
(Resumption of Consideration interrupted in  
Committee on 16th February 1966)

#### VOTE 8—POLICE

The Chairman (Dr. De Souza): When the Committee adjourned yesterday we were discussing Vote 8—Police. I had heard a notice of Mr. Gichoya's intention to move by the reduction of the Vote by £1, but as he is not here we can go on.

Mr. Shikuku: On a point of order, Mr. Chairman, I thought I was speaking. Could I continue, Sir?

The Chairman (Dr. De Souza): Yes, you are quite right. You may continue.

Mr. Shikuku: Mr. Chairman, I was just beginning to find out why the Minister had found it necessary to ask for an additional amount of £5,000 in connexion with the expenses of criminal investigation. Mr. Chairman, I had already told you and the House that the Kenya Police Force was considered one of the best police forces in the world and we were rated as No. 2 to South Africa, but to my surprise Mr. Speaker, after independence, things have gone so low, and I must at this moment point out why I feel—

The Attorney-General (Mr. Njonjo): Is he comparing the Kenya Police with that of South Africa?

Mr. Shikuku: Is he standing on a point of order, Mr. Chairman?

The Chairman (Dr. De Souza): I think it was an interjection.

Mr. Shikuku: Mr. Chairman, I think I will deal with that interjection. I was only comparing—I can hardly speak from this end.

An hon. Member: You can go to hell.

Mr. Shikuku: I was comparing the Kenya Police Force to the South African one in terms of being very able, internationally it is known, Mr. Chairman, that at one time the South African Police Force was the best and that we came second, but to my surprise, Mr. Chairman, the police force—and we must appreciate this fact—has gone quite low, and I have reasons for so feeling. I am entitled to my views. Already in Butere there were four murders, and in none of which was anyone convicted. If there is this Criminal Investigation Branch which wants more money, surely the Butere people would like to know where these investigators are.

These days, Mr. Chairman, if you are hit on the head and expect the police to come around you have to wait for seven days without seeing the police.

Mr. Balala: Mr. Speaker, Sir, can the Attorney-General tell this House on what grounds does the Registrar-General usually cancel a registered organization?

Mr. Njonjo: If the particular society contravenes the constitution of the particular society.

Mr. Shikuku: Arising from the Attorney-General's reply, is it not the responsibility of the Registrar-General to find out whether a society registered under its own rules complies with the rules? For example, if the rules of the society say that elections take place after twelve months, and if that society does not do so, can the Registrar-General draw its attention to this fact and then ban the particular society? If so, why cannot this be done to Kanu?

Mr. Njonjo: Mr. Speaker, Sir, that is precisely what I said. If the constitution of a given society provides that a general meeting or a meeting shall be held within twelve months and it is not held, and the attention of that particular society is drawn to that fact, if there is no response from that society, then the Registrar-General can take the necessary action.

There are certain things that the Registrar-General cannot do. For instance, we, sometimes, do not know whether, in fact, a meeting has been held in a particular area, then we are presented with a form to say that a meeting was held. Unless we ask the Criminal Investigation Department to investigate this, we do not know.

Mr. Balala: Mr. Speaker, can the Attorney-General assure this House that if a complaint, or information, is submitted to the Registrar-General against a particular organization which is contravening its own rules and regulations, the Registrar-General will, in accordance with section 10 of the Societies Ordinance, take action?

Mr. Njonjo: I give that assurance, Sir.

The Speaker (Mr. Slade): Next question.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 298:  
REGISTERED ORGANIZATIONS: RULES AND REGULATIONS

Mr. Anyien: On a point of order, Mr. Speaker, I want to raise this matter on adjournment because there are a lot of things going on and—

The Speaker (Mr. Slade): That is all right, if Mr. Balala has no objection. You have the first claim, Mr. Balala, to raise it if you wish to.

Mr. Balala: I have no objection, Sir.

The Speaker (Mr. Slade): All right, Mr. Anyien, you may raise it if you give written notice.

### ORAL ANSWERS TO QUESTIONS

Question No. 316

THEFT BY PUBLIC SERVANT

Mr. Agar asked the Attorney-General how many Government officials of all ranks had been convicted for stealing public funds or for irregularities in accounts between January 1965 and now.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I am very grateful to the hon. Member who has asked this question, because there have been a number of offences committed by people who are employed in the Public Service, missing their offices, and in some cases, taking public money. However, I am afraid I shall not be able to satisfy the hon. Member, because I have not been able to gather the statistics.

However, hon. Members will have seen in the Press that a number of people employed in Public Service have been prosecuted and some have been convicted and are in prison for misusing Government money. The Government is quite serious about this, and any person in the Public Service who misuses Government vehicles, for instance, or takes away Government money, is going to be dealt with very severely.

I am not yet able, Mr. Speaker, to give particulars of convictions for this year but the number of Government officials convicted for stealing public funds or for irregularities in accounts during the year 1965 was, I regret to say, 130. All of the officers convicted were, of course, dismissed from the Public Service.

Mr. Agar: Mr. Speaker, Sir, would the Attorney-General be in a position to give me a departmental breakdown of these officers?

The Speaker (Mr. Slade): Yes, doubtless after notice.

Mr. Njonjo: Mr. Speaker, if I am given notice, I will gladly give the information, but as I indicated earlier on, I have not been able, as yet, to collect these figures. This is, however, a subject that is causing Government concern, and I will be prepared to give the hon. Member the figures.

Mr. Muruli: Mr. Speaker, Sir, what machinery has the Attorney-General got to find out how Government vehicles are misused?

Mr. Njonjo: I do not want to give public notice of this but I may say that the Criminal Investigation Department are on the look-out for these offenders.

Mr. Makokha: Mr. Speaker, in view of the fact that in any given district the police inspectors and the Criminal Investigation Department

[Mr. Makokha]

officers tend to respect district commissioners, who officers tend to be held responsible for reporting a district commissioner who misuses a Government vehicle?

Mr. Njonjo: The position is that, in this country, the police officers are guardians of our law and, as far as offences are concerned, they are responsible for law and order.

Mr. Makone: Mr. Speaker, Sir, will the Attorney-General tell this House that, in future, any officers found stealing or even suspected of the misuse of public funds, will not be defended by an advocate in a court of law?

Mr. Njonjo: I am afraid I am not prepared to give that assurance. I am a great believer in the rule of law. I also believe that a person is innocent until he is proved guilty in the process of law. Therefore, any person who is being prosecuted, has every right to be defended by an advocate.

Mr. Agar: Mr. Speaker, Sir, in view of the apparent evidence that the number of such offences has increased, particularly after independence, can the Attorney-General tell us the circumstances and causes that have led to this kind of increase?

Mr. Njonjo: I am sure this will not be palatable but I think I must say, Mr. Speaker, that one of the main reasons for this is, inexperience. A number of people have been placed in responsible positions rather suddenly, without any preparation or training, and this is something which we have to pay for our independence.

Mr. Wariithi: Arising from that reply, Mr. Speaker, quite often irregularities in accounts take a long time to find out, and you find that the officer involved is found out years after he has taken the money. What is the Government doing to accelerate the checking of these officers who are in charge of accounts?

Mr. Njonjo: Mr. Speaker, I understand that the machinery in the Auditor-General's Office is being ironed out and I can also say that the arm of the law is very long.

Question No. 292

STAFF HOUSES: KAKAMEGA PROVINCIAL HEADQUARTERS

Mr. Muruli asked the Minister for Housing and Social Services if he had any plans to build living houses for the many Government servants who had to travel as many as twenty miles to Kakamega Provincial Headquarters.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The Government has, since the establishment of Provincial headquarters at Kakamega, provided

office buildings and a number of staff houses at Kakamega. The original intention was that the Government would carry out the first phase to provide minimum housing requirements at Kakamega, and the second phase was to be the responsibility of the county council.

The second phase would have provided housing for Government servants and other residents of Kakamega. This programme was disrupted by the unfortunate handling of county council affairs which led to its dissolution as a result of bankruptcy of the county council.

The whole question of providing civil servants housing accommodation is being considered by the Government. It is hoped that some satisfactory arrangements can be reached in the near future, so that all government servants can be housed at the provincial headquarters.

Mr. Muruli: Mr. Speaker, Sir, is the Minister aware that most of the Government servants who work in the provincial headquarters at Kakamega waste a lot of time and Government's money travelling from their own homes which are sometimes thirty miles away?

Mr. Nyamweya: I am aware that this is happening in Kakamega; not only in Kakamega but in other provincial and district headquarters. It is a shortage of housing accommodation which the Government is experiencing. As I have already told the House, the Government is seriously looking into this matter to remedy the situation.

Mr. Khasakha: Arising from that reply, Mr. Speaker, Sir, Kakamega Provincial Headquarters having been established some three years ago, could the Minister tell the House what building programme the Government has in mind to accommodate these officers, and how much it is costing the Government on travelling expenses? We would like to know whether this money could be used for building houses instead of it being used on travelling expenses.

Mr. Nyamweya: That is a very lengthy question, Mr. Speaker, Sir, and I would not like to do injustice to it. If the hon. Member gives me notice I will surely furnish him with detailed information of the amount it is costing the Government for transportation of Government servants to Kakamega, in the way of house to office allowance. I will also let the hon. Member know the amount it is going to cost the Government to build houses for civil servants in that particular area.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, where he agrees that it is three years since Kakamega was made the provincial headquarters, and also arising from his

## [The Speaker]

Paper for Members to put up all kinds of supplementary questions on that on the spot. Members must wait and see it in HANSARD.

Mr. Anyieni: Mr. Speaker, you did not understand my point of order.

The Speaker (Mr. Slade): I thought I did.

Mr. Anyieni: I am sorry, Mr. Speaker, if I did not make myself clear.

The Speaker (Mr. Slade): That is all right.

Mr. Anyieni: What I said was that we have the question put on the Order Paper but, instead of the answer being given in the House, they should write down on the Order Paper also that the answer has been given in writing, so that the Members know that there was a question and they can look at the HANSARD, the small HANSARD which is given every day, and maybe raise supplementary questions later.

The Speaker (Mr. Slade): I am sorry; I did misunderstand your question. I thought you were suggesting that the written reply should be typed on the Order Paper.

No, I think that is quite unnecessary, Mr. Anyieni, if only hon. Members will read their HANSARD.

Next question.

## ORAL ANSWERS TO QUESTIONS

Question No. 247

## PROVINCIAL LABOUR OFFICE FOR KAKAMEGA

Mr. Godia asked the Minister for Labour whether Government was prepared to establish a provincial labour office at Provincial Headquarters, Kakamega.

The Assistant Minister for Labour (Mr. Kubah): Mr. Speaker, Sir, I beg to reply. At the moment, we have a labour office at Bungoma serving the whole Western Province. The office has one labour officer and three clerks and they co-ordinate all the labour work with the Senior Labour Officer, Kisumu. We are quite satisfied with the present arrangement for the time being, unless the hon. Member would like us to remove our office from Bungoma to Kakamega, although Bungoma is more central in the Western Province. I do not rule out the establishment of a provincial labour office headquarters at Kakamega in the near future, but, at present, my Vote does not include the necessary expenditure for this.

Mr. Godia: Mr. Speaker, arising out of the Assistant Minister's reply, will he tell the House in what way the provincial commissioner co-ordinates the work in the province with the Provincial Labour Officer in Bungoma, and the other provincial officers are in Kakamega, and yet there is no telephone link between Kakamega and Bungoma?

Mr. Kubah: Mr. Speaker, my Ministry's boundary set-up is a bit different from the geographical provincial boundaries. For example, the Senior Labour Officer, Kisumu, is in charge of Kericho, which is in the Rift Valley Province, Kisii in Nyanza Province, Kisumu in Nyanza Province, Bungoma in Western Province, Homa Bay in Nyanza Province and Nandi Hills in Rift Valley Province. So we do not actually work according to the set-up of the provincial boundaries.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister repeat his reply, where he mentioned Homa Bay? The mistake is mine, I was not listening, but it would be very useful.

The Speaker (Mr. Slade): Order! No, when hon. Members are so honest as to acknowledge that they have not heard because they did not listen, they cannot ask for an answer to be repeated.

You have a supplementary though? On what you have not heard?

Mr. Ngala-Abok: Yes, Mr. Speaker.

The Speaker (Mr. Slade): All right.

Mr. Ngala-Abok: Will the Assistant Minister tell the House why his Ministry does not consider it more convenient to move this labour office to Kakamega, which is the provincial headquarters?

Mr. Kubah: Mr. Speaker, as I have said, I do not rule out the establishment of this office at provincial headquarters at Kakamega, but we have not got the money for it at present.

The Speaker (Mr. Slade): Next question.

Question No. 250

## SPEECHES AT HAMISI CHIEFS' RALLY

Mr. Godia asked the Minister for Information and Broadcasting why the speech of the Assistant Minister for Information and Broadcasting (the hon. James Onamu) at the Hamisi Chiefs' Rally had been published by the Kenya News Agency and the Voice of Kenya on 2nd and 3rd of January, while speeches made at the same rally by the Minister for

## [Mr. Godia]

Education (then the hon. J. D. Otiende), Senator Tsaiwa, the Member for Emukhaya and leading Kanu district leaders for Kakamega and Hamisi Constituencies, had not been reported.

The Minister for Information and Broadcasting (Mr. Achleng-Onoko): Mr. Speaker, Sir, I beg to reply. The Assistant Minister for Information and Broadcasting, Mr. Onamu, left an embargo copy of his speech with the Press Office before leaving Nairobi to address the meeting at Hamisi Chiefs' Centre on 2nd January. The speech was released by the Kenya News Agency at 5 p.m. on 2nd January when the embargo was lifted. It was used by the Voice of Kenya the same evening and published by the daily newspapers on the 3rd of January. It is unfortunate that Mr. Onamu's speech was the only one which the Press Office had in advance.

The meeting in question was covered by our Information Office at Kakamega, but, since there is no direct teleprinter service between Kakamega and Nairobi, the report of the meeting had to be transmitted through the Kisumu Office and did not reach Nairobi until twenty-four hours later. The full report of the meeting was immediately put out by the Kenya News Agency and mention was made of it in the local Press on 7th January. In view of the fact that the report was received twenty-four hours after the meeting, it was only natural that it should not have been given a very prominent place in the local daily papers. In the journalistic world, news values deteriorate badly with the passing of hours.

It has long been the aim of my Ministry to have direct teleprinted communication with all our provincial headquarters, but, to date, we have not been able to find the money to connect our Kakamega office in this way. It is hoped that when this is done, delays of this sort will be avoided.

Mr. Godia: Mr. Speaker, Sir, arising out of the Minister's reply, is he not aware that his Assistant Minister is a great, rich rival of mine, and that when he came to this meeting I had arranged, his intention was to get his news out on the air, so that the country would know that he was the only person in that area, whereas the other Ministers and other leaders of Kanu in that area received no publicity in time?

Mr. Achleng-Onoko: Mr. Speaker, Sir, I did not know that two gentlemen could be rivals.

Mr. Khasakhala: Arising from that reply, Mr. Speaker, Sir, in order to avoid such incidents taking place again, could the Minister tell the House whether he will have double checks on

speeches, or his officers will check on speeches, to be made at public rallies before the speeches are made, and that he will immediately provide funds to install a teleprinter at Kakamega so that our speeches are not delayed for twenty-four hours?

Mr. Achleng-Onoko: Mr. Speaker, Sir, I have said in this House before that we normally double check our news, but, in this particular case, the Assistant Minister in my Ministry left a copy of his statement which was embargoed and only released after 5 o'clock.

I have also said that we are considering installing a teleprinter at Kakamega, but we cannot do that now because of lack of funds.

## NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 250: SPEECHES AT HAMISI RALLY

Mr. Godia: Mr. Speaker, Sir, on a point of order, I feel that this question, although answered by the Minister, is not satisfactory. So, with your permission, I would like to raise this as a Motion on adjournment.

The Speaker (Mr. Slade): You will remember to give me written notice, Mr. Godia.

## ORAL ANSWERS TO QUESTIONS

Question No. 298

## REGISTERED ORGANIZATIONS: RULES AND REGULATIONS

Mr. Babala asked the Attorney-General what was the usual course of action taken by the Department of the Registrar-General against organizations contravening their laid down registered rules and regulations.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply.

This is not a very clear question because there are quite a number of institutions that the Registrar-General is responsible for, trade unions, for example. However, I have assumed that the question is making reference to societies.

The Registrar-General is not able to take action against societies which contravene their own rules. These are rules of the societies concerned. Unless such societies are, at the same time, contravening the Societies Act for example, by pursuing objects not provided for in their own constitution. The Registrar-General may cancel or suspend the registration of a trade union which willfully and after notice from the Registrar-General, contravenes any of its own constitution.

Mr. Nyamweya: Mr. Speaker, Sir, I do not think the Government is in a position to ask foreign embassies in this country to take on Kenya nationals as interpreters. They are concerned with the administration and efficiency of their embassies here, just as much as we are concerned with ours. Our own wish is to accelerate the training programme, whereby we shall be able to train our people in Russian and other languages so that this anomaly no longer exists.

The Speaker (Mr. Slade): Next question.

#### Question No. 294

##### FARMING LOANS: WESTERN PROVINCE FARMERS

Mr. Muruli asked the Minister for Agriculture and Animal Husbandry if he could tell the House why farmers in the Western Province received less farming loans than the farmers of other provinces.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. It is incorrect to state that farmers in the Western Province received fewer farming loans than those in other provinces. The figures relating to the 1965/66 loan allocations are as follows: Rift Valley Province: loans to individuals, £78,000; loans to co-operatives, £16,250. Central Province: loans to individuals, £71,000; loans to co-operatives, £18,000. Eastern Province: loans to individuals, £55,500; loans to co-operatives, £7,500. Western Province: loans to individuals, £52,000; loans to co-operatives, £13,300. Nyanza Province: loans to individuals, £40,500; loans to co-operatives, £12,000. Coast Province: loans to individuals, £25,000; loans to co-operatives, £13,500.

Mr. Muruli: Mr. Speaker, is the Assistant Minister aware that people in the Western Province have applied for loans since last year and up to now they have never received any reply?

Mr. Murgor: Mr. Speaker, Sir loans are recommended by the district agricultural committees of each district, and then applications are sent to Nairobi. These are the loans which are left there for the Western Province. If they have not applied for them, it is not the fault of my Ministry.

Mr. Shikuku: Arising from the Assistant Minister's reply, does he not agree with me that, according to the figures he has given the House, the figure of £52,000 as loans to individuals is very small compared with others? And is he aware that whenever the people in Western Province apply for loans at Kakamega District levels, they are told that there is no money?

Mr. Murgor: Could the hon. Member, Sir, move nearer the microphone; I did not catch his question.

Mr. Shikuku: Arising from the Minister's reply, according to the breakdown which he has given the House so far, does he not agree with me that the figure of loans given to individuals is small, compared with other parts? And is he aware that when the people in Western Province, in various districts, apply for loans, they are told, "There is no money; we are waiting for money from the Government"?

The Speaker (Mr. Slade): I do not think that second question is relevant to this one. All we are concerned with is comparative totals between the different provinces, which have been given, and they can be discussed.

Mr. Shikuku: I thought Sir, that, as he has given us the breakdown for individuals, it hid some connexion with this, because these very individuals come back and tell us they do not get the loans because there is no money.

The Speaker (Mr. Slade): No, the question is why farmers in the Western Province receive less farming loans than farmers of other provinces. It is a comparison of totals between provinces.

Mr. Shikuku: Yes, Sir, that is quite right, but are we not allowed to ask a supplementary question what he has told the House since he has given the breakdown?

The Speaker (Mr. Slade): Yes, but your other question, about farmers being told that there is no money, is not relevant. I think your first question, too, was only a repetition of the original question.

Mr. Godia: Mr. Speaker, Sir, since the Western Province is the food store for Kenya, in so far as maize is concerned, will the Assistant Minister consider increasing the loans to the farmers of Western Province as requested?

Mr. Murgor: Mr. Speaker, Sir, the loans are not— it depends on each case; each is considered on its merits, taking into consideration the potentiality of the area. I can assure the Member that they will have their share later in the other province.

Mr. ole Tips: Mr. Speaker, Sir, arising from the hon. Assistant Minister's reply, where he gave the figure to individuals as £52,000—

The Speaker (Mr. Slade): Speak up, Mr. ole Tips.

Mr. ole Tips: My voice is rather low this afternoon, Sir.

Arising from the Assistant Minister's reply, could he agree with me that the £52,000 loans to

[Mr. ole Tips]

individual farmers in Western Province, as compared with £8,000 to farmers in that vast province known as Rift Valley, is really the lion's share?

Mr. Murgor: Mr. Speaker, I do not agree with the hon. Member. I have said that every case is taken on its merits. If an area has a certain potential, even though it is small, no doubt we will give it loans. So the question of a big area does not arise.

The Speaker (Mr. Slade): Next question.

#### Question No. 313

##### ALLOCATION OF AGRICULTURAL FINANCE CORPORATION LOANS

Mr. Warithi asked the Minister for Agriculture and Animal Husbandry if he could tell the House what were the allocations, district-wise, of loans by the Agricultural Finance Corporation to farmers for the years 1964 and 1965.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, before I reply to this question, I would like your direction on this point. We believed at the Ministry that this question was quite long to answer and we rang up the Clerk of the House and inquired whether we could give it in writing. He told us that this would be at your discretion in this House today, when we were answering this question. I am prepared to answer it, if the House does not mind my giving a long answer.

#### CONSIDERED RULING

##### QUESTIONS SUITABLE FOR WRITTEN REPLIES

The Speaker (Mr. Slade): No, I am afraid that was not the correct reply. Perhaps I should re-issue a circular which I sent out quite a long time ago, advising Ministries that they have a discretion always. If they get a question for oral reply which they think involves great length or detail, they can say, "No, we will give a written reply," because it is not a reply which would be digestible, if heard in the House. We have to trust Ministries to exercise that discretion fairly. So you do not have to consult the Speaker or the Clerk to do that in a case such as we have before us now.

Once it has come on the Order Paper, it is not very satisfactory for the House to hear then that the reply will be a written one, because, apart from other things, by getting on the Order Paper it has ousted another question which might have been there for oral reply. All the same, having seen the reply in this case, I think that, quite definitely, it should be given in

writing; it is far too detailed to be given orally in the House today. I think you had better take that course.

Mr. Warithi: On a point of order, Mr. Speaker, you have ruled in this House before that if a Minister thinks that he cannot answer orally then the question is not put on the Order Paper. Why did this happen today?

The Speaker (Mr. Slade): Well, I think I have given a definite ruling. Ministries can always decide, in their discretion, that a question should receive a written reply. But if they do so decide, they should so inform the Member who has asked the question and also the Clerk, so that it does not appear on the Order Paper. That is the right procedure.

All the same, if it does get on to the Order Paper, and still has a reply which is really quite unsuitable for oral reply, then I think it is better to have a written reply.

Mr. Osogo: On a point of order, Mr. Speaker, since this question has passed through either you or the Clerk of the House, before it came to the Ministry, and since it involved counting a number of districts, maybe forty, and giving two different figures for two different years, would it not be in order that either your Clerk or you direct the hon. Member to require a written reply, instead of an oral one?

The Speaker (Mr. Slade): That is so. In cases like this normally I myself say, "This is a question which should receive a written reply." This must have escaped me somehow.

Mr. Anylen: On a point of order, Mr. Speaker, in view of the fact that some of the questions which may be asked by hon. Members may be of great interest, and, because of this, when the reply is written, then some Members may not know when this question was asked, would it be in order for me to ask that a question be put on the Order Paper and below it is written, "Answer given in writing," so that the Members who are interested in that question can immediately look at that copy of the HANSARD the following day for the information?

The Speaker (Mr. Slade): No, I have dealt with all this before. The procedure, when a written reply is given, is that it is published in HANSARD just like an oral reply, and Members can then, at their leisure, put in further questions on any particular detail of the written reply; they can pick out particular things which would be suitable for oral reply. Then it comes into the House and you get your supplementaries. But it is no good putting a long written reply on the Order

Mr. Nyamweya: Mr. Speaker, Sir, to my knowledge such cases are very rare in Kenya, but the position is that a married woman to be entitled to house allowance should really be legally separated from her husband. There is a firm principle involved, because although the situation which the hon. Member for Trans Nzoia has suggested can arise, such cases are very rare and unless you change the African tradition where the wife is the head of the family, I do not see how that can be.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister of State to the President's Office define what he means by where the woman "is legally separated from the husband", because, in my view, I feel that this will bring about encouragement and promotion of divorce to enable people to get house allowance?

The Speaker (Mr. Slade): Order! Order, Mr. Ngala-Abok!

Mr. Nyamweya: Mr. Speaker, Sir, I have been asked to say what the words "legally separated" mean. When I said that, I meant where a married woman has by an order of the court been permitted to live away from her husband for reasons which are governed under the laws relating to the laws of marriage and family law, but that, of course, implies that there should have been a valid marriage.

Mr. Somo: Mr. Speaker, Sir, will the Minister tell this House very clearly that in a case where a woman works in Nairobi and her husband works in Mombasa, would that woman be entitled to house allowance?

Mr. Nyamweya: I do not really know whether the hon. Member is trying to—

Hon. Members: Answer the question.

The Speaker (Mr. Slade): Order! Order! A little patience.

Mr. Nyamweya: That is what I am trying to do, my friends, I am trying to answer the question.

Because it is a tricky one, the hon. Members, Mr. Speaker, live in Nairobi and perhaps they want to justify house allowance for their wives who are working elsewhere, but the point is where a wife has been legally separated is the only time when that particular woman is entitled to house allowance. If a husband, for reasons best known to himself, has decided to work away from the place where his wife is working, that is a matter for that particular husband to make accommodation available for his wife.

Mr. Malinda: Mr. Speaker, Sir, will the Minister tell us what action Government will take in cases where the wife is a working woman and the

husband has no work or is incapacitated due to illness or accident, will such a woman get house allowance?

The Speaker (Mr. Slade): The Minister has answered that; he said "Yes".

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's previous reply where he referred to legal separation, would he not agree with me that this legality does not take into account African Socialism and that, according to African Socialism, there is no such legality which he is talking about, and therefore the question does not apply to those who are married in the ordinary African way?

Mr. Nyamweya: Mr. Speaker, Sir, the hon. Member for Butere maybe does not know that you can marry under African Customary Law and you can equally be separated from your wife or vice versa under African Customary Law. The African Courts have been doing this in the past and are continuing to do this.

Mr. Kibuga: Mr. Speaker, Sir, arising from one of the Minister's replies, does the Minister agree and is he aware that by giving more privileges to women legally separated from their husbands, they are encouraging divorce?

Mr. Nyamweya: Mr. Speaker, Sir, I must get this point clear. There is no question of encouraging married women to desert their husbands, but the hon. Members should be realistic and face the facts of life. Sometimes, due to the fault of nobody, one spouse may find it extremely difficult to continue with the marriage and naturally the law has some provisions whereby these people can live happily and separate.

Mr. Mairori-Itumbo: Mr. Speaker, Sir, would the Minister, from all his wrong replies in the House, agree with us that he is clearly encouraging prostitution in the country as a whole?

Mr. Nyamweya: Mr. Speaker, Sir, I would be the last person to encourage prostitution, but I have sympathy with married women who find it extremely difficult to continue with unmanageable and uncontrollable husbands.

#### Question No. 315

##### MATERNITY LEAVE FOR UNMARRIED GIRLS

Mr. Muliro asked the Minister of State in the President's Office why unmarried young girls, employed by the Government, did not get normal maternity leave when they were pregnant.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply, Government regulations provide for the grant of

(Minister of State, President's Office): ... unpaid maternity leave to a married woman officer for a maximum period of three months. This is based on the presumption that it is a married woman who is entitled to be pregnant.

Government does not intend to extend the privilege of maternity leave to unmarried girls in the interests of maintaining good morals in society. But, in exceptional cases, however, where unmarried girls are bound to serve the Government for specific contract periods following their training, unpaid leave is granted for maternity purposes in order to retain their services. These cases are few and they are severely scrutinized.

Mr. Mairori-Itumbo: Mr. Speaker, Sir, arising from the Minister's reply, would he give the House a breakdown of those unmarried girls, or give the number, who happened to have been pregnant in 1965 to date?

The Speaker (Mr. Slade): Order! No, that is quite a different question. I thought you were going to ask another question about prostitution.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that some ladies who have really become women and are not girls any more and may not expect to be married and have therefore decided that they must work and remain alone, and in view of the fact that we do not have sufficient men to marry all these girls, would the Minister consider allowing pregnant leave or maternity leave to ladies from a certain age and up?

Mr. Nyamweya: Mr. Speaker, Sir, I am told by the learned Attorney-General that we cannot legislate for these accidents.

The Speaker (Mr. Slade): Is this your question Mr. Matano, or Mr. Rurumban's?

#### Question No. 306

##### EMPLOYMENT OF AFRICAN RUSSIAN INTERPRETER

Mr. Rurumban asked the Minister of State, President's Office, if he would tell the House why the Kenya Government could not employ an African who could speak Russian to be an interpreter in Russia.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply, Government officers are employed or appointed to established posts where vacancies exist. If a vacancy does not exist, then the Government is not obliged to create one automatically to fit anybody qualifying in a certain language or profession.

From time to time, the Kenya Embassy in Moscow, and for that matter any other mission, has been approached by various students wishing to be employed as interpreters. Such students seek employment, either as a part-time job or as a way of supplementing their incomes.

Interpreters in the Soviet Union are vital to all foreign missions, who normally employ local people, whose special knowledge of the Soviet Union and their contacts in the Government Ministries, facilitate the work of the mission. In view of this, any applications that are received from Kenya students are not accepted, mainly because translations by such students could not be relied upon. The Government is studying the possibility of training its own nationals as linguists for the Kenya missions abroad.

Mr. Rurumban: Arising from the Minister's reply, will the Minister tell the House whether it is true that all our interpreters in the Kenya Embassy in Moscow are Russians and, if they are, why can they not employ any African from Kenya?

Mr. Nyamweya: I have answered that question. Mr. Speaker; that we are looking into the possibility of training our own nationals to act as interpreters wherever we have a mission abroad. It does not cover Moscow only, but all over the missions we have.

Mr. Mbogoh: Arising from that reply, Mr. Speaker, will the Minister tell the House why they can rely on translations from a Russian while they cannot rely on translations from our own students?

Mr. Nyamweya: Mr. Speaker, Sir, the Government does not rely on a Russian or an African; it relies on knowledge.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that if we employ a Russian, or, for that matter, a German, in our embassy, let us say, in Moscow or in Bonn, that means that at least one job has been taken by a foreigner, and the Kenya taxpayer is paying, would the Government consider negotiating with such countries as have their embassies in our country to make sure that they also have interpreters in their embassies so that the Kenya Government does not spend more money paying foreigners than the foreigners are paying the Kenya Government?

The Speaker (Mr. Slade): You mean employment of African interpreters in local embassies?

Mr. Anyieni: Yes.

The Speaker (Mr. Slade): You were not quite clear, I think.

Thursday, 17th February 1966

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

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

### PRAYERS

### COMMUNICATION FROM THE CHAIR

#### USE OF MECHANICAL DEVICES IN THE HOUSE

The Speaker (Mr. Slade): Hon. Members, on Tuesday, the 15th February, the question was raised, as a point of order, whether the accuracy of a newspaper report of a statement said to have been made by a Minister could be tested by playing a tape recording of that statement in this Chamber.

I was inclined to rule against that procedure: but as the question was novel, and as it seemed to involve the whole issue of mechanical reproductions—which can take many forms—my ruling was deferred for further consideration.

Certainly, it has been the practice of this and many other Parliaments to allow hon. Members to bring various objects into the Chamber for the purpose of proving or illustrating a case; documents, of course, but also photographs, models, specimens of produce (other than rotten eggs or tomatoes), and even (at least on one occasion in the House of Commons) a detached piece of human flesh. The introduction of mechanical devices for reproduction of things seen or heard is, however, an entirely different matter; and if we begin with any of them I do not know where we shall end. It would not be easy to draw any line of limitation beyond the starting point. Such devices can be very clumsy for movement or placing; they can require elaborate apparatus, and even the presence of an expert operator on the Floor of the Chamber; they may be so imperfect that the reproduction is not properly seen or heard; they are vulnerable to distortion by mechanical defect, or by deliberate tampering; they can even be instruments of sheer falsehood by concoction. They are far from being necessarily first-hand witnesses of truth.

In the case of mechanical reproduction of things said, there is the further objection that, though the House hears words, perhaps influential words, those words cannot be recorded in HANSARD. They cannot be recorded; because, even if purporting to be the words of an hon. Member, they are not words actually spoken on the Floor of this House.

Nor can any of the records used for such mechanical devices be laid on the Table—like documents, photographs, or other simple exhibits

—for subsequent examination by hon. Members in any practical manner. What further use, for instance, could any Member make of a television reel which was laid on the Table of this House or placed in the Library of this National Assembly?

For these reasons, after due consideration, I shall not, while I am Speaker, allow within this Chamber any mechanical device for ephemeral reproduction of things seen, heard of (or that matter) smelled, unless and until our Standing Orders expressly requires me so to do.

This does not, of course, preclude the use of such devices elsewhere. Substantiation of allegations often takes place outside this Chamber, and there may well be occasions when hon. Members wish to see or hear, for proof or for illustration of something said in this House, a place, thing, or person which could possibly be brought here. Indeed, coming back to the original cause of this Communication the Minister for Information has promised to play the record in question to hon. Members at a convenient place, after due notice. That, I think, is the way to deal with all such mechanical novelties of our age.

### ORAL ANSWERS TO QUESTIONS

Question No. 307

#### CIVIL SERVANTS AND LOCAL AUTHORITIES: SAMBURU.

Mr. Rurumban asked the Minister of State, President's Office to tell the House why the Government ruling banning civil servants from sitting on local authorities had not been effected in Samburu District.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. Yes, Sir.

I would like to correct the wrong impression created by this question that the Government circular bans civil servants from sitting on local authorities. The fact is that, under the provisions of the circular, civil servants may not seek election to the local authority; but this does not preclude the Minister for Local Government from exercising his prerogative to nominate civil servants to sit on any local authority to represent the Government.

The Samburu County Council has been in a terrible financial state of affairs recently, resulting in the suspension of its chief officers. The council has now had a new treasurer and the clerk is still under suspension.

Owing to this unsatisfactory state of the council's affairs, the Government decided to suspend the applications of the provisions of the

[Minister of State, President's Office]  
Government's Circular No. 43/65 to the council. In arriving at this decision, the Government was concerned about the welfare of the council and its people and could not allow the council's affairs to be run by inexperienced councillors and chief officers or executive officers. It is for this reason that the Government decided to retain the present councillors until the new council officers were experienced enough to guide the new councillors when they are elected. As soon as the Government is satisfied that the new council officers have gained the necessary experience, an election to return members who could replace the civil servants will be held. I hope the hon. Member will see the wisdom in doing this.

Mr. Rurumban: Arising from the Minister's reply, will the Minister not agree with me that if civil servants are elected to local authorities they will hinder the policy of the Central Government in view of the fact that they act under the banner of the electorate?

Mr. Nyamweya: I do not really think that a civil servant who has the interest of his people, country and nation at heart would hinder the progress of the country or the county council as desired by the Central Government.

Mr. Rurumban: Mr. Speaker, is the Minister not aware that the Samburu County Council will never make headway so long as we have these civil servants and illiterate chiefs, as well as local headmen, sitting predominantly on the local authorities?

Mr. Nyamweya: Mr. Speaker, I appreciate the views expressed by the hon. Member for Korossi, but this is not a question of the Samburu people being deliberately held back. It is a question of education and education only will be the answer. That is why we think that, in the near future, people with sufficient educational background in the Samburu County will be able to present themselves to serve in the council, so that they can help to promote the welfare of the people of Samburu County.

Mr. Rurumban: Mr. Speaker, Sir, is the Minister not aware that the present chiefs that we have sitting on local authorities are the stooges and puppets—

The Speaker (Mr. Slade): Order! Order! Mr. Rurumban! You know my views about the use of that word. You must withdraw that word. You know what word you withdraw, don't you?

Mr. Rurumban: Yes, Sir. I withdraw the word "woogs".

Mr. Speaker, Sir, is the Minister aware that the county council, that is the chairman, prevailed on the district commissioner not to effect the ruling of the Government?

Mr. Nyamweya: I am not quite so sure, Mr. Speaker, whether I should agree with the hon. Member on this one. I think the problem here really is, as I have said, of getting people with sufficient experience to help the country.

The hon. Member says that these people were under the influence of some few people in Samburu. I think I would only repeat my reply, that the hon. Member for the area must work together with the Government to see that people who have the interest of the district at heart, come forward to serve on the county council.

Question No. 314

#### HOUSE ALLOWANCE FOR MARRIED WOMEN GOVERNMENT SERVANTS

Mr. Muliro asked the President if he could state the reasons why married women, employed by the Government, did not get a house allowance.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. Married women employed by Government are granted house allowance if they are separated from their husbands and are entirely self-supporting or they are the sole supporter of a family or husband due to the latter being incapacitated by ill-health. In short, if the married woman is the breadwinner of the family, then she is entitled to a house allowance.

Married women living with their husbands do not qualify for house allowance. A husband is deemed, unless the hon. Members think otherwise, to be the head of his family and therefore obliged to provide his wife and children with housing accommodation. Thus, where a wife and husband are not legally separated and where conditions of incapacity on account of ill-health do not obtain, the husband has to find a house for his wife when she is employed as well as when she is not employed. The situation, I think, is extremely satisfactory.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister not consider the question of a woman who is married and yet she is the breadwinner of the family, because the husband might not have the qualifications to obtain a better job. In a case like that, would the Minister give a woman, in those circumstances, house allowance because she would be maintaining the husband?



The Speaker (Mr. Slade): If there is no hon. Member who wishes to speak, I will put the question that the House do now adjourn.

(Question put and agreed to)

#### ADJOURNMENT

The Speaker (Mr. Slade): The House is therefore adjourned until tomorrow, Thursday 17th February at 2.30 p.m.

The House rose at fifty-five minutes past six o'clock.

#### WRITTEN REPLIES TO QUESTIONS

Question No. 2462 (a)

##### MONOPOLIES: CONTROL OF PROFITS

Mr. Ngalo-Abok asked the Minister for Commerce, Industry and Co-operative Development what measures had been adopted to investigate and control monopoly profits, discriminatory prices and unfair marketing practices.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): The hon. Member's question covers a very wide field and I have therefore assumed that he is principally interested in what the Government is doing to prevent exploitation of local consumers. If this is the case, price control legislation exists and, where Government is satisfied that unnecessary profiteering is taking place in a particular item, action can be taken to control prices. In addition to price control legislation, my Ministry has trade officers in all parts of the country who are available and willing to investigate all and every complaint brought to their attention. If the trade officer reports that certain traders or companies are abusing their rights to trade freely in Kenya, action is taken by the Government to prevent such abuses occurring in future.

I would like to assure the hon. Member that the Government is not blind to some undesirable practices in commerce and industry which sometimes come to light. My Ministry is now assessing the whole situation and, if there is found to be a need for firm action, give me time and you will see.

There is a very close control on the marketing of many essential commodities through such agencies as the Maize Marketing Board, the Kenya Agricultural Produce Marketing Board, the Kenya Meat Commission and the Kenya Dairy Board, and even producers are guaranteed

fair prices by the various other Government boards which pay farmers guaranteed prices for certain products. You may refer in particular to the complaints which have been received regarding maize marketing. As hon. Members are aware, a commission of inquiry is investigating maize distribution at the present time and this inquiry indicates that when obvious dissatisfaction is brought to the attention of Government, immediate action is taken to ascertain the facts and to correct the situation.

The Government controls monopoly profits through company taxation. It is a fact that certain firms in certain lines do enjoy a monopolistic position simply because the size of the Kenya market has not encouraged competitive enterprises to emerge. However, as a matter of principle, the Government does not encourage monopolies and continues to endeavour to encourage new investment in those fields where virtual monopolies exist. This is not to say that all monopolies are bad, and where a Kenya firm does find itself without competition, the Government allows a certain level of competition from overseas products through the operations of import licensing and customs duties. However, if competition from overseas becomes too disruptive, action is taken to protect local firms so that present employment levels are maintained. I can assure the House that in permitting the commercial and industrial sectors of our economy to enjoy free but guided operations throughout the country, the Government maintains continual vigilance to see that the ordinary consumer in rural areas, and producers, receive the full protection of Government.

Question No. 114

##### PASSION FRUIT FACTORY FOR KISHI

Mr. Anyien asked the Minister for Agriculture and Animal Husbandry when Government intended to install a passion fruit factory with the help of any company in Kisii District.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): The Government has no intention of putting up a passion fruit factory in Kisii in the foreseeable future.

Question No. 145

##### TEA PLANTING: MAJOGI-BASSI FARMERS

Mr. Anyien asked the Minister for Agriculture and Animal Husbandry when Government was going to allow farmers in Majoje and Bassi Locations to plant tea.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): At present the two locations are outside the tea-line, but Mr. Brown

##### [The Minister for Agriculture and Animal Husbandry]

was asked by the Government last year to look further into the potential of tea growing in Kenya. When his recommendations have been studied, it is likely that the tea-line in Kisii will be extended to include some parts of Majoje and Bassi Locations. Once this has been extended, the people of Majoje-Bassi will be allowed to grow tea.

Question No. 146

##### TRAINING FOR AGRICULTURAL INSTRUCTORS

Mr. Anyien asked the Minister for Agriculture and Animal Husbandry how long was an unqualified agricultural instructor going to be allowed to work in the field before he was taken for full training.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): There are no unqualified agricultural instructors.

Question No. 199

##### NAIROBI CITY COUNCIL EMPLOYEES

Mr. Shikuku asked the Minister for Local Government:—

(a) Could the Minister give the House the breakdown of the people holding key posts in the City Council of Nairobi on a district basis.

(b) Would the Minister also furnish the House with the names of all those holding top jobs in the Nairobi City Council.

The Minister for Local Government (Mr. Sgani): (a) It is not possible to give a breakdown of the people holding key posts in the city council

as requested by the hon. Member, as records of the districts of origin of employees of the city council are not maintained.

(b) With regard to the second part of the hon. Member's question, the following are the names of the officers holding key posts in the city council:—

Town Clerk	D. M. Whitside.
Deputy Town Clerk (Acting)	P. A. Clarke.
City Treasurer	E. L. Jones.
Deputy City Treasurer	J. E. Bell.
City Engineer	N. S. Murenja.
Deputy City Engineer	Mr. Kahumba.
Medical Officer of Health	Dr. John Kabiru.
Deputy Medical Officer of Health	Dr. Kamau.
City Education Officer	John Callander.
Assistant City Education Officer	J. K. Icharia.
Director of Social Services and Housing	J. Mbugua.
Deputy Director of Social Services and Housing	C. M. W. Siganga.

I would like to add in explanation that all expatriate chief officers are serving on contract terms. In their contracts there is a clause to the effect that, if the city council decide to Africanize them when qualified Africans are available, then the council may either—

(a) terminate their contracts on giving three months' notice; or

(b) require them to continue in their employment in an advisory or consultative position to the holder of the substantive post until the end of their contract.

[Mr. Ngala-Abok]

Also, Mr. Speaker, the function of this Adult Education Board, although this was discussed here, should also be defined, so that the country could be satisfied that we would not involve ourselves in a lot of talking; that we are merely going to create a lot of boards here where people would squander a lot of Government money. The Minister made a lot of blunders, some of which I will not mention here because I would like to persuade him this time to come clean and to try and state specifically, instead of thinking that I am troubling him and avoiding the correct reply—

I just want to repeat, Mr. Speaker, before I sit down, that the reason why I brought this is that I want to see why the Ministry of Social Services should not carry out the job and the functions which they have been carrying out very efficiently. I also want to know how the Ministry has organized itself to carry out this function at the expense of those who are supposed to carry it out more efficiently. I also want to know which are these voluntary bodies which have been organized and are ready to take over this job, and to do it on behalf of the Ministry. I also want to know how the Board of Adult Education will supervise all these centres throughout the country so that we may rest assured that we are going to have all these adult men and women carrying out these studies under properly instructed and properly qualified staff. I do not want vagueness, I do not want to be told that teachers will be called upon to help, Members of Parliament should also go out of their way to help with this and that, and not listen to a lot of political talk which is so empty. This is a House where Ministers must speak in terms of explaining policies to Members of Parliament and this is where some Ministers find themselves with problems and in difficulties with Members when they seek to know something definite and Ministers keep on trying to avoid the correct answer.

I think, without going too far, I would allow a chance to other Members who wish to express themselves, and I will just say that I wish to move.

Mr. Kibunga: Mr. Speaker, Sir, I feel that it is very important that we should have a policy on adult education. The Minister has said previously that these duties in connexion with adult education, previously under the Ministry of Social Services, should be transferred to Education. Such a transfer is most important, but what we require is a policy where this will be organized properly. We should not wait for

voluntary bodies to come and organize adult education, even if they are teachers, even if they are Members of Parliament who are willing to come and help with adult education, we need somebody in every district to go round and organize these voluntary bodies. We need to spend a certain amount of money so as to get our people educated.

This is especially important at this stage of Kenya's development, because most of our people are uneducated. Some people could take advantage of the ignorance of our illiterate people and confuse them politically. People could introduce foreign ideologies and, unless people know how to read and write, they would be confused. So, when the Assistant Minister comes to reply, we shall need to have a clear-cut policy from the Ministry. I see that the Minister, who attends Cabinet meetings and so on, is not here to reply, but I hope that the Assistant Minister is sufficiently briefed to answer fully. We do not want to be told, "Let us wait for the Board of Adult Education". What has the Minister to say about the policy of adult education? We ask him from time to time and, in fact, in the Kanu Manifesto we promised to give adult education. It will not be possible to give every adult education, but we at least need to make a beginning and there should be a department within the Ministry to supervise this. I am sure the hon. Mover meant well when he suggested that adult education should move to the Ministry of Social Services, and so on, but, being a professional man—an ex-teacher—I would suggest that this would be better carried out in our Ministry of Education, but we need a policy. The other thing, Mr. Speaker, is that voluntary bodies are very useful. We know that there are some missionaries, some other volunteers, and these people may get some villages to form adult education classes. But, if we have a field officer to go round in every district, he would be able to contact different leaders and organize classes for these people who are going to educate these adults and then these people would be able to carry on. Besides, if we have somebody to organize this, there would not be any part of the country left behind. I think, when the Minister comes to reply, we do not want to be told that, where we have people themselves, they will be helped by the Government.

That may be true but we need to get this officer in the field to go and talk to people in different locations, different villages, different markets. He will be able to collect them together, organize themselves, and once they do that, we do not

[Mr. Kibunga]

need the Ministry of Education to provide all the material necessary. We will provide all the salaries. The people who are going to be taught, will have to pay a certain amount by way of fees, and this money will help towards the management of adult education.

I will end by saying that we need a policy from the Ministry of Education and we do not want to be told, "Wait until the board is ready." We have professional men in the head office in Nairobi, in the provincial offices, in the district offices in the divisions, and so on. What are we waiting for? We need to know exactly what is happening.

Mr. Speaker, Sir, I say we need a policy.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, I think the hon. Members who have spoken on this Motion have raised more or less similar points to the ones I was about to mention. I do not think there is much conflict with the views expressed by the speakers in connexion with this Motion, because it is precisely what the Ministry is planning to do.

One thing which I would like to make very clear at the outset is the suggestion that adult education should not be carried out by the Ministry of Education and that it should be referred back to the Ministry of Housing and Social Services as it used to be in the past. Mr. Speaker, I would however like to say that, in 1964, my Ministry received a circular from His Excellency the President which said, very clearly that, since the question of education was handled properly by the Ministry of Education, and that it was not adult education alone but a combination of adult literacy and adult education which was being carried out by the Ministry of Social Services, it was proper that this was handled by our Ministry. We concurred with the views of His Excellency the President. This is why the Ministry of Education feels that it is the proper Ministry to tackle this problem.

Now, Sir, I would like to answer my friend, the hon. Mr. Ngala-Abok, the Mover of this Motion, when he said that he wanted to know the policy of the Ministry in regard to adult literacy and adult education. He also wanted to know whether this was going to be confined to the towns and cities alone. Sir, I think the Ministry of Education is quite aware of the education officers in the field, the problems they face and the fact that they are not full-time employees on this job. To organize and supervise these schools for which they are not responsible, really brings about a lot of problems. In order

to make the best use of these teachers, a certain policy should be effected. Now, Sir, in order to do this, my Ministry has made provision in the next Budget, which is the 1966/67 Budget, for administrative and supervisory staff for adult education, and this is included in the Estimates for the current Budget. As the hon. Members will see in the Ministry's Estimates, we have to include this in order to have some funds whereby we will be able to run the services of adult education and adult literacy as effectively as they should be. You realize that, in the past, this was only transferred to our Ministry, but without proper arrangements, as prevailed when this was being run by the Ministry of Social Services.

Coming very quickly to the question of how this would be organized at district level, Mr. Speaker, I would like to say this. In view of the immensity and variety of the work involved, we felt that literacy and adult education should have two additional education officers' posts which should be organized so that these people could supervise this work throughout the country. In addition to this, Sir, we also propose to have in every district one organizer who will be in charge of that particular district, to carry out the work of adult literacy and adult education. One person will also be in charge of the reading materials and literacy classes.

Now, this is the policy of the Government with regard to this point. You realize, Mr. Speaker, that this is a very complicated work, and if the Members are patient, I am sure the plans that the Ministry has will go a long way towards satisfying the requests of the Members.

I would also like to say that, at the present moment, the teachers who are engaged on this voluntary work will get some remuneration. We have already allocated some money for them so that these people can do voluntary work and yet receive some emoluments. This will make them feel that they are not being asked to give their services free of charge. We plan to give at least Sh. 50 for each teacher who volunteers to do this work during his leisure time. This particular work will be carried out by the teachers who volunteer to do this work after they have done their normal work. In addition to what they are being paid at present, we are prepared to pay them a sum of Sh. 50 a month. This is not for the teachers alone, but also for those other people who are trained to teach adults.

Mr. Speaker, I think we have gone a long way in meeting the requirements of the country. If we are given time, I am sure the Members will be satisfied with the plans that we have to carry out this big task of educating the masses.

[Mr. Odoyo]

the usual practice. Then you find that the head office of the Ministry is checking and saying, "Oh, now the country is really in danger." And then they say that they need additional money so that they can follow up these cheques properly. If it is for scrutinizing us, we cannot give the Government the money. But if it is for doing a useful job for the State, trying to—you know that political things, in their own language of administration, are counted also as criminal, because they say that seditious speeches are criminal. That is why I was saying that.

Anyway let the Minister tell the House why he requires so much more money, what necessitated this requirement on the part of the Ministry.

Now I think I should give the opportunity for my hon. friends to speak.

**Mr. Omerwa:** Mr. Chairman, Sir, I want the Minister also to tell us exactly how this Department of Criminal Investigation is carrying on its functions, and how it warrants that this House should add more money to what was originally voted. I know that this particular department of the police force is failing, particular as regards stock thefts. They are not doing much to inform the police or the Judicial Department exactly where these particular stock thieves are. In this case, Sir, I would have thought that since this particular department had failed to do what the country wants in this particular problem of stock theft, we should have suggested a reduction instead of an increase, because they are not doing much.

In that case, Sir, I would like to know why this department does not come out strongly and say how many cases they have revealed or how many cases they have discovered while investigating, and thereby enable the Government to stamp out this particular problem of stock theft.

**Mr. Shikuku:** Mr. Chairman, one thing is quite definite. This extra £5,000 is quite unnecessary in my view. First of all, there have been four killings in Butere and, up to this time, no one has been convicted. Secondly, Mr. Chairman, you find that these people these days—I am very much surprised because the Kenya Police Force was rated as one of the best in the world, second only to South Africa and yet today it has become so cheap. You find that even the Special Branch, which is supposed to be reporting whatever movements are going on, are not doing this at all. Instead, they cook up a lot of stories of their own on what was said for example, when Shikuku is denouncing violence they say, "Oh, Shikuku supports violence."

**The Chairman (Dr. De Souza):** I think you will get time to speak tomorrow, Mr. Shikuku. It is now time to interrupt business. I will report progress to the Speaker and beg leave to sit again tomorrow.

(The House resumed)

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

## PROGRESS REPORTED

SUPPLEMENTARY ESTIMATE No. 1 of 1965/66  
(RECURRENT EXPENDITURE)

**Dr. De Souza:** Mr. Speaker, Sir, at the time of interruption of business, the Committee of Supply was discussing Supplementary Estimate No. 1 (Recurrent Expenditure). I beg to report progress and ask leave to sit again tomorrow.

## MOTION FOR THE ADJOURNMENT

## SUPERVISION OF ADULT EDUCATION

**The Speaker (Mr. Slade):** It is time now for the interruption of business; but there is a matter to be raised on the adjournment, so I will ask a 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, Industry and Co-operative Development (Mr. Mwendwa):** seconded.

(Question proposed)

**Mr. Ngala-Abok:** Mr. Speaker, Sir, I am glad to have this opportunity to say a few words regarding supervision of adult education.

Before I put forward any reason for my seeking to raise this Motion on the adjournment, and to get more clarification on this question from the Ministry, I would like to say that the Assistant Minister who answered this question was not specific and he did not tell us even the policy which will be adopted by the Adult Education Board when it starts operating. In his reply, Sir, the Assistant Minister said that adult education was a job for voluntary bodies, agencies and other bodies, who volunteer to assist; but I think we should not rely on volunteers to carry out a task which is so vital and so important to our people.

We have three enemies and one of them is ignorance. Our job is to see that as many of our people, as possible are educated so that they are able to read and write, and they are then able to understand Government policy. So what was not satisfactory here, Sir, was whether the Ministry has really adopted a policy that will be used for adult education or not. If the Ministry had any policy whatsoever, then the answer would not have been so vague.

[Mr. Ngala-Abok]

In my view, Sir, adult education has been carried out by community development, and this particular department is within the Ministry of Social Services; the staff there have been taught to educate people or to carry out adult literacy or adult education programmes. They have nursery centres in the countryside which could be used very conveniently for adult education. In towns, there are the self-same centres which could be used for the same purpose.

When we go to the Ministries and we encounter those people who are employed in various departments and who cannot read and write, this is where we could say that it might be the responsibility of all those immediate officers working in close association with illiterate people to spare some of their time to train or to educate such people to write and read. But when we look at the countryside, we find that the machinery is already there and if the Ministry could tell us how they are going to work in liaison with the Community Development Department, we would be satisfied. But merely to tell us that teachers will be asked to spare some of their time to carry out adult education and that, when the Board of Adult Education is instituted, it will call for the services of all people who may volunteer, is vague, unnecessary and a sign of a confused policy. We want to see clearly what will be done and how this will be carried out, because the machinery is already there; there are people qualified to teach adults, and these are available within the Department of Community Development, in the Ministry of Social Services.

I could even suggest, Sir, that this particular function should not be carried out by the Ministry of Education, because this Ministry could sufficiently and conveniently supervise the education of boys and girls from primary to intermediate and beyond, secondary schools and education at degree level. This is a sufficient responsibility. But to go on confusing themselves in adult education in the countryside is actually not going to be done efficiently; and this is self-evident in the reply of the Assistant Minister.

I want the Assistant Minister to come out and tell us exactly why this Ministry decided to take over, or why the Government, during its reorganization, decided to remove adult education from the Ministry of Social Services to the Ministry of Education. Was this merely because of the word "education"? And yet the entire function is so different and can be handled

by another Ministry; it does not qualify, the Ministry of Education to become involved in a matter which it cannot carry out very well.

I doubt, Mr. Speaker, whether a person, after having done his job, or after having carried out his business, could volunteer to educate an adult in any centre. If such a thing is going on, the Ministry must tell us how many people have volunteered. He talked about agencies. Well, these agencies have their own jobs to do. They can volunteer in certain capacities, at certain centres, but this will not be something on which we can rely. We must have a better organized system, and I believe that adult education could be carried out very well by community development officers, supervising the qualified staff they have and who, apart from teaching children, can teach adults and who already have certificates to do this job. This job could be carried out on behalf of this particular Ministry by the Department of Community Development, which is the right place for this sort of work.

I think the Assistant Minister should tell the House that they are abandoning this function and they are advising the Community Development Department to take over, otherwise the Minister should report today how many centres are working and how they have organized teachers at these centres, and how many qualified adult literacy teachers they have since they took over.

Mr. Speaker, when the Minister replies, I should like to be told whether this is to be confined to towns only, because at least people who live in towns are in touch with those who read newspapers and they are as informed as those who can read. But in the countryside, we want people also to be well informed. The Assistant Minister represents a rural area and the only way in which to get him out of his seat is to confuse the uneducated people in his constituency who cannot read for themselves what our policy is as far as this Government is concerned. I could go there and tell them anything which I read in the newspaper, and then they would accept me. But if they were able to read, they would be enlightened and they would know exactly what they should do and what is going on in the country.

Sir, in South Nyanza, I do not see where the Ministry of Education is already running an adult education centre; all that I see, Sir, is that the community development officers, the assistant community development officers, and the officers in that particular department are doing it and are carrying it out very well.

**[The Assistant Minister for Economic Planning and Development]**

explained in a note on the same page. It is merely to facilitate debate and to meet with Treasury procedures, because what is intended is that the savings—I emphasize that, the savings—which have been made on the same subhead of Personal Emoluments should now be reallocated for expenditure on the items listed under the explanatory note. If the Members would like to read it, it is very well explained there; one personal secretary, Grade I, two personal secretaries, Grade II, one stenographer/secretary and three copy typists. The reason again, Sir, is explained in the notes below, that the expansion in the Ministry, the increase in staff, senior staff, requires this form of assistance. That is the reason why we require this additional secretarial staff.

Now, Mr. Chairman, I could not understand what the complaint is about, because we should, I think, have been congratulated on effecting savings. All we are seeking is to reallocate those savings for purposes which have become more urgent than had originally been envisaged.

Therefore, I think that hon. Members, at least on this one Head, should not waste their time on a debate, when we are not really asking them to give money. All we are saying is that procedures have to be followed, and that is why you need this vote of £1. I believe that that is the issue.

Before I sit down, Mr. Chairman, I think an explanation is required from you, as you said earlier on that if we are going to have a general policy debate, it has at least to be on a substantive Motion or some other kind Motion, I think, and you cannot merely sneak in comments in this particular debate.

**The Chairman (Dr. De Souza):** Yes, I think Mr. Kibaki is quite right.

**Mr. Ochwada:** On a point of order, Mr. Chairman, have you accepted the Motion to deduct £1 yet, or are we discussing the original Motion?

**The Chairman (Dr. De Souza):** I was just going to explain. I have received from Mr. Shikuku just now a notice of the Motion which he proposes to move, to reduce the expenditure on Vote 6 by £1 to nil. Now it is my duty—a not very pleasant one sometimes—to decide how much time we should devote to a particular sub-head or a particular Vote; and I realize that if I do not allow Mr. Shikuku, he cannot move his Motion.

But, on the other hand, it is my duty to decide that we use the time we have available for those items where, in fact, a substantial

amount of money is being spent or where I think discussion is most merited. It is a decision I have to take, with which many hon. Members may not agree; but I usually take it irrespective of whether they go or not. In this case, I have decided to do to Vote 8. On Vote 7, there is no debate because that is only savings, so there is no debate on that.

**Mr. Shikuku:** On a point of order, Mr. Chairman, since I have complied, I think, with the rules of the House, in that I have given notice of the Motion in writing; and since I have not yet put my case, which I feel I am entitled to do, is this quite in order?

**The Chairman (Dr. De Souza):** Yes, I sympathize with you, Mr. Shikuku, but, on the other hand, you must appreciate my point of view. There are many items to be discussed and you yourself will appreciate that we will probably want to spend more time on them. Mr. Kibaki has also raised a point on which I made a ruling earlier to Mr. Oduya, that the only items you can discuss in Supplementary Estimates are those items for which a Supplementary Vote is required. You cannot discuss policy, nor the Ministry as a whole.

Now in this particular case, there is no real extra expenditure; it is merely a rearrangement, as it were, of officers and staff. As such, I think I would, in a way, not be quite fair to all other hon. Members, including, perhaps, yourself, if I allowed the Committee to spend much more time on this matter, rather than spending its time on other matters. I think that you yourself, if you think it over, will agree that that is probably the right position. In any case, this is what I have decided.

**Mr. arap Sol:** Mr. Chairman, Sir, in view of the fact that when the Assistant Minister, Mr. Kibaki, talked, he showed that this £1 was a token sort of thing, which was not actually required, and when the hon. Mr. Shikuku was going to move to reduce this, I do not see the reason why you should refuse him the opportunity to do so, because this £1 may be misused.

**The Chairman (Dr. De Souza):** I have evidently not been able to make myself quite clear. When Mr. Kibaki says that £1 is not really, in fact, required, what he means is that when the Government is rearranging expenditure or spending money in a way which is slightly different from what it was, in fact, allocated for by this House at the time of the Budget, the Government has strictly to come to this House and explain why this is being done. To do so, a debate is needed.

**[The Chairman]**

Now to give Members an opportunity to debate this, they have to put in a token expenditure of £1; and that is why this has been put in.

Now, once again, strictly speaking, I could let the Committee speak on this for a long time, but I feel—perhaps wrongly but this is what I feel—that there are some other items on which time could be more usefully spent; and therefore I have decided to go ahead to Vote 8.

**Mr. Pandya:** Mr. Chairman, I agree that it is not necessary to launch a policy debate on this Vote 6, but there has not been sufficient time to get one or two other matters clarified, and I should have thought that—

**The Chairman (Dr. De Souza):** I am afraid, Mr. Pandya, that there were about three or four Members who spoke, and I could see that what they were trying to do was to speak on the main policy. That we shall do very soon when the Budget comes, which is only about three months away, and they can spend all their time on that then.

*(Head A agreed to)*

**NOTE 7—MINISTRY OF DEFENCE**

*(Heads A B C E G H and J agreed to)*

**NOTE 8—POLICE**

**Head J—Expenses of Criminal Investigations, etc.**

**Mr. Shikuku:** On a point of order, Mr. Chairman, I seem to be quite overtaken. We have just finished Vote 6 and in my book here, on page 9, I find Vote 7.

**The Chairman (Dr. De Souza):** I did explain this a little earlier, that Vote 7 is merely a saving. In other words, Government is not asking Parliament to pass an expenditure; in fact, it is reducing expenditure. So we do not have to debate it or discuss it. That is why we went over that. But if you want to keep on, I can call it again.

**Mr. Oduya:** Vote 8, Sir, We would like an explanation from the authority concerned as to why they want £5,000. If this money was put to another use, Mr. Chairman, I am sure it could put up a very big project; it would employ perhaps more than fifty people in the rural areas. So we would like to know why the Ministry wants this. What are the additional expenses that occurred and which warranted the Ministry's demanding an additional £5,000. They say, under J, that they would like this money for criminal investigations.

We know that this has possibly been brought up just because of suspicion and so on about the movements of Members, which are counted as criminal. The Minister himself is very happy; he is happy spending money unnecessarily, watching Members for no reasons at all, instead of making this money build something. Anyway, all I want to find out from the Minister is whether this money enables the Minister to assist us in strengthening our borders with other States, such as Uganda and Tanzania. On the question of Somalia, we are not worried, because we already have a programme for that. If the Kenya Government has failed to catch the *Shifita*, that is a different matter. We have given them the necessary assistance; and there is money being spent on that matter. But maybe they want to keep the money for following Oduya and so on.

**An hon. Member:** You should go there.

**Mr. Oduya:** Yes, but I cannot resign my seat. I could go there as Oduya and still retain my seat for Deso.

**An hon. Member:** What are you going?

**Mr. Oduya:** If you give me double salary, I can go.

**The Chairman (Dr. De Souza):** Order!

**Mr. Oduya:** Mr. Chairman, discipline the Minister first.

Anyway, I was just going to ask the Minister for Home Affairs who is responsible for these people, whether he has any arrangements at all to spend some of this money on the border between Uganda and Kenya, where we are experiencing a lot of difficulties. There we find that most of the people in the area are losing a lot, as regards stock and other things. Stealing of course, is a criminal offence, but we are not in a position actually to be able to find out from the Ministry how many cases of crime have been noted and what the necessary steps the Ministry is taking to remedy the situation in the area. I would like to know whether this additional £5,000 is needed to meet the Busia demand, which has been reported from about the border; and I hope he will tell me. And if this is not so, why is this money demanded? Is it just because the Minister has heard that in a certain meeting Oduya or Shikuku or Gichoya said this and therefore he needs additional money to—

**The Chairman (Dr. De Souza):** You must refer to hon. Members in a proper way.

**Mr. Oduya:** Yes, Sir, that is right. The hon. Oduya or the hon. Shikuku or the hon. Gichoya might have said this and that. This is, I know,

Mr. Wariñhi: Mr. Chairman, what the Minister has said is very interesting, despite the fact that he has promised to show the Members of this House the film, there are still some things that we would like to know.

The first one is when did this film come to this country, when was it completed? The other one is why is it that up to now, before the matter has been brought to this House, the Government, or the Minister, did not see fit to show it only to the Members, but to the people of Kenya? If the film depicts Kenya in a very good light, good scenery and the rest of it, it is all the more important that we should see it ourselves in this country. Why is that before we raised a query in this House as to how this money had been spent, nobody thought of letting the people of Kenya see it and get some benefit?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, I did not want to intervene at this stage but I would like to answer what the hon. Mr. Wariñhi has just said. I did not see this film, but the fact that the Minister for Information has promised the hon. Members to show them this film is welcomed, for I think what the hon. Members were interested in is to see this film. What I also think should have happened, Mr. Chairman, is that it is only fair that a film like this should be approved by the people of this country. Let us not forget that the main aim of this film, as the Minister for Information said, was to publicize our country overseas for the different interests of this country. It has done a job by attracting more investors, and more tourists to come to this country. This is our interest here. If this is not our interest then hon. Members should stand up and say so. It was questioned, Mr. Chairman, that this is an exorbitant amount, £4,043. Honestly, with due respect to the hon. gentlemen who suggested this, he does not know the cost of any film. I agree I have seen him with a camera, and he knows what filming could cost, but that is only on a small scale. We have heard that films have cost millions and millions of £s. This, apparently, is a commercial film which has gone overseas to entice people to come to this country. What I would ask the Minister for Information and the Minister for Finance to do is that when he shows us this film, we hope it will cover Kenya as a whole and not sections of Kenya. We hope this has been covered in the film, because it is very important that every place in Kenya is shown, and that the tourists who are supposed to be attracted by this film, visit places they have seen. This I am only drawing to the attention of the Minister for Information and the Minister for

Finance. Otherwise I do not see, Mr. Chairman, why we are quarrelling with this amount which I think we have gained in a way by making this film.

Coming, Mr. Chairman, to the point that has been raised by hon. Members, and I only wish the hon. Members could keep order, the hon. Member for Butere has raised the point that he does not understand why this should come here, independence somewhere else, and Kenyatta Day celebrations somewhere else. This is the technique that happens in finance. This is something that has not already been covered by other Votes, so the only person who can bear the burden is the Minister for Finance. Nobody else. That is why it is coming under the Minister for Finance. The debt of £5,500 owed to the city council, could not come to anyone else, because we voted money to all other Ministries, this is a debt, and it is a Government one, and can only be borne by one person, that is the Treasury, and that is the Minister for Finance. I do not see why Members are confused with this simple mathematics, and a simple item which comes under the Minister for Finance.

With these remarks, Mr. Chairman, I hope the Members will see the points.

(Head 5 agreed to)

#### Head T—Government's Matching Contribution to the National Social Security Fund

Mr. amp Sol: Mr. Chairman, I have heard the explanation of all this and my point is—

The Chairman (Dr. De Souza): We have moved on. Are you still referring to Republic Celebrations?

Mr. amp Sol: No.

(Head T agreed to)

(Head U agreed to)

(Vote 4 agreed to)

#### VOTE 6—MINISTRY OF ECONOMIC PLANNING AND DEVELOPMENT

##### Head A—Personal Emoluments

Mr. Shikuku: Mr. Chairman, Sir, Vote 6 where they say they have an additional sum of £1 for personal emoluments. Sir, I would like to know why there is any need to have an addition of £1. The Assistant Minister wants to know why I am asking about the addition of £1, he should know that I am even worried about 1 cent. Why it should be spent, because I am of the opinion, Sir, that there is a lot of expenditure which I think we should check on. There are too many big salaries in this Ministry, and the people who earn these salaries do not help anybody apart

(Mr. Shikuku) These people, Mr. Chairman, from themselves. These people, Mr. Chairman, earn the same salary, in this Ministry, as the salary earned by the imperialist officers, and those imperialist officers, Mr. Chairman, were those imperialist officers, they employed an office boy, very useful because they employed to take food to the table, a kitchen boy, and in that way they helped poor people to help themselves.

Mr. Chairman, I know of people here even in the Government who have big responsibilities, who are only the sons of drivers. The people in this Ministry want £1 more, when they do not even employ a *shamba* boy, when their lawns have become wild and they enjoy themselves at what you call parties, where they go every day and have free food and drink and then go and sleep. They spend nothing, their wives are also employed in the same Ministry or elsewhere, they accumulate wealth. Mr. Chairman, this is why I object to this £1 increase, because I am of the opinion that the salaries paid to the civil servants are too high, and as a matter of fact, Mr. Chairman, it should be reduced. In my opinion— I am sorry I have not given you in writing my intention to reduce this very £1. I hope that in the meantime Members will be speaking, and I will move a reduction of that very £1 and if possible, more, in this Ministry. They have not helped anybody at all, apart from boasting that they are big guns and drinking excessively. Mr. Chairman, I will sit down to put it in writing and allow some other Members to speak.

Mr. Oduya: Mr. Chairman, thank you very much. I wish to join my friend, the Member for Butere, in his contribution about this £1. In fact, it is very unnecessary at this stage for this Ministry to ask for an additional £1. We know that the Ministry has not helped anybody since its formation.

The Chairman (Dr. De Souza): Mr. Oduya, when we are discussing Supplementary Estimates, we only discuss the additional expenditure involved, and not the whole Ministry as such.

Mr. Oduya: I know that, but the Ministry is those officers working there, and in fact what I am going to say—

The Chairman (Dr. De Souza): You are not to say, what you are only allowed to do is to discuss those elements which caused the increase in expenditure.

Mr. Oduya: Yes, that is what I am going to say. You have caught me, Mr. Chairman, on only one sentence. Here you have a problem whereby you have officers unnecessarily paid. For example, I hear our own local men, I understand

with economic degrees like the Assistant Minister for Economic Planning and Development here, although his head is just like mine, he has a lot of economics there. Well, just black like mine. What I hear is that quite a number of our young men who have just returned from overseas and joined this very Ministry, some of them, have left the Ministry and it is just because of frustration. It seems as if the Ministry has some officers who are called expatriates; I think you know what expatriates are, those people from abroad. So these chaps are there; they are trying to frustrate our own local chaps and; had we our own local chaps there, the idea of adding £1 more could not come about, because they are prepared to sacrifice, since Kenya is poor; they are prepared to be paid little; they will eat *ugali*, they will eat *posho*—the people of Nyeri, where the Assistant Minister for Economic Planning comes from, eat it.

Because of employing a man who wants to enjoy a high standard of living, as some of these chaps from abroad do, people from the United States and so on, these people have been given the opportunity to plan, and these are the boys who are earning a lot of fat salaries, including overseas allowances, gratuities, inducement allowances and so on. I think it would be better at this stage not to allow this unnecessary expenditure in a country like Kenya, which is so poor. Anyway, even if I am not allowed now to speak on the merits and demerits of the whole aspect, the Budget will be coming on in June and we shall see, on the Floor of this House, what to say.

Meanwhile, we would like to warn the Ministry that we want to know from the Minister, when he replies to this, why he wants £1 more. Tell us. Who is going to earn this money? How many of our African boys are there today? I know some of them are written off, they are taken into the field to be district, local administrators, when they know a lot of economics, more than those who are there, more than the Ministers themselves. Therefore, these chaps should come to work in the offices; the expatriates should be removed, because they cannot plan to suit our own country. Teso will require a different way of life; these fellows do not know Teso. But if you put a black head there, he will know what Teso is, and what its problems are.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Chairman, I think, before we are led into deeper confusion, the point ought to be emphasized here, Sir, that we are asking for a token £1, as a procedural matter, in order to facilitate— Mr. Chairman, no additional expenditure is involved. This is

**Mr. Maisort-Itumbo:** Mr. Chairman, I would like to be enlightened about the expenditure of this particular item because we seem to see that the Minister did not care to show the House how he spent the money. Also, Sir, the Minister does not care that the House should have these details before any money is passed.

Now, Sir, before we have any recommendation on this Bill I wish he could give us a detailed explanation of how much money was spent on this and why, because we had already voted the money for this particular issue. We will soon be asked, Sir, by the same Minister to vote another Supplementary Estimate in the near future. Why?

**Mr. Pandya:** Mr. Chairman, "The Birth of the Republic" was made at Government expense of over £4,000. I do not remember seeing this film and I have asked one or two hon. Members of this House and they have not seen it. Now, Mr. Chairman, if this film was made, why is it that it has not been shown, not only to the Members of this House but also to the public? Why was it not given to cinemas on a commercial basis? I am sure most of the hon. Members here would have liked to have seen it.

My other point, Mr. Chairman, is that I am not quite clear as to how the Nairobi City Council came into the picture and that they had to be given those £5,500. Were they celebrating on behalf of the Government? What is the position? We would like a breakdown of this figure of £5,500.

**Mr. Odway:** Mr. Chairman, I also wish to join my colleagues on the complaints they have made. What I would like to find out from the Minister is, is it possible to spend money and then to come to this House only to seek approval, or should approval first of all be sought, that the money is needed for this reason, and then when we say O.K., the Minister can go ahead and spend this money? But, I think, Mr. Chairman, there has been a tendency for the very Minister, and other Ministers, they know that, very well, we have our schoolboys there, we just go to the classroom and say "Come on, boys, pass this." Well, I think one day the time will come when the country will be told that there will be no money today for this very Government, then we will see how these Ministers will pay these debts which they accumulate unnecessarily before knowing the views of the public representatives in this Chamber.

Mr. Chairman, my colleague here, Mr. Pandya, has raised the question of the film. I remember the premiere which he saw just recently, that was, I think, filmed by the Soviet, something

like that, the Russian something something. This was recently, when we saw the President appearing during all his troubled days, up to the day of independence. But the film which is being reported here as having been bought with our own money has never been seen anywhere. Should we be told, Mr. Chairman, whether this film is being shown in the houses of the Ministers, or in the commercial sectors? We should be told. It is now nearly three years since independence, and this film was from the birth of Kenya, that means when we took over from the British Government. So, this film should have been really useful to the State, and the people in the countryside should have been given the opportunity of seeing it. But, I think that the Minister is going to explain fully, without trying to beat around the bush, and without jumping on us as he does all the time, because if he jumps on us we are capable of leaving the debate and can jump on him properly and see who loses.

**An hon. Member:** Let us get out and jump at each other.

**Mr. Wamotheny:** Mr. Chairman, I rise to congratulate the hon. Member for having pointed out some few mistakes already made by the Ministry. Now, Sir, because the Minister will be seeking the unanimous support of Members when he brings the next Estimate, I think it is very important for him to tell the House how this money was used. Not only the Members here would like to know this, but the people of this country should also know.

Mr. Chairman, the Minister has just indicated the figure of £5,500 which is the figure used by Nairobi City Council. We do not know whether this money was used in any other towns, or only in Nairobi as a city. How this money was used we do not know. I would like the Minister when he replies to this to tell us exactly, before he comes to seek the support of the Members here, how this money was used in Nairobi.

**Mr. Shikuku:** Thank you, Mr. Chairman. When there is something in excess I always quarrel with the Minister. Now, getting on to—

**The Chairman (Dr. De Souza):** You must understand that this whole matter is one of excess; because the whole Supplementary Estimate is being brought to this House because of excess.

**Mr. Shikuku:** I mean a reasonable excess. When there is a reasonable excess I do not pick a quarrel with the Minister. But here is the question of the film. There are two films, Mr. Chairman: I saw one, which was the independence one, the *Harambee* one, but "The

**[Mr. Shikuku]**  
"Birth of a Republic" which has cost a fortune, I do not seem to have seen. I am a very good singer, Mr. Chairman. After Parliament I do not always sit up here and drink, but I go to see films, and I do not recall seeing this film which has cost me a fortune. Above all, if the film exists and it is being shown in private quarters—I do not know whether the hon. Member for Teso was quite in order but he seems to be assuming that this film is being shown in some Ministers' houses.

**Mr. arap Moi:** On a point of order, Mr. Chairman, I do not think the Member is being logical. I do not think that Members should impute that a film of that kind should have been shown in the Ministers' houses, and this has been repeated by the two Members.

**The Chairman (Dr. De Souza):** I think what they are trying to do is to say that they have not seen the film, they would like to know—

**Mr. Gichuru:** But why not say so and shut up?  
**Mr. Odway:** On a point of order, Mr. Chairman, is "shut up" not an unparliamentary expression?

**The Chairman (Dr. De Souza):** I agree.

**Mr. Gichuru:** I withdraw, Sir.

**Mr. Shikuku:** Mr. Chairman, I think we are becoming rather too childish on this question—

**The Chairman (Dr. De Souza):** We do not want any more of that.

**Mr. arap Moi:** On a point of order, Mr. Chairman, when a Minister says something some of the hon. Members jump up and ask that it be withdrawn. Would the hon. Member withdraw his suggestion that we are children?

**Mr. Odway:** Shut up.

**Mr. Shikuku:** Shut up yourself.

**The Chairman (Dr. De Souza):** I must say that I think we are going much lower than the standard of debate than we need. We do not have to use the words "shut up", no matter in what circumstances. We do not have to call anybody a child. We know from years of experience that we have to call an hon. Member "an hon. Member". I would ask Mr. Shikuku to withdraw that anybody is being a child.

**Mr. Shikuku:** I have withdrawn.

**The Chairman (Dr. De Souza):** Now, Mr. Odway, will you please address Mr. arap Moi as the hon. arap Moi or the Minister?

**Mr. Odway:** Yes, Sir.

**The Chairman (Dr. De Souza):** And withdraw what you said, "Shut up".

**Mr. Odway:** I withdraw that, but anyway—

**Mr. Shikuku:** Mr. Chairman, I am sorry you had to go to all this, but the point I was trying to make is the fact that money has been spent on something that has not been seen, and I think whether the Ministers like it or not, public money has been spent. I am, Mr. Chairman, like any other hon. Member in this House, of the opinion that we ought to know where that coat, or where that car or where that film is. This is the thing that we want the Minister to tell us. If it is not there, he has got to give us a substitute for the expenditure of £4,000.

The other thing, Mr. Chairman, is the question of the Republic expenditure, here, Mr. Chairman, some of us are not—I admit on my part that I am not conversant with accounts, and I will only be enlightened if the Minister concerned could slowly explain to me how he reconciles the Republic celebrations, Kenya Independence celebrations, Jomo Kenyatta celebrations and all this, so that we know where we stand. For heaven's sake, Mr. Chairman, I think we are entitled to that explanation before we go on. At least where the film is.

**The Minister for Information and Broadcasting (Mr. Achieng-Oneko):** Mr. Chairman, Sir, I do not see why we should quarrel over this. What the hon. Members are requesting is about the film and if it is available, I would like to inform the hon. Members that this sum of money was part of the payment for a film which was shot by a company called Ceres Production (Nakuru), and the film is entitled *Kenya becomes a Nation*. The film was intended not really for local consumption, but for publicising Kenya overseas. First of all, before the film was approved by the Government, His Excellency the President had the opportunity of seeing this film at a private preview in Nairobi. Several Cabinet Ministers also had the opportunity of seeing this film—we cannot stop civil servants from seeing it because they are the backroom boys who are doing our job for us. I have not finished yet. I have a copy of this film in the country today; several copies are in our Embassies; we have given this film to tourist agencies overseas, and they are making use of it. This film depicts Kenya in its true character, it shows the scenery of Kenya and its beauty, and I would like next week, as I am a factual man, to organize a showing of this particular film to hon. Members of Parliament. With the support of the Minister for Tourism, I will even ask him to provide tea so that the hon. Members can see the film. This is the answer to the amount of £4,000 which is just a part of what we paid for the production of the particular film that is being referred to. It is a very good one.

[Mr. Gichuru]

The suggestion about church services I support fully, because I have represented the Government on a number of occasions and I think it is something good, for those who feel they want to. Those who feel it is nonsense, I mean, they can just keep out. I think that those who feel that it does contribute to the national service, to the well-being of the country, I think they ought to come forward and I am quite sure that those who organize the celebrations would allot people of that type to various churches on the day of our celebrations.

I am being asked about mixing religion with politics. You see I am a religious man and I am a politician—Makarios in Cyprus, the Archbishop. I do not think we need to dwell very much on that, but nevertheless I think where we have freedom of worship and those who feel they would like to worship ought to be given every opportunity to do so.

On the question of taking the salute I am completely open. I think it is a question of those who are organizing the celebrations, and I am quite sure they will be reading the HANSARD, to ensure that as wide a net as possible is cast out to enable as many hon. Members of this House to participate in these celebrations as is possible.

Mr. Makone: Mr. Chairman, my hon. friend, the Minister for Finance has not yet satisfied me enough to justify the fact that we should give him this money. The £23,000 that we are being asked for was already due last December on Independence Day. He has not stated clearly from what fund he obtained this money, because we are approving a Vote that has already been spent and if this £23,000 was spent, the list that the Assistant Minister read to us to the expense incurred in the whole amount, was confused at the same time, which meant that there is no proper record kept to justify that the £23,000 was due. Now, may I ask the Minister to shed some light as to how this money was spent, because the Assistant Minister confused himself and even the figures he gave in the House were not correct on his own assumption, because he said he was not too sure whether he was correct, so we want to know exactly how this £23,000 was used. Give us a good outline. Now, your previous estimate was £88,100, now you want an additional amount, and this means that this additional amount was not expected. What emergency was there that brought about this extra expenditure of £23,000 from the previous estimate that you had?

Mr. Gichuru: Mr. Chairman, Sir, with due respect to my hon. friend, I did answer that

question before, I did say that last year we spent a lot of money and we were not very sure how much we were likely to spend this year, no, the year before last—1964—we were not very sure, but we were doing our very best to save as much money as possible. We cut out a lot of things that would have involved a heavier expenditure. I hope that this year, now that we have a figure, we shall be able to estimate more accurately, that is why we did not provide for this money and we had to spend it and then come here for authority to legalize it, as it were. But as I said before this was money that was necessary to be spent: £190 was spent in the Central Province, spread right through; the Coast Province £1,060; Eastern Province £1,180; North-Eastern £135; Rift Valley £1,315; Western £920; Nyanza £1,200; other organizations £250, making a total of £7,250; then we have the national day of events in Nairobi without including, as the Assistant Minister said, the money that was spent in bringing—and I hope this money will not be spent any more—in bringing over the Black Stars just to give us thirteen goals to nil more or less, came to £15,750 making a total of £23,000.

I was not responsible for the actual allocation of the money, but the accounts have been scrutinized and the Treasury has agreed that the money was well spent. It is unfortunate that there is nobody from the Vice-President's Office here this afternoon to speak and answer the questions that have been put to me, but I can assure the House that this year we are going to make sure that we have a definite figure in our Estimates to make sure that whoever is going to be responsible for the spending of this money will have the feeling that he does not have to fly right up to the moon.

Mr. Makone: Mr. Chairman, last year we approved the sum of £88,000, but somebody somewhere, maybe a friend of the Minister, who knows that there is money to be spent did over-spend.

The Chairman (Dr. De Souza): You are repeating yourself. The Minister has already answered this point.

Mr. Makone: I am trying to spread the basis of my point.

The Chairman (Dr. De Souza): The Minister has just told us how this happened.

Mr. Makone: The Minister told us at the beginning how he got this money to spend on their enjoyment, when the teachers' college in Kisii has been closed down for six months and they have been sent home for an indefinite period. Where does he get this money from; and

[Mr. Makone] this teachers' college should be re-opened. The teachers' college has been closed down for an indefinite period and I would like to know where he got this money from so that we could also find a means to re-open this college.

Mr. Gichuru: Mr. Chairman, that is another question.

Mr. Makone: Mr. Chairman, On a point of order, my question is where did the Minister get this money?

The Chairman (Dr. De Souza): I think he has explained earlier on from the Civil Contingencies Fund.

(Head 1 agreed to)

(Vote 3 agreed to)

#### VOTE 4—MINISTRY OF FINANCE

(Head A agreed to)

Head R—Payment to the Development Finance Corporation of Kenya, Ltd., for Feasibility Study.

Mr. Warlith: Mr. Chairman, the Development Finance Corporation of Kenya was recently formed and as I understand it is meant to help the setting up of industry in this country, and giving funds or assistance in research. Now, could we be told by the Minister, up to now the type of industries or businesses which have been assisted by the Development Finance Corporation of Kenya and the amount of Government participation in such industries if any.

Mr. Gichuru: Mr. Chairman, Sir, I would like notice of that question. The Development Finance Corporation of Kenya has put a lot of money into various projects, particularly in projects where the financiers from outside feel that they would like Government participation. Just to feel that everything is all right we try and put a little money into it. Sometimes, for example, with the Panafric, the Development Finance Corporation of Kenya did put money into that project. I could lay on the Table, if I am given time, the number of projects in which the Development Finance Corporation of Kenya has become involved and also the sources from which we get money. Some of the money comes from the Colonial Development Corporation, from Western Germany and so on. I could lay on the Table particulars of this nature; but the particular item here referred to is the money that had to be advanced by the Treasury for this feasibility study to the corporation to enable it to advise the Government as to whether the hotel project that is being studied, is worth while. It

is hoped that if the project is worth while then this £2,500 will become part of the whole project. If it is not, well it is an expense that we ought to be able to bear.

Mr. Warlith: Mr. Chairman, I am quite happy that the Minister has promised to give the information, although it was not directly relevant to this subhead, and I think it would be very useful to know how much the Financial Development Corporation of Kenya is assisting, and I would request him, if he could, to lay the Paper on the Table when it is ready.

(Head R agreed to)

Head S—Republic Celebrations—Residual Expenditure

Mr. Gichoya: Mr. Chairman, I would like to know from the Minister why he should have to deal with the Republic Celebrations, whereas in actual fact, celebrations do come under Vote 3. I would like to know whether this will be the normal routine, whether there are two people conducting these celebrations, one for the Independence Celebrations and the other for the Republic Celebrations, when the two celebrations fall on the same day, that is, 12th December. May we be given an idea as to how these Republic Celebrations expenses were spent, and for what purposes this sum was spent?

Mr. Gichuru: It does say there that this is residual expenditure. A film was made of "The Birth of a Republic". This was not included in the original Estimate. It cost £4,043. There were other bills that came much later, particularly from the Nairobi City Council for over £5,500 which were received too late to be incorporated in the 1964/65 accounts. You will remember that we had the celebrations then in the catering, etc.

Mr. Armp Sol: Mr. Chairman, I do not understand why, when we vote money for celebrations and then again we go back and find a Ministry spending money on another matter which we did not deal with and now, I wonder why they did not use that money which was in the Vice-President's Office for all these films. Why do they have to introduce things and use money and then come to ask us for approval? This is a very serious mistake. I notice that there is money which has been already used by some particular Ministry, like a number here, money which we have not voted, and it is being used and then they come and ask us. This is illegal expenditure. You should not use this money before you come and ask us, otherwise we shall ask you to refund the money and explain.

Mr. Okelo-Odongo: The incident took place two months ago, so naturally it has been paid for. But, in any case, the expenditure has been incurred, so to speak, and we might be getting bills.

Mr. Alexander: Where does the money come from?

Mr. Okelo-Odongo: Mr. Deputy Chairman, Sir, as far as Independence Day celebrations are concerned, this is the first time this was done; it is something that is always done. The breakdown here is again according to provinces. Central Province, £1,180; Coast Province, £1,060; Eastern Province, £1,190; North-Eastern Province, £135; Rift Valley, £1,315; Western, £920; Nyanza, £1,200; other organizations, £2,250. A total of £7,250. National events in Nairobi, including football, then we get the total. So the other expenses, which I believe include the cost of transporting the Black Stars, would be the difference between £1,500 and £2,300, which is miscellaneous.

Mr. Khusakhalo: On a point of order, Mr. Deputy Chairman, may I get your ruling? The Assistant Minister is answering a question by the hon. Member on the actual cost, which has already been incurred; and now we are being told it will be incurred. Is that in order, Sir?

The Deputy Chairman (Mr. Slade): You cannot raise that on a point of order; you can ask further questions and find out what he means, but you will just have to wait for the Minister to finish and then ask him to clarify it.

You must be careful about what constitutes a point of order, Mr. Khusakhalo.

Mr. Alexander: Mr. Deputy Chairman, do I understand the Assistant Minister to say, by calculation, that the Ghana All Stars cost £18,500?

Mr. Okelo-Odongo: No, no, no. What I said was that all other events cost about £1,500—Sorry, I can get this here. They cost about £1,000. This must be a wrong figure here, I am sorry.

Mr. Deputy Chairman, all other events cost up to £15,750. The difference between that and £23,000 should represent the cost of other events which took place in Nairobi, and I believe—I am not quite sure, Sir—this includes the expenses incurred in transporting the Black Stars. The things in Nairobi involved football at Jambhuri Park, and Members should know that Jambhuri Park was rented and also insured, and so forth; the rally, the dancers, the film *Harambee*, the garden party and so on. So all that is included in the difference between £15,750 and £23,000.

Mr. Alexander: Mr. Deputy Chairman, Sir, that difference is £7,300. Would it be reasonable to suggest that, out of that £7,300, £5,000 was for the Ghana Black Stars soccer team? I have done a rough calculation; twenty air fares at £200 each return comes to £4,000, plus, say, £1,000 for other expenses, including accommodation. Would that be a reasonable assumption, Mr. Deputy Chairman?

Mr. Okelo-Odongo: Mr. Deputy Chairman, I think if the hon. Member gives us time we could then find out what it costs for a ticket from Accra to Nairobi. I think that can fairly be found out. Whatever the hon. Member has worked out, we cannot guarantee it. But if he would do it, I would be glad to know. However, I think this is really not very important. Whatever the sum is, it is not really important. What we like to know is the hon. Member's opinion about it.

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

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

Mr. Kibuga: Mr. Chairman, this Vote J—Independence Day Celebrations—is a very important item, together with the other celebrations, those on Kenyatta Day. You find, Sir, that in most cases people did not know about this day until about two weeks before the celebrations take place, with the result that the little money that comes from Nairobi is not enough to meet all the expenses we want to incur. Could I have an assurance that, in future, the celebrations will be planned a little bit earlier and the local people are told, so that they can make their own collections, they can make their own arrangements and, by doing this, so that everyone will try to come to Nairobi. When things are not arranged on the district level—they are usually arranged on the provincial but the district level—then the day arrives and very little is going on, with the result that most of the people want to come to Nairobi; and it becomes very expensive, and the people who remain at home do not enjoy the day at all. All I am asking is that the people concerned with the arrangements start this a little bit earlier, not just two weeks before the day comes.

Mr. Okelo-Odongo: Mr. Chairman, Sir, that is rather strange, that people only know about Independence Day two weeks before. Before Kenya got independence, I think the day was known for about eight months beforehand. Since then, it has always been known; it does not change at all; it is on the 12th December. Anyone who wants to make arrangements can start doing so at any time.

[Mr. Okelo-Odongo]

When it comes to the question of local organization the people by themselves do this, and this can be suggested.

Mr. Pandya: Mr. Chairman, if the Government knew that they were going to celebrate Independence Day, why was no provision made in the original Estimates so as to avoid this procedure of the Government having to come to this House after it has spent this money?

Mr. Kibuga: Mr. Chairman, further to the point I raised, the Assistant Minister has assumed that the local people arrange these celebrations without taking into consideration what is arranged in Nairobi. People would like to know how much they will get from Nairobi; and then, with this amount of money, they would know how much to add and so on. Besides, just a little time ago we learned, and we know, that the people who organize these celebrations are the officials. If the officials are to arrange these things, then they should start arranging earlier and they should all a committee of the politicians in the local area. The Government should not shift the responsibility and say that everyone knows about the celebrations. There is an official given this duty, and he should start earlier than two weeks before the day.

Mr. Gichuru: Mr. Chairman, first of all, I think one ought to remember that in the first celebrations we did not know how much it was likely to cost. I think we only put in a token £1 or something like that, something very small. But it was very expensive. We invited a lot of people from overseas; we paid for their air-fares and we paid for their hotel accommodation here in Nairobi; we also provided them with motor-cars. It was quite an expensive do. But it was worth while. We wanted to show the world that we were independent and, therefore, we had to pay for it.

Mr. Gichuru: This second one again we were trying to economize, we did not invite people from overseas and it was very difficult to estimate, but it was necessary to spend a little money and I am afraid that is why this happened.

Mr. Abogoh: Mr. Chairman, I am quite happy with the figures in this Vote, but I would like to make a few suggestions to the Minister as I have received some letters from Kenya students overseas. Some of them find that they cannot celebrate Independence Day because the Kenya Government does not even send a representative to where these schools are. I would like the Ministry to keep a vote for the Kenya students who are overseas so that they can also celebrate Independence Day very effectively. Mr. Chairman, what happens there is that in overseas countries Kenya

must also show her image to the world so that her students who are overseas can also celebrate the birthday of their country, and therefore this would be quite sensible. Mr. Chairman, again, it has been very interesting to see during Independence Day that so many people go and attend the celebrations and then on Sundays you find that all denominations preach something concerning independence. I think it would be fair if even the politicians were given a chance to go and represent the Government in churches and preach there on that day, so that everyone is in the church to which he belongs and so that he can put it to the people of the church that there is no difference between the church people and the independence of a country.

Mr. Chairman, I preached once and I found it quite interesting, so someone would be advised to do the same. Again I would say that this money does not go very far into the country and while it is given to the civil servants to share amongst the people of the country, you find that some of the people who live in the remote areas, who are not exactly in the town, will not get a share of this money and they will not enjoy themselves as they should. I would suggest sometimes that it is better, though there is a provincial or a district celebrations' centre, if there is enough money to go as far as the locational level so that people in the locations, those who are very old and cannot get to the district centre or the divisional centre, can also have a fair share in the celebrations.

Mr. Chairman, I am not quarrelling with the salute, but as a certain Assistant Minister said that he cannot agree with politicians receiving a salute, I find it quite interesting when someone who has never taken a salute anywhere, comes to advise us here about taking the salute. It does not matter what you are wearing or whoever you are, it is only necessary for you to raise your hand in response when you are given the salute or to stand quiet and to remove your hat, that is all. But for someone to tell us that you need a *Harambee kofa* in order to take a salute, is absolute nonsense. So, Mr. Chairman, I will support that very quickly and I hope that the Minister takes some of these suggestions. Thank you.

Mr. Gichuru: Mr. Chairman, Sir, it is very difficult to allot money for students to spend on these celebrations. What we do is that we allow a little sum of money to the Ambassador who can invite students. Even here we do not get everybody in Nairobi and therefore the students who are very far away, it is just too bad. We encourage our Ambassadors to have a nice little party and invite leading people of the country in which they represent us, and also invite our students there.



[Mr. Shikuku]

therefore, I have no quarrel with the Minister on looking at this. But, Sir, there are one or two points which I would like to query. This sum of money which we are being asked to approve, I do not know how it is being distributed. I would only be too glad if the Minister would tell me, or the House, how they distribute the amount to various provinces, because it was a shameful thing, that one day at Butere, when the people of Butere thought that they were going to have everything when in actual fact they could not get a cup of tea, because there was no money.

Mr. Mutiso: Where is that?

Mr. Shikuku: I hear the Member for Yatta asking where Butere is, and although I have never been a teacher I will try and explain to him where it is. Butere is in the western part of Kenya, 287 miles away from Nairobi, very close to the Yala Station and the railway line ends at Butere.

Mr. Deputy Chairman, Sir, after having told the Member for Yatta where Butere is, I would like to come back to the question I asked before. What amount is distributed to the various provinces? I would like it to be explained by the Minister how they give various provinces money so that we have an equal distribution of money so that the people can enjoy the Kenyatta Day celebrations without any difficulties and without some provinces having everything and the others having nothing. That, Sir, is one point.

The other point, Mr. Deputy Chairman, Sir, which I would like to make is this. On these occasions I have realized, and even in Nairobi itself, that on big occasions the Members of Parliament are not really put in the limelight. The civil servants always get the front benches, and the politicians, who fought for the independence of this country, are kept at the back. The hon. Minister will agree with me that during the struggle for independence, some of these civil servants were the ones that were pestering us, but I do not want to go back to that.

The Deputy Chairman (Mr. Slade): You are going away from the question.

Mr. Shikuku: Yes, Mr. Deputy Chairman, Sir, I was wondering whether the Minister would assure us that the Members of Parliament, according to the protocol list, should come third I think. First of all it is the President, then the Cabinet and then thirdly, the Members of Parliament. The civil servants should sit at the back. This, Sir, is the order of the day, and I think that when he is answering us he should officially announce to this House about our meeting the President in

the Parliamentary Group meeting where that system was agreed upon and whether this is also going to be carried out on Kenyatta Day celebrations, where the President, if he is there, is the Head, followed by the Ministers and then the Members of Parliament, but not the civil servants, Members of Parliament and the Ministers. This is the complete reverse of what we passed during our Parliamentary Group meeting.

With these few remarks, as I have said, I have no quarrel with the Minister on this, I would like to support if he would only assure me, when he answers, that he will take note of what we have said.

Mr. Okelo-Odongo: Mr. Chairman, Sir, I think what the hon. Member said is noted. As far as distribution is concerned, I think it is fairly distributed to various areas, according to size and population. The sum ranges from £125 to £200, according to the place. Every province had that sum, with the exception of Nairobi, which had a little more because there were more things happening in Nairobi, like the dinner and dance, football and things like, the motorcade and rally. So, as far as that is concerned, I think that is the answer.

Now I think the Minister has already made it clear that in places where the provincial commissioner takes the salute, that is where that has been decided; and, as far as the Ministry is concerned, it does save some money because you do not send a person there. But in places where a Minister has been sent, either a Minister or an Assistant Minister, then he generally takes the salute. Now as far as the order, or the way of sitting, there is concerned, I think if the Member of Parliament is present, then he will make arrangements with the provincial commissioner, and I think he will be accorded due respect.

The Deputy Chairman (Mr. Slade): We must go on now, we have a lot of ground to cover.

(Head H agreed to)

#### Head J—Independence Day Celebrations

Mr. arap Too: Mr. Deputy Chairman, Sir, I would like to know from the Minister why, during the Independence Day celebrations, the Marakwet and Pokot dancers were not invited to participate. I have noted, Sir, that during the Independence Day celebrations at Jambhuri Park, most of the tribal dancers usually come from Central or Nyanza or Eastern Provinces; and I would like to hear from the Minister, in reply, that from now onwards he would consider selecting some of the best Marakwet dancers and Keiyo dancers to take part in these celebrations.

[Mr. arap Too]

Mr. Deputy Chairman, I think the Assistant Minister should travel one of these days to see what is happening up-country.

This is what I want to know, Mr. Deputy Chairman, from the Minister, if he wants me to support the Supplementary Estimate.

Mr. Glehuru: Mr. Deputy Chairman, I do not think there is any discrimination whatsoever in regard to this. I think we are now talking about expenditure; and I am sure it is in the interests of this House to try and minimize it as much as possible. Therefore, it is not possible to invite as many dancers from as many areas as we would like. But I can assure the hon. Member that there is no criterion, other than finance, whereby his own area is left out. I hope that in the coming years these people will be asked to come and dance nearer home, not necessarily to come all the way to Nairobi, just to enable us to make a saving.

Mr. Alexander: Mr. Deputy Chairman, Sir, this is £23,000 which relates to a date which is already two months past. Has this money already been spent, and, if so, where has it come from? May we, Sir, also have a broad breakdown of this £23,000 and particularly the cost, all the costs, of bringing the Ghana Black Star soccer team to Kenya to play here? Whilst on that, Mr. Deputy Chairman, may I ask why it was the Vice-President's Office that had to organize a soccer side from Ghana? To what extent, did the Vice-President's Office take part in this? Did it go so far as the Vice-President himself selecting the Kenya team?

Could the Government tell us why, if they had a lump sum of money to spend in this way on a soccer side for the Independence Day celebrations, did not the Vice-President, as it was entrusted to him, choose to consult sport generally so that it could decide the best way in which to spend this money? Furthermore, Mr. Deputy Chairman, could we know why, in any case, this assignment fell to the Vice-President's Office? Surely it should have gone, if anywhere, to the Ministry of Social Services. But, more notably, would the Government agree that the people that should have dealt with this, as they chose soccer as the instrument, should be the Football Association of Kenya? Does the Government realize that the Football Association of Kenya was placed in a position of serious embarrassment over this, having been brought into something, at a late stage, and for which they had no organization at all?

This, I think, all tended to minimize the impact of this particular event as part of our Independence Day celebrations, and I would say that perhaps, overall, it was a rather sorry story, the whole affair.

Mr. Glehuru: Mr. Deputy Chairman, Sir, I did play football that day; I only touched the ball twice, but fell over round about twelve times. My wife kept the count. I felt very sorry about the way we were defeated by this team on that first day—

Mr. Alexander: That was not my question.

Mr. Glehuru: I am coming to that.

The Deputy Chairman (Mr. Slade): There was a reference to a sorry event; and I think Mr. Glehuru is dealing with that sorry event.

Mr. Glehuru: Yes, I am dealing with a sorry event, a sorry aspect of it; and this is why I did not come on the second day when our team drew with the Ghana team. I thought it was not wise to have invited the team, myself, but this is now history.

I think the point my hon. friend is making is that, in future, if we are going to have a football match, we ought to include the organization that deals with football in the whole organization. Our team ought to be given time to practise and it is the Football Association that knows better how to organize it, not me, not any of the Ministers who do not play football. I happen to know how to play football.

An hon. Member: But fell down twelve times.

Mr. Glehuru: Yes, it was rather wet that day.

I think the best answer I could give to the question is that, in future, this will be taken into consideration. There is nothing very much we can do about what has already happened. I regret what happened; I hope it will not occur again.

The Deputy Chairman (Mr. Slade): There was another question, as to whether this money was spent before being voted and, if so, where it came from.

Mr. Alexander: And a breakdown of this.

Mr. Glehuru: What is the question again?

Mr. Alexander: I will repeat it, Mr. Deputy Chairman. It is in two parts. First, this relates to a date some two months old; has the money already been spent and, if so, where has it come from? Secondly, can we have a breakdown of the broad details of this, particularly the cost of bringing the Black Stars or All Stars, or whatever it is, to this country?

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Chairman, I think, to answer the first question, there might be some confusion with regard to this money for Kenyatta Day Celebrations. As hon. Members will see, on the Vote itself, you have £3,725 which is for this one, but then, below, you have appropriations-in-aid which is also £3,726. That means that the money which is used for Kenyatta Day Celebrations, in fact, should come from the local people, and whenever any money is advanced by the Government, it is just advanced to start things moving. But then, after the celebrations, the local people are expected to have collected enough money for the celebrations so that the money is paid back to the consolidated fund.

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

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

That is far as that goes.

Therefore, it is not a question of where these administrators get money from the Government and then collect extra money from the people; it is a question of their having to collect money from the people so that it pays for the celebrations and that is not paid by the Government.

Then, with regard to the loss of funds that the hon. Members mentioned in Mombasa, I suppose that is a local matter. If the chief did not keep the accounts and so forth, I think that is a matter that can be easily dealt with by the local authorities there.

As regards the second question, I think the Minister dealt with that squarely, saying that the Kenyatta Day Celebrations are generally a joint venture between Kaniu and the Administration: in other words, it is also the local people. For the time being, that is the arrangement, that the local people participate as much as possible, the Kaniu people are expected to be there, and the Administration head has to organize it because he is the Government head in the area.

Mr. Mutiso: Mr. Deputy Chairman, first of all I did not wish to speak on this Vote until some hon. Members raised a point which I thought it was necessary to clarify.

Sir, two hon. Members have indicated that it is not proper for the civil servants to take the salute during Kenyatta Day and that they, as elected representatives of the people, should be appointed by the President to represent him on this occasion. But, Mr. Deputy Chairman, I fail to understand the understanding of the hon. Members on this particular issue, when it comes especially to the question of the salute, because it looks awkward for a person to salute with a bare

head or standing to attention. I think the hon. Members are questioning what is wrong, but I think there is everything wrong with it, unless they do not understand the meaning of the salute.

Mr. Kase: On a point of information—

Mr. Mutiso: I do not need your information.

Mr. Deputy Chairman, I think I am better informed on this particular issue than the hon. Member because I have been in the army and I know a lot of these regulations.

Mr. Deputy Chairman, it is fitting for the provincial commissioners or district commissioners or the district officers to take this salute because on their heads they wear a hat which has the national colours of our country. Also, if he is a soldier or a policeman he wears a hat which has our coat of arms, and these are the symbols which are necessary for a person who takes the salute. Therefore, it is rather awkward, Sir, for a person who is just an ordinary civilian to take a salute, saluting with a bare head; it looks quite awful and I have never seen it in any other place. So I think the hon. Members should know this point.

I support them on other points, that when there are Kenyatta Day Celebrations, the Members also should be present, and I think this is something which is quite clear. When these celebrations are organized at district or provincial level, it is certain that the hon. Members of those places should be at the headquarters and participate in these occasions. Therefore, I see no point why the hon. Members should raise some objections to this Vote.

Mr. Khasakhala: Mr. Deputy Chairman, Sir, I just want some clarification from the Minister. Already on page 5 we are told that an advance of £2,500 has been made, but yet, on page 4 the sum required under "H" is £725. Under "Z" it is expected—

Several hon. Members: He is ahead of us.

Mr. Khasakhala: Yes, that deals with the Vice-President—

The Deputy Chairman (Mr. Slade): Which Head are you under?

Mr. Khasakhala: I am under the Head dealing with the Vice-President, Kenyatta Day Celebrations, and I am quoting figures which are in "H", Mr. Deputy Chairman, Sir. If you look there, then you will see that there is a footnote where there is a sum which the House is being asked to approve, which says that already an advance of £2,500 has been made. Look at the footnote on page 5.

The Deputy Chairman, (Mr. Slade): Order! You have slipped into another Vote with your footnote. There is a reference to an advance here, but it is a different amount.

Mr. Khasakhala: I am sorry, but I took the whole thing to mean this. Mr. Deputy Chairman, Sir, I want to know exactly what will happen if the expected surplus of £3,725 is collected under "Z", if we vote that money, then where will it go to once it has been collected?

Mr. Okelo-Odongo: Mr. Deputy Chairman, Sir, that will remain in the fund where it is. This money is advanced for the celebrations. As soon as the local people have contributed, then the money is paid back so that it will cost the Government nothing.

Mr. Khasakhala: Mr. Deputy Chairman, Sir, will this again be brought to us to show that the money has been recovered?

Mr. Okelo-Odongo: Well, Sir, I think that when the money comes back it will come back and I do not think that it will be necessary to bring it to the House. But if it should be short, then it is necessary to pay excess for the shortfall, and the House will be informed.

The Deputy Chairman (Mr. Slade): I think that is so. If the vote of a net sum is required by the Government for a Supplementary Estimate on the assumption of a certain Appropriation-in-Aid, and there is shortfall in the Appropriation-in-Aid, there has to be recourse to the House again with a further Supplementary Estimate to cover the deficit.

Mr. Okelo-Odongo: Yes, Sir, that is what I said.

Mr. Kase: Mr. Deputy Chairman, Sir, I think that one hon. Member has lost himself.

An hon. Member: Who?

Mr. Kase: The hon. Member for Yatta, I think. He said it looks awkward taking a salute bare-headed. Now, Sir, we know most Ministers here do not have hats on their heads, and we have seen them representing the Government in various places taking the salute and inspecting the guard of honour, but they do not wear hats. Now, Mr. Deputy Chairman, Sir, I was listening to the hon. Member for Yatta saying that the Ministers are exceptional according to the law, because he says that according to the law it is against regulations one is not allowed to take the salute bare-headed. I was listening and waiting to hear him say that the Ministers were exceptional. We would have agreed with him on this point but, Sir, he never made that point.

Now, Mr. Deputy Chairman, Sir, furthermore we have noticed that the President also goes without a hat. I do not know where it is, whether it is at Gatundu or State House, but, Sir, he is still taking the salute. We therefore, Sir, want to know if that is one exception to the regulations from the Member for Yatta.

Mr. Mutiso: On a point of order, Mr. Deputy Chairman, Sir—

Mr. Kase: No, no, I do not want to know.

The Deputy Chairman (Mr. Slade): It is a bit hard on the hon. Member when you say that you want to know, and then you will not let him speak. Perhaps you do not want to know.

Mr. Kase: I do not want to know, he had too much time when he was speaking before.

Now, Mr. Deputy Chairman, Sir, this is a political Government and I believe and I am convinced that when the Head is a politician he should be represented anywhere else by a politician.

Now, Sir, if we say that the President is going to be represented by the provincial commissioner, then I have no grudge against the provincial commissioner, but, Sir, we would like to be told if this is going to be the situation here. If the President is not there, then we should be told and it can either be a Minister, the next in line. The Ministers work in conjunction with the provincial commissioners. But, Sir, let us be told here that it does not matter whether the Members are there or not, the Government will still go on because the Head of the Government is a politician. Therefore, Sir, this is just protocol for a Minister to represent the President if he is not able to attend, or if that fails, then a Member of Parliament should represent the President. I think it is very unfair, Sir, to say that the Members have no heart—

Mr. Gituru: On a point of order, Sir, I am seeking your guidance, would I be in order if I said that the point which the hon. Member was making has been noted?

The Deputy Chairman (Mr. Slade): Well, not on a point of order. I think he has made the point though.

Mr. Kase: Mr. Deputy Chairman, Sir, I am very happy that the Minister for Finance has noted this and we shall now wait and see the result of these notings.

With those few remarks, Mr. Deputy Chairman, Sir, I beg to support.

Mr. Shikuku: Mr. Speaker, Sir, I do not have any quarrel with the Minister as I only have quarrels with the Minister when there is an excess,

(Question, that the question be now put, put and agreed to)

(Question of the amendment put and negatived)  
(Vote 2 agreed to)

### VOTE 3—OFFICE OF THE VICE-PRESIDENT

#### Head II—Kenyatta Day Celebrations

Mr. Gichoya: Mr. Chairman, we have complained here some time back that the Kenyatta Day Celebrations have become the responsibility of the civil servants. Kenyatta Day, Mr. Chairman, is the outcome of political evolution in this country, that is why we remember it as Kenyatta Day. It has not too much to do with civil servants. May I know from the Minister whether future arrangements for Kenyatta Day will not be left in the hands of the civil servants only, but will also be the responsibility of the politicians, the Kanu leaders in various districts and provinces, and whatever arrangements are made will be made on the basis of our political set-up and not civil servants' set-up? In this respect, Mr. Chairman, let me have enlighten the Minister. We have dances prepared in certain provinces or places where Kenyatta Day celebrations were to take place, and the key man there is either the provincial commissioner or the district commissioner. The saluting base has the district commissioner on it. What I would suggest here, Mr. Chairman, is that either the President appoints any Member of Parliament or otherwise any Minister, to go and represent the Kenyatta spirit at those celebration centres.

Secondly, Mr. Chairman, Kenyatta Day means the day of the five colleagues of Kenyatta, that is hon. Kagga—

Hon. Members: No, no, no.

Mr. Gichoya: Mr. Chairman, let me explain my point. May I have order so that I may continue? It means that we remember that we had Kenyatta as the leader of this country being put in together with others. For this reason, Mr. Chairman, I would prefer that these four others were also mentioned by name, including one who is not a Member of this House, but who is a very respectable citizen of Kenya; that is hon. Paul Ngei, we have—

Hon. Members: Shame, shame.

Mr. Gichoya: Mr. Chairman, I still maintain that Paul Ngei is still honourable and, until he is removed from the Cabinet, he is still honourable. We have the hon. B. M. Kagga, the hon. Achieng-Oonek, Mr. Chairman, I wonder whether as the Assistant Minister says that B. M. Kagga, Member for Kandara, is dishonourable, may I understand it?

The Chairman (Dr. De Souza): I do not know if Mr. Mutiso did call Mr. Kagga dishonourable, if he did he is quite out of order and must apologize.

The Assistant Minister for Education (Mr. Mutiso): I did not.

The Chairman (Dr. De Souza): That is all right, we will accept that.

Mr. Gichoya: If he did not do so, thank you. Mr. Chairman, my suggestion to the Minister is this. These gallant leaders of Kenya should be given the chance to be sent to various centres to represent the President, Mzee Kenyatta. To represent Mzee Kenyatta, because it is Mzee Kenyatta's Day, it is not the President's Day. This being the case I request that Mzee Kenyatta be represented by his Cabinet Ministers, some of them may not be commanding the public's respect. The mistakes that were made in the past should be corrected, and if the Minister assures me that these corrections are going to be made, I will have no quarrels with the Kenyatta Day Celebrations.

Mr. Gichuru: Mr. Chairman, Sir, I have just a few remarks to make in reply to the hon. Member's very unfair remarks. What we must remember is that the civil servants, who are serving us today are our own people. Maybe, many of them have done a little more for our independence than the hon. Member himself—

Mr. Gichoya: On a point of order, Mr. Chairman, is it in order for the Minister to say that some of the civil servants have done more than I have done? Is he willing to explain the allegations? to substantiate his allegations?

The Chairman (Dr. De Souza): Mr. Gichoya, you have been in this House long enough to know that any hon. Member is entitled to his views, his own opinions. It may be correct or it may not be correct, but he does not have to substantiate everything he says.

Mr. Gichuru: Thank you, Mr. Chairman. It is not strictly an opinion. What I am expressing is the honest truth which is that some of the hon. Members who shout so much here did nothing during the Emergency. Did nothing.

An hon. Member: What did you do?

Mr. Gichuru: You know. I was not like you. I was trying to save the Kikuyu people from being killed.

The Chairman (Dr. De Souza): Mr. Gichuru, you must address the Chair, you know.

Mr. Gichuru: Mr. Chairman, I feel that the argument that has been brought into this particular Vote, is irrelevant. That the office of the

(Mr. Gichuru) Vice-President requires this money, the money has been well spent, the fact that the hon. Member who questioned this was not appointed to represent the President in one of the areas, is irrelevant. We ought—

The Chairman (Dr. De Souza): Mr. Gichuru, I do not think he said that he wanted to be appointed, I do not think he said that.

Mr. Gichuru: I see. Mr. Chairman, he said that Members of this House—

The Chairman (Dr. De Souza): Yes, but he did not say that he himself should be one.

Mr. Gichuru: Mr. Chairman, he is a Member of this House. It is true that the President cannot represent himself every time at these celebrations, but it would be better if he had other members of the Cabinet to represent him in places all over the country. This would be the crux call that is so very necessary to our civil servants when they stand and take the salute at some of these places. We give them the responsibility that I feel, squarely, is theirs. If we do not give these civil servants, the provincial commissioner, the district commissioner, this kind of responsibility, this feeling of the fact that they are the official in the area. If we did not do that we shall have failed in our general organization of the Government. It is true that we should have as many—when the provincial commissioner goes to a place like this it costs us nothing. If the hon. Member, Mr. Shikuku, was scheduled to go and represent the President at the Coast, it would cost us money. Whereas if the Provincial Commissioner, Coast, represents the President it does not cost us much. But there would have to be some entertainment; and I entirely agree, and I am sure that you would agree with the hon. Member that it would be right to have a little champagne or some soda or something like that. If the area is as primitive as your own, then they can have—sorry.

The Chairman (Dr. De Souza): I think we will have all remarks addressed to the Chair.

Mr. Gichuru: Mr. Chairman, Sir, therefore, I feel that the sum asked for here, for Independence Day Celebrations—suggestions have been made in the committee that organizes it that we should have wider scope of representation. With that much, Mr. Chairman, I agree. I have complained myself before and I feel this is a very good proposal.

Therefore, I beg to support.

Mr. Omar: Mr. Chairman, Sir, there are two or three points which I would like the Minister for Finance to tell us in this House about this Vote.

I do not know about other provinces, but what happened last year in the Coast Province was that before the Kenyatta Day Celebrations took place, some chiefs collected some cattle, goats and even money. These goats and cattle were slaughtered during Kenyatta Day, and people were called there to dance and those who went to dance did not get anything at all. The money which was collected by the chiefs and subchiefs was kept by them and no account of expenditure was kept. In fact, there was an instance in Mombasa District where a chief was involved in a theft case and it came about because he was given authority to collect the money and, instead of spending this money on buying foodstuffs which would have been used during Kenyatta Day Celebrations, it was not used.

So we would like the Ministers to tell us here what arrangement they have because there is a lot of money here being set aside for this purpose and, at the same time, civil servants are also allowed to collect more money, to spend during Kenyatta Day Celebrations. Therefore, I think the Minister for Finance should tell us exactly what arrangements they have on this money.

Another point is about the centres of the performance of Kenyatta Day Celebrations. You find that in each location the chiefs or district officers or district assistants take the salute and leave the politicians of that area who are more popular than the district commissioners or district officers. I was not happy, Mr. Chairman, last time to see that the provincial commissioner was just taking the salute. I would very much like to have seen one of the Members of Parliament from the Coast taking the salute instead of His Excellency the President, because a provincial commissioner is a civil servant and he has not any voice for the public. If something goes wrong with the public, it is only the politicians who can quieten and silence the public, not provincial commissioners. So I would like to get an assurance from the Minister for Finance that in future the salute will be taken by the politicians instead of by the provincial commissioners.

Hon. Members: No, no.

Mr. Omar: Do not say no, or you will allow provincial commissioners to have control over the public.

So, with these few words, Mr. Chairman, I support this Vote but would like to know the arrangements about these chiefs who were collecting money, cattle and foodstuffs from the shopkeepers and did not give it to the dancers or the people who went to the performances of our celebrations.

[Mr. Shikuku]

why the Government does not see fit to establish a lodge for the President at Kakamega which is a provincial headquarters of the Western Province, we are told that there is no money. But here there is money going to Mombasa. Why has it not been sent to Kakamega? We want to know, Sir, whether we are just coming here to say "Hear, hear", and so on, just to please the Minister for Finance. So, Sir, if this money is going to State House in Mombasa—I do not know whether this is because of the swimming pool, but they have places for swimming in Kakamega too.

I will go on speaking, Mr. Chairman, even if the Minister goes out. He will read in HANSARD what I have said.

Mr. Chairman, I do not think—

Mr. arap Moi: On a point of order, Mr. Chairman, I did not want to interrupt the speaker, Sir, but it is in order for the public in the galleries to laugh?

The Chairman (Dr. De Souza): No. It is certainly not in order. My attention was drawn to this fact a few minutes ago. I do stress that it is strictly improper for persons in the gallery, or in the Speaker's Gallery or in the Public Gallery to demonstrate in any way, by laughter, clapping or in any other way. If any hon. Member does find that this happens, then, of course, I will ask the Serjeant-at-Arms to clear those particular persons from the gallery, and—if necessary—to clear the whole gallery.

Mr. Shikuku: Mr. Chairman, I am just trying to make a point. The Minister has completely failed—if I may submit, Sir—to explain to this House why it is necessary to have this extra £3,500. Therefore, I am completely in agreement with the hon. Mover for the reduction of £1, because we are not going to be asked to vote for things in this House without knowing the reasons. In addition to that, I would also like to know if the reason given is that this is for State House in Mombasa, why he has not found it necessary to have any provincial headquarters in Kenya improved, so that we would see that the President was for all, not only that he should travel between here and Mombasa, between here and Kisumu, when our own areas are dying to see him. We want the President to come and *chemusha* things at our places. But, why do we not have money here for him to have a lodge in Kakamega? I do not believe in next time, Mr. Chairman, I want to know why they have not considered Kakamega.

In addition to that, Mr. Chairman, I am seeking your ruling on this. I was wondering whether it

was in order, while speaking on this reduction, to refer to some of the clauses for additional amounts—

The Chairman (Dr. De Souza): There is only one Head as far as State House is concerned. So, if you mean the appendix, namely "d, f, g," then you can, because they are all covered under the same Head. You are entitled to speak as far as this particular Motion is concerned, on any of the items in State House, under Vote II, State House, because as far as Vote II, State House, is concerned there is only one heading. These are all parts of the appendix, so you can speak to the question of replacement, maintenance and running expenses of vehicles, or f and g, because they are all subheadings of the one heading that you are now discussing.

Mr. Shikuku: Thank you, Mr. Chairman. I think I will leave it at that for the time being. I might speak again.

Mr. G. G. Karuki: Mr. Chairman, when we are trying to question the Minister as to why he wants additional money for State House we expect to get a good reply or explanation, but the Ministers who should tell us of the need for this money should not use arrogant language and try to abuse Members indirectly. This can never help.

Therefore, Mr. Chairman, I expect to see that when a Minister is requested to tell us what is needed, he should, of course, tell us exactly what is needed, then we are going to accept it or reject it.

Mr. Chairman, here we see that there is additional money of £4,196, and the definition we get here is that we have a lodge in Mombasa. If it is a State House, Sir, I would like to protest strongly, because it is a waste of money. In every province in this country we have State Lodges but not State Houses like in Mombasa. Mr. Chairman, if I may add, here in Nairobi, these days it has been very difficult for Members to get in touch with the President. Ministers must be aware of this, but when we are trying to seek explanation, they should not try to manoeuvre. They should go and say our problems, therefore, Mr. Chairman, for your information we have tried to write letters, which does not require any money, but we cannot get replies because of people sitting there. Therefore, Mr. Chairman, I beg to oppose the reduction of £1.

Mr. arap Moi: Mr. Chairman, Sir, I for one would not like to enter into the pros and cons of the items indicated in the Supplementary Estimates.

[Mr. arap Moi]

One the £3,500, to enlighten the hon. Member for official entertainment. The hon. Member is aware, Mr. Chairman, that when His Excellency the President visits the Coast, he must entertain the local people there. The hon. Member should wait to hear if he wants to hear. At the Coast, he entertained more than 2,000 people, to get as many as possible, so that he could feel he was keeping in touch with the people of the Coast area. Recently, when he visited Kisumu, he also had a big entertainment with the people living in the area. The hon. Member is complaining of Kakamega. But, in Kakamega, the former house of the former president of the Western Province is being made a State Lodge, and will be approved by this Supplementary Estimate which the hon. Member wants to see reduced. If the hon. Member could tell the House now that we should not pass this money in order to improve the State Lodge at Kakamega, then the Kakamega people and the Western Province people should know—

Mr. Shikuku: On a point of order, Mr. Chairman, is the hon. Member in order to misrepresent what I said? I was replying to the Minister's statement that this amount was for Mombasa.

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Chairman, I never said that.

The Chairman (Dr. De Souza): The Minister never said that this amount was intended for Mombasa. He said that one has to take into account the fact that there are two State Houses, one in Nairobi and one in Mombasa, and hence the increase in expenditure. It does not mean that the expenditure is only for those two places and only for the opening of the house at Mombasa, but the details are here which you can read; they are quite clear in explaining the increase in expenditure.

Mr. arap Moi: Mr. Chairman, now Kisumu was recently improved, and if the hon. Member could visit Kisumu he would see that it is a good State Lodge. His Excellency, the President, intends to improve in each province, so that he has State Lodges, so that hon. Members could mix with His Excellency when he goes to their area. Yesterday, people were trying to dislodge the Government and His Excellency, saying they have no confidence in His Excellency the President, but when his Vote comes here—

Mr. Gichoya: On a point of order, Mr. Chairman, is it in order for the Minister to refer to the Motion which was debated here last night and confuse it with the allocation of money to various heads in this Supplementary Estimate?

The Chairman (Dr. De Souza): No, in a way, Mr. Moi, you are out of order there, you may not refer to last night's debate here.

Mr. Shikuku: On a point of order, Mr. Chairman, taking into account what the Minister has just said, is he not implying that since we passed a vote of confidence in the President, if we question this then we are more or less questioning what we passed last night? Is it in order to imply that by questioning this we are going back to what we passed yesterday?

The Chairman (Dr. De Souza): No, I do not think he is implying that, but he is coming close to it. On the other hand I think hon. Members must remember that they are, after all, dealing with the department which is run by the President personally, namely the State House. You must, at least, in that regard, temper your remarks, at least the language in which you use them. I do not think he is doing that. If he is doing that he is out of order.

Mr. arap Moi: Mr. Chairman, I do not want to create any trouble with the hon. Members, but what I am trying to say is that the reason, Mr. Chairman, for refusing this item is because some hon. Members have not been given the chance to see the President. This is what I have detected, or the impression I have obtained from the remarks of the hon. Members. As the Minister for Labour has said, most of us see very little of the President ourselves and we also have to wait to see him. All of us should appreciate how busy he is and we should be patient and then we will have our chance of seeing the President.

Mr. Chairman, I do not want to hammer any more, and there is what I feel should be done. It should be passed without any argument at all.

Mr. Godia: On a point of order, Mr. Chairman, in view of the fact that the Minister, Mr. arap Moi, has made the position very clear regarding that money which the argument is about, may I move that the Mover of the Motion be requested to withdraw?

The Chairman (Dr. De Souza): I think we have had enough discussion so I will allow the question, that the question be now put.

Mr. Seroney: On a point of order, Mr. Chairman, can I not be given a chance to reply to at least two points made by the two Ministers?

The Chairman (Dr. De Souza): Actually this is the Committee stage so there is no right of reply. It is up to the House to decide whether the question should be put or not, or the Committee to decide.

Mr. Gichuru: Mr. Chairman, I would like to state right from the outset that the period that the hon. Member mentioned, when State House, then Government House, was very free and when he was the spokesman of Kadu and he had the full support of the then Governor, Renison, he could go there whenever he liked, these were the constitutional talks—

Mr. Seroney: On a point of order, Mr. Chairman, can the hon. Minister substantiate that, I said as a Back-bencher of this House, Mr. Chairman.

The Chairman (Dr. De Souza): No, Mr. Seroney. I do not know exactly what you are asking him to substantiate.

Mr. Seroney: He said that because I was Kadu then I had access to the Governor.

The Chairman (Dr. De Souza): That is a matter of opinion, I am afraid, it is not a question of substantiation.

Mr. Gichuru: Were those the days when we had constitutional talks and we used to go there rarely ourselves, as Kanu, but Kadu used to live there. No wonder he claims that it used to be easy to go there, they used to live there. It must be remembered that then Government House was merely an outpost in the colonial days. If you go to Britain, and the hon. Member has been there, you will find that Buckingham Palace has gates and soldiers standing at them. This was—shut-up—what is he talking about—

Mr. Oduya: On a point of order, Mr. Chairman, the Minister said shut-up to the Member here and you do not want to rule him out. Can the Minister therefore withdraw the words. We cannot allow this, it is too rude.

The Chairman (Dr. De Souza): Yes, Mr. Gichuru, I am afraid you must apologize.

Mr. Gichuru: I apologize and withdraw.

Mr. Shikuku: On a point of order, Mr. Chairman, I thought that when anyone spoke on a point of order, the Minister or whoever was speaking should sit down, but the Minister stays on his feet?

The Chairman (Dr. De Souza): No, you are quite right. I think he has now apologized for that.

Mr. Gichuru: I sat down. I am not a school boy.

It must be remembered that Government House at that time was merely an outpost in the good old colonial days, and therefore it could be cheap. But it is wrong to suggest that there was no gate. A gate was there and the hon. Member

knew that it was there. You knew whenever you passed through there, and there were *akari* standing there. They were there, maybe you never went there, you were not a prominent member of Kadu, you were just a child.

Today the President does not live there. He works there. Therefore, if the hon. Member who questioned this wants to see him, he can go to Gatundu. It is open, everybody goes there. There is no question about it, it is open. The hon. Members who never visit their own constituencies but who come and make a lot of noise inside the House—

Mr. Shikuku: On a point of order, Mr. Chairman, the Minister has just alleged that there are these hon. Members who never visit their constituencies. Could the hon. Minister substantiate and tell the House who are the hon. Members who never visit their constituencies?

The Chairman (Dr. De Souza): Yes, Mr. Gichuru, I think he is right. You cannot make such a general allegation; if you refer to any particular person, because, as you know, in politics it is quite a serious allegation to state that a Member does not go to his own constituency.

Mr. Gichuru: I will withdraw.

But the point still remains—I said it, he should have been listening, and I am not going to repeat myself.

I would like to end by saying that today we must not forget that we have another important State House in Mombasa and this is why this extra money is necessary to maintain it. During the days of regionalism this House was put to a very poor use and we have had to make a lot of repairs to it, and it is no wonder that a little more money has had to be spent. When the President visits the Coast he sits there and entertains the local people, and it is only right and fair that he should do so. This is why we need the extra money.

The Minister for Labour (Dr. Kiano): Mr. Chairman, Sir, I would like to make sure that in debating this particular Motion brought by the hon. Member, people are very aware of what they are debating. The reduction by £1 is a Parliamentary expression of dissatisfaction with the particular item.

The hon. Minister for Finance has made it very clear that the President does not live at State House, he uses it as a working place. Another fact that people must remember is that a Colonial Governor was acting in accordance with instructions given to him; the President of our independent nation has to work and work not simply as an instrument of outside powers.

[The Minister for Labour]

Therefore, if we were to open the gate for anybody who wanted to see him at any time without making an appointment, perhaps the hon. Members do not know that even we Ministers sometimes have to wait for a week before we can see him. We do not complain because we know that at any time we cannot get him, this is because he is working. Therefore, I think it would be wrong to assume that because you have to have an appointment with our President he is being difficult. He is not being difficult. The Colonial Governor had very few callers wanting to call on him because most of us were not interested in presenting our problems to him; our interest was to get rid of him as soon as possible. But, with our President—as President of us all—we would all like to see him at some time and, therefore, there must be some arrangement where we have to make appointments in order for him to be able to see us properly. Therefore it must not be assumed that because an appointment is necessary—and sometimes we have to wait for a week—our President is not democratic. He is democratic enough to try and see all of us and, therefore the programme becomes crowded and some of us have to wait for about a week. So, Mr. Chairman, we must not lose sight of the fact that a Colonial Governor had very few people wishing to see him and, therefore, perhaps those who called on him did not have to wait for a week because there were so few of them, whereas an executive, democratically elected President has so many people wishing to see him that all of us must be patient because eventually our requests for appointments are fulfilled.

Mr. Shikuku: Thank you, Mr. Chairman.

I wonder whether you realize, Sir, that the two Ministers have not even given what I had asked for, the explanation of the additional £1,500, apart from telling us that they intend to improve on the State House in Mombasa.

But, Mr. Speaker, when it comes to the question of State House I think the Minister who says that the former Kadu people used to live in State House is completely wrong. I do recall, Mr. Speaker, having even visited Government House during the P.C.P. time when I was only the Secretary-General of the P.C.P. in 1958. That was during the height of colonialism in this country, and I used to make protests to Government House. I went to Government in 1959 when I went to place the Memorandum regarding the release of Jomo Kenyatta. I went to Government House in 1960, and I have been there a thousand times.

But today, Mr. Chairman, even when you telephone Government House, you get in touch with someone there who says that you cannot even speak to the President. At that time you could speak to the Governor. Mr. Chairman, there are a lot of restrictions which are completely unwarranted. You cannot even speak as a representative of the people to the President.

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Chairman, is the hon. speaker in order to compare His Excellency the President with a Colonial Governor?

The Chairman (Dr. De Souza): Order! Order! Please sit down, Mr. Shikuku. I do not think he is comparing His Excellency the President with a Colonial Governor, I think he is comparing the ability to get into the House, and whether it is a nice thing to do, or not a nice thing to do, I am afraid it is not a point of order.

Mr. Shikuku: Some hon. Members think that by speaking so nicely of the President, they are getting somewhere. But I am not comparing the President to the Governor. By insinuating that I am trying to compare him with the Governor, the hon. Member is trying to get the credit for being a good boy, Mr. Chairman.

Mr. arap Moi: Mr. Speaker, I take very strong objection to the insulting language used by the hon. Member that I am trying to be a good boy to the President.

The Chairman (Dr. De Souza): I think your objection is in order.

Mr. Shikuku: Mr. Chairman, I feel that I was not comparing the President with the Colonial Governor, but the access to Government House, which is now State House, was easier then than it is today.

During the colonial time we did not have any fences round the Central Government buildings. Today there are fences there. Is that not a difference?

Mr. Chairman, I was trying to get—I fought for this freedom, Sir. What we are trying to do, Sir, is to point out to the Minister before we approve this £3,500 is that we have to show our dissatisfaction with the increment. When you telephone State House you are not even allowed to speak to the President, so we are asking for reasons why we should spend more money to have more restrictions.

Mr. Chairman, the other thing is that the Minister has tried to tell this House that the additional sum of money is to try and improve the Mombasa State House. I have no quarrel with that. When we asked a question in this House as to

[Mr. Seroney]

As a mark of my protest against this behaviour of the civil servants, in particular, I pick on this State House, which is now so unapproachable, much more so than when it was occupied by Colonial Governors; and I beg to move a reduction of £1 on this Vote.

Mr. Gichuru: Mr. Chairman, it would be very interesting if the hon. Member could tell us how many times he visited State House during the colonial times.

The Chairman (Dr. De Souza): Mr. Seroney, it has to be in writing, you have to give notice.

Mr. Seroney: I thought that in the Committee this ruling did not apply.

The Chairman (Dr. De Souza): You can give it now, but it has to be in writing, and it has to be sent up immediately. But I have to have it in writing before I can propose it.

Mr. Seroney: But this is Committee stage, Mr. Chairman.

The Chairman (Dr. De Souza): Even in the Committee stage, Mr. Seroney, notice has to be given in writing. You do not have to give it, as it were, before the House sits, which you would have to do if it were a Bill, you can give it now, but it has to be done. You can speak as often as you want, so you can give it now and speak to it a minute later.

Mr. Shikuku: Mr. Chairman, Sir, although I agree with your ruling on this, I think I have something to say about this amount which we are being requested to approve here, as far as State House is concerned.

The Chairman, I do not wish to be stubborn on this but I think the Minister for Finance would have to explain at length why he finds it necessary to have the extra amount of pounds which has been added here, £3,500. I would like—for example, the official entertainment—to know why this has to be increased, because I am of the opinion that we must try to effect savings rather than extend our expenditure, in view of the very many problems that we have here, such as unemployment and all sorts of things. I suppose this entertainment, Mr. Chairman, is for drinks and cakes and so forth. I was just wondering if the Minister could give me a breakdown as to how he comes to this, because we will find these days, as the hon. Member said and I wish to support him, that even getting to State House poses quite a problem.

I remember once I tried even to ring in order to get in touch with the President—

Mr. Gichuru: Why should you go there?

Mr. Shikuku: Mr. Chairman, I am being asked by the Minister for Finance why should I go to State House. Mr. Shikuku belongs to this State and the Member for Butere and on top of that I am the president for the poor people and I am entitled to go to that house any time. If the Finance Minister, Mr. Chairman, thinks that he can get away with this and he asks me to approve this sum of money and he expects me to do it without saying anything, then he is very much mistaken. You want my support for this, Mr. Chairman, he wants my support, and if he wants my support, my support is with strings, and the strings are, Mr. Chairman, that I am not satisfied with the running of State House and why should I approve an extra amount when I am not happy with the services at State House? How many times have we attended cocktail parties there? Mr. Chairman, personally I have not attended any cocktails there, nor have I been invited—I might not be all that important to be invited—but I represent the people and I think that this extra money is not necessary. If it is a question of drinks, we have a very cheap drink here which can be used for African drinks. It is called *Busaa* and it is very cheap.

If any American comes here or a Russian or someone from Peking, he should know that he is coming to Kenya and we should entertain him with our African dishes and African drinks, why should we spend more money, buying whisky, vodka and all the rest of it. If Russians come here they should not expect to have vodka, they should expect *Busaa*. So, Mr. Chairman, I would like—

Mr. Gichuru: He is addressing the gallery.

Mr. Shikuku: I would like it to be explained why this extra money is required by the Minister for Finance.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Chairman, Sir, I think it is most unfortunate that when a Member is speaking on so serious a question he tries to make it into a joke and ridicule the whole position of the President—

Mr. Shikuku: On a point of order, Mr. Chairman, is the Assistant Minister in order—

Mr. Mboya: I am not an Assistant Minister, you should know that by now.

Mr. Shikuku: I am sorry, is the hon. Minister in order to insinuate that I am joking when I am being serious on the issue.

The Chairman (Dr. De Souza): If it is his opinion that you were not treating it as serious, I am afraid that is not a point of order.

Mr. Mboya: Mr. Chairman, I am entitled to say that the hon. Member is trying to ridicule this particular discussion and he knows as well as all of us here that this is a particularly serious and important question. There is no use talking to the public gallery about *Busaa's* who does not know about *Busaa's* in his house. He does not even know how to make it.

Mr. Chairman, on the more serious part of this whole question, on page 2, an explanation is made. In Vote 3 the question of an increase in expenditure is not something unique or new, it is true and the public of this country know that it is true, that in the last two years since independence there have been more functions at State House, more Africans attending those functions, more traditional dancing at State House, more accessibility at State House, than at any time during the colonial days, and I challenge any Member in this House, who would suggest, that during the colonial days as many Africans went to State House as do go there today. I challenge any Member in this House, including the hon. Member who has just sat down, to tell us on what occasion at Government House, in those days, Africans were treated as respectfully as they are today, and on what occasion the Governor invited and gave honour and respect to the humblest man in this country, including our traditional dancers, I would like to know that. Mr. Chairman, it is so easy, when talking about these things, for one merely to get up and say that this money could have been used for something else. Of course, all money could have been used for something else, including the salary which the hon. Member is being paid, and that of the Ministers, or including the money which was used for building this House. It could have been used for agricultural development. You can say that of everything in this country, but to try and ridicule the President's Office and State House is in fact descending rather low.

Mr. Chairman, I do not know on what day the hon. Member had a chance to sit with God and question him. I understand the hon. Member was in a seminary and could not contain God, or God could not contain him and so chased him out.

An hon. Member: He was chuckled out.

Mr. Mboya: Mr. Chairman, I do not speak to God, so I know nothing about that and certainly we are not voting any money for God's expenditure. I honestly fail to see the argument of the hon. Member, because until he can tell us that he wishes either to reduce the amount because it is excessive and tell us why, or tell us

his reasons for thinking that the previous allocation was enough, if we are given sound arguments we can then consider them, but if they are only put on the basis of generalizations under little anecdotes and jokes, then we cannot consider it seriously.

Mr. Seroney: Mr. Chairman, Sir, the Minister for Finance challenged me on the accessibility of State House. Mr. Chairman, I have been an elected representative in this country since 1961 and during 1961, 1962 and 1963 it was very easy for any Member of this House, or for a combination of Members of this House, to have access to Government House as it used to be called. I have been there several times, with Back-benchers of this House, either in their representative capacity or with two or three Members, that is of course without counting those innumerable conferences which used to take place there. At that time, Mr. Chairman, there was no gate there, there were no policemen there, there were only two ceremonial *askaris* there and at no time, Mr. Chairman, was I or any group with whom I was stopped outside there by a barred door, but after *Uhuru*, Mr. Chairman, we have reached a situation where certain people, within State House itself, will make it as difficult as possible to get an appointment even with the President's Private Secretary, and the reason why I am moving the reduction of this £1 is as a matter of protest. I mean if they come to this House and expect us to approve expenditure, at least they should recognize that Members—

Mr. Gichuru: On a point of order, Mr. Chairman, what has this to do with the Entertainment Vote which we are now discussing?

The Chairman (Dr. De Souza): I think it has something to do with it. State House—it does not mean of course that Members want to go there. That is the only way they can discuss it.

Mr. Seroney: The Minister for Economic Planning sought to put the onus on the Member for Butere as to his criticism of this additional amount in the Entertainment Vote, but surely it was up to the Minister of Finance to say why it has been found necessary to increase this amount and what miscalculations were made in the first place when the original estimates were given, surely it is up to the Minister himself to say why it has been found necessary that the original amount was found to be insufficient and that instead an additional sum of £4,196 is now being sought. Now, Mr. Chairman, in conclusion I beg to move formally that in respect of this Vote the Vote be reduced by £1 from £4,196 to £4,195.

(Question of the amendment proposed)

## QUESTION BY PRIVATE NOTICE

## TRADE EMBARGO WITH RHODESIA

The Speaker, (Mr. Slade): There is a question by private notice. Mr. Omweri.

Mr. Omweri: I do not have it, Sir

The Speaker (Mr. Slade): It is on the Order Paper. I do not know whether the Minister is here to answer it. Well, ask the question anyhow; read it off the Order Paper, Mr. Omweri.

Mr. Omweri: Mr. Speaker, Sir, I wish to ask a question by private notice of the Minister for Commerce, Industry and Co-operative Development.

What is the effect of Kenya's trade embargo with—

Mr. Speaker, this is not my question.

The Speaker (Mr. Slade): There must be some misunderstanding. If that is not Mr. Omweri's question, we shall have to restore it to the Order Paper tomorrow under the right name.

I would remind hon. Members that on the adjournment today Mr. Ngala-Abok is to raise the matter noted on the Order Paper.

Also, with reference to the next order. Committee of Supply. I would remind hon. Members of the Resolution passed yesterday, that this could continue for two days if necessary. That Resolution, of course, still holds good.

Mr. Omweri: On a point of order, Mr. Speaker, could I find out when this question came under my name, because I am not aware of it?

The Speaker (Mr. Slade): If it is not yours, I should not worry, Mr. Omweri; we will get it under the right name. I apologize for having troubled you.

## 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]

## MOTIONS

## STATEMENT OF EXCESS, 1962/63

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

That a sum not exceeding £8,244-6-04 cts. be issued from the Consolidated Fund to meet expenditure during the year ending 30th June, 1963, in respect of Statement of Excess 1962/63.

Mr. Chairman, this statement was made and the reason for it was that it was hoped that a little more money would be forthcoming from African court fees. Unfortunately, that money was not realized and this is why I am asking for this money, to make good the shortfall that has accrued as a result.

I beg to move.

(Question proposed)

(Question put and agreed to)

(Resolution to be reported without amendment)

## MOTION

## SUPPLEMENTARY ESTIMATE NO. 1 OF 1965/66—RECURRENT

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

THAT a sum not exceeding £1,339,114 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Supplementary Estimate No. 1 of 1965/66 (Recurrent), having regard to the proposed savings of £252,702 therein appearing.

Mr. Chairman, the Members have the Supplementary Estimate in front of them and they are, I believe, self-explanatory. I therefore beg to move.

(Question proposed)

(Head A1 agreed to)

## Head B9—Official Entertainment

Mr. Seroney: Mr. Chairman, I see from the explanatory note that these are supposed to be additional provisions required to cover entertainment expenses during the President's tour in the provinces. Now, as we have noticed during the past financial year, these visits to the provinces have been very peculiar. They have been confined primarily to the Nyanza and Coast Provinces; and Nakuru, which happens to be the headquarters of the Rift Valley Province, is only treated as a ceremonial place which is incidental to either a visit to the Western Province or the Nyanza Province.

Since Mzee Jomo Kenyatta became Prime Minister of this country, he has visited, I believe, Nandi, in January 1964 and Elgeyo. And then afterwards he has visited Eldama Ravine once and he has visited Kipsigis once. I am wondering, Mr. Chairman, what assurance we can be given that all this expenditure which we are now being asked to vote will reflect any changes in the movements of the President during the present financial

[Mr. Seroney] year, and whether the President, particularly in the Rift Valley, will visit those places he has not visited as President? This means practically the whole of the Rift Valley, apart from Narok, which he has only visited once. As the President of this country, he has not visited the rest of the Rift Valley, from Turkana right down to Kajiado.

Mr. Gichuru: Mr. Chairman, the President has visited Kajiado and Narok; that is part of the Rift Valley. I must congratulate the hon. Member on being extremely sober this afternoon. In the past, when all these arrangements were being made, many hon. Members were asleep; they did not and do not come forward and invite the President. It is up to the hon. Members. When they feel that their area is ready for a visit by His Excellency, the President, then they should apply. He is always willing to visit all these areas. I notice some people here screwing up their faces, but the point is that you have to make this application if you are ready for it; if you are not, how does the President know that you want him in your own area?

Mr. Seroney: Mr. Chairman, it is unfortunate that the Minister has made such an explanation. It is suggesting that the President has never been invited to Nandi and that no one was in charge of those visits, particularly to those areas or districts within the Rift Valley?

Mr. Gichuru: All I am suggesting is that if the hon. Member takes the troubles to invite His Excellency, I am quite sure he will visit Nandi and any other area.

Mr. Gichoya: Mr. Chairman, it is surprising that the hon. Minister should actually say openly that it is because people have not invited His Excellency, the President that His Excellency has failed to visit certain districts or places. Would the Minister agree with me that the condition is that it is at the pleasure of the President that he visits an area, and it does not depend on requests made by the people? I remember, Sir, that we have even made representations in person and as groups, going to see His Excellency, the President, requesting him to come and visit our own areas. Luckily enough, of course, recently, he has found it convenient to pay a visit to Kirinyaga District. Could it be made a kind of procedure that His Excellency, the President should not merely concentrate his visits to places like Embu District, Meru District, Nyeri District—

An hon. Member: Kirinyaga District.

Mr. Gichoya: I am afraid the Assistant Minister does not understand the geography of modern Kenya.

Mr. Chairman, there should not be a kind of a pressure on His Excellency, the President, to visit a certain place. It should be a kind of a routine to visit an area, and even spend a night in that area, since I believe, Sir, that in a place like Kirinyaga we have first-class accommodation for His Excellency, the President, if it pleased him to stay in the area.

Mr. Gichuru: Mr. Chairman, Sir, I am extremely surprised that the hon. Member should bring this particular question up, because it was only about the middle of last year that the President toured his own area, his constituency. I cannot possibly understand what he is complaining about. I understand also that the President is going over there next week. Maybe the hon. Member never goes there; maybe he will not be there. Therefore the point he is raising does not arise.

Mr. Gichoya: I was merely taking it as a general case for other places, Sir. I said that the President goes to a place where he is pleased to go; he does not go to a place where he has been invited to go. I might mention here that His Excellency, the President, together with the whole of his Cabinet, went to Mwea/Tebere. I came to know that they were going to this place, which is in Gichugu constituency, my constituency, Mr. Chairman. This was not at my request; it was the pleasure of the President to do so.

Now here I am trying to request one thing, Mr. Chairman, so that this official entertainment money can be spent all over the country. It should not only be the pleasure of the President to go to a particular place; it should be a routine, a procedure, that for this year, he must go to this district and that district, etc. Whether Members have made applications for His Excellency to visit them or not, it ought to be in that form so that we can feel that His Excellency does visit nearly every part of the country. That was the problem.

Mr. Gichuru: Mr. Chairman, the point is noted.

(Head B9 agreed to)

## Vote 2—The State House

Mr. Seroney: Mr. Chairman, Sir, there used to be a time when it counted for something to be a Member of the legislature, but apparently, since Uhuru, these Ministers, and the President himself, have become so unapproachable that sometimes one wonders what the civil servants who put fences round the President think they are up to; and yet they are reduced to coming here and asking us to vote them more money.

## [The Minister for Home Affairs]

Another very important point that cannot be disregarded, is that to give a prison an innocuous name which could be associated with our educational institutions for law-abiding citizens could well result in the stigma associated with criminals being mistakenly directed to innocent persons and the risk of this occurring cannot be entertained.

For these reasons any change in the name of "prisons" is unacceptable and the best advice for persons who want to avoid the stigma associated with prison or imprisonment is to be law-abiding citizens.

With regard to the second part of the question, the principle upon which the Kenya prisons system is founded is contained in rule 3 (c) of the Prison Rules which reads: "at all times the treatment of convicted prisoners shall be such as to encourage their self-respect and sense of personal responsibility, so as to rebuild their morale, to inculcate in them the habit of good citizenship and hard work, to encourage them to lead a good and useful life on discharge and to fit them to do so."

To implement this rule, every prisoner sent to prison is given the treatment and training to fit them to lead a good and useful life on discharge.

Prisoners sent to prison are taught the habit of hard work and those sent for sufficient length of time are taught a trade or occupation, and so everything possible is done to enable prisoners to earn an honest living on discharge. The amendment to the law to provide for this is, therefore, unnecessary.

**Mr. Godia:** Mr. Speaker, Sir, arising out of the Minister's reply, where he informs the House that at certain stages the prisoners are taught how to lead better lives after prison, does that not warrant the change of the name from "prison" to "probation school"?

**Mr. arap Moi:** Mr. Speaker, Sir, could the hon. Member speak up as I spoke, so that I can hear him?

**Mr. Kibuga:** Mr. Speaker, Sir, arising from the Minister's reply, and the very fact that when the prisoner leaves the prison, he is given all the chances in which to reform, could the Minister make arrangements whereby the prisoner, when he goes there is a prisoner, then he goes by stages so that by the last stage he is not known by the word "prisoner" but by a different name?

**Mr. arap Moi:** Mr. Speaker, Sir, if the hon. Members are anticipating going to prison so that improvements are made for them, then the Government is not prepared to change the law!

## Question No. 289

HELP FOR PEOPLE WHOSE PROPERTY HAS BEEN DESTROYED BY *Shifita*

**Mr. Ithirai:** asked the Minister for Home Affairs if he could tell the House what the Government was doing to help those people whose property had been looted by *Shifita* in Meru District.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, I beg to reply. The Government has a duty to look after the welfare of all its citizens, including those whose property has been looted by the *Shifita* in the Meru District. If, therefore, any person in Meru is suffering undue hardships as a result of *Shifita* activities in that district, he can always report the fact to the local administrative officer, who will investigate the state of the alleged sufferings and recommend to the Government the remedy for the sufferings.

The hon. Member for Nyambene North would, himself, be assisting the Government a great deal if he told the people he knows to be suffering in his area to explain their troubles to their nearest Government official, who may be a district officer, district assistant or a district commissioner.

**Mr. Ithirai:** Mr. Speaker, Sir, now that not only Meru is affected by the *Shifita* activities, but also Lamu and the North-Eastern Province, what is the Government doing to help these people?

**The Speaker (Mr. Slade):** That is a repetition of the previous question, is it not?

**Mr. Mate:** Mr. Speaker, Sir, while appreciating the very good words from the Minister, is the Minister prepared to admit that he Kikuyu, Embu and Meru have suffered before this at the hands of the colonialists, and when he talks of the Meru people himself, is he prepared, in black and white, to give compensation, so that the Meru people are not forgotten in this *Uhuru* Government, so that we feel good?

**Mr. Nyamweya:** I am quite sure, Mr. Speaker, judging from the manner in which the hon. Member is speaking, that he must be feeling good! I may add, though, that it is not the Government's policy to pay compensation for property which has been lost, whether it be the property of the Kikuyu, Meru or Embu or, for that matter, any other tribe, through *Shifita* activities, because the Government has not the funds to meet all the claims that would be submitted. However, the Government is prepared to relieve any undue hardships which its citizens may be experiencing in certain areas, particularly those hardships which have been caused by *Shifita* activities.

**Mr. Ithirai:** Mr. Speaker, will the Minister then assure this House right now that the Government compensates these people?

**Mr. Nyamweya:** I have already dealt with that point, Mr. Speaker.

**The Speaker (Mr. Slade):** That assurance has been given, you know.

**Mr. Anyieni:** Mr. Speaker, would the Government consider taking away the property of the people who are found to be *Shifita*, and of selling it so as to compensate these people who have been looted by the *Shifita*?

**Mr. Nyamweya:** Mr. Speaker, Sir, there are provisions under the emergency laws and regulations, and the Government is acting under those.

**Mr. Sono:** Mr. Speaker, Sir, as there is a big auction going on in the Republic of Somalia, of the property which has been taken in Kenya, would this Government write to the Republic of Somalia, as far as we are on good terms with them, to ask them to bring that property back to Kenya, so that it can be returned to the right people?

**Mr. Nyamweya:** Mr. Speaker, Sir, the hon. Member for Lamu should be aware that we have no diplomatic relations with Somalia and, as a matter of fact, the two countries are not friendly nor on speaking terms.

**Mr. Sono:** Mr. Speaker, Sir, is the Minister aware that there are some people who have suffered from these *Shifita* activities and they have already submitted reports of their losses to the district commissioner and chief and yet the reply they get is that whenever they get any property from the *Shifita*, then they will return it? What property has this Government recovered from the *Shifita*?

**Mr. Nyamweya:** Mr. Speaker, Sir, I am prepared at a later stage to go down to Lamu with the hon. Member for Lamu to look into this.

## Question No. 286

## BETTER HOUSING FOR EASTERN PROVINCE

**Mr. Ndile:** asked the Minister for Housing and Social Services if he would tell the House what plans he had to help the people in Eastern Province to build better houses.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, on behalf of my colleague, the Minister for Housing and Social Services, I beg to reply. Building projects at the present time under construction and in the planning stage in Eastern Province comprise:—

(1) Meru Urban Council Loan of £27,000 for thirty-seven rental and tenant-purchase housing.

(2) Embu County Council Loan of £12,500 for fifteen tenant-purchase housing.

(3) Kitui County Council Loan of £1,200 for a site and service scheme.

(4) A demonstration team is starting operation this month in Kajiado District and it is expected to extend its activities to Kitui and to other parts of Eastern Province in the near future. The purpose of the team is to erect suitable but cheap housing for the people to see, and if their response is good, funds may be made available to those interested in erecting their own houses to enable them to obtain materials on a loan repayment basis from the Ministry either for tenant-purchase housing or aided self-help housing.

**Mr. Ndile:** Mr. Speaker, Sir, would the Minister tell the House why he has not mentioned the efforts which are being made to promote this housing scheme in Machakos District.

**Mr. Achieng-Onoko:** Mr. Speaker, Sir, I beg to inform the House that, further, in Machakos, more than 1,000 houses have been either built or improved by self-help groups, and in Meru, eleven stone houses have been built by self-help. Two block-making machines have been supplied, one to Machakos and one to Kitui and the groups are making thousands of blocks as well as hand-made bricks. While the majority of these are for public projects, some are available for house building.

The advantages of living in better houses are taught in most of the courses held in the four community development training centres in the province. Also, technical advice is available to self-help housing groups from the Ministry of Works county engineers and health officers.

**Mr. Mbogoh:** Mr. Speaker, Sir, in view of the fact that the Minister has mentioned the effort being made by councils, what is the Government doing to give more money to the provincial centre, that is Embu, so that the occupants are better housed?

**Mr. Achieng-Onoko:** Mr. Speaker, which officers is he referring to?

**Mr. Mbogoh:** Officers of the provincial centre.

**Mr. Achieng-Onoko:** Mr. Speaker, this is another question.

**The Speaker (Mr. Slade):** Yes, I think it is. We must go on now.



**[The Assistant Minister for Information and Broadcasting]**

The Government has only the responsibility of previewing all films and is entitled to ban any film or scenes from a film which might not be to the country's good. This is done through a statutory board known as the Film Censorship Board.

The Indian-owned cinemas in Mombasa tend to show Indian films on Sundays, largely because that is the only day on which they can attract a large number of patrons. As the hon. Members know, the majority of Asians in Kenya are businessmen and spend the other days of the week in organizing and administering their business.

**Mr. Balala:** Mr. Speaker, Sir, is the Assistant Minister aware that also, in addition to Indian businessmen being free on Sunday, citizens of other races are free and want to see films and they do not want to be forced to see films in which they are not interested?

**Mr. Njeru:** Mr. Speaker, Sir, I cannot, on the other hand, force the Indians not to show the films which they want to show. We know that these cinemas want to show a profit.

An hon. Member: Answer properly.

**Mr. Njeru:** Mr. Speaker, Sir, I have said that the cinemas are operated as private businesses and they are supposed to make a profit. The owner of the cinema has the right to show a film which the Board of Censors has approved, and we cannot force them to show films for which they think they will not get money.

**Question No. 297****PLAYS AND FILMS IN SWAHILI**

**Mr. Balala** asked the Minister for Information and Broadcasting what the Government was doing to encourage—

(a) the staging of plays in the country's national theatres and elsewhere in Swahili; and

(b) the introduction of Swahili films in the country's cinemas.

**The Assistant Minister for Information and Broadcasting (Mr. Njeru):** Mr. Speaker, Sir, I beg to reply. The question does not really refer specifically to my Ministry.

I gather from the Ministry of Education that everything is being done to encourage schools to stage their own dramatic productions. The best of these productions are entered at the annual competition at the Kenya National Theatre in

Nairobi which, as the hon. Members know, arouses a great deal of interest. It is recognized that most schools are using—

**Mr. Omar:** On a point of order, Mr. Speaker, the hon. Oduya is making so much noise here that we do not hear what is being said.

**The Speaker (Mr. Slade):** Order! Order! Would you restrain yourself, Mr. Oduya, please?

**Mr. Mate:** Walk out.

**The Speaker (Mr. Slade):** Mr. Mate, I shall have to advise you to leave unless you can control yourself. Just keep quiet.

**Mr. Njeru:** It is recognized that most schools are using the English medium for teaching and, as a result, many of the plays are in English, but, at the same time, Swahili plays are produced frequently in the schools and at the National Theatre.

As for my own Ministry, the Voice of Kenya is putting forward every effort to produce plays and other entertainment programmes in Swahili, using local talent. One of these programmes, which the hon. Members will all recall, is *Jamaa ya Mzee Pembe* which portrays the trend of events in Kenya and encourages local talent to participate in its production.

I should also like to report to the hon. Members that my Ministry has recently formed a film producing unit which will produce films in both English and Swahili and, indeed, in other vernacular languages as well. These films will be used in mobile film units to publicize what the Government is doing for the people. It is expected that the mobile units, using locally produced films, will be touring the country by the end of this year.

**Mr. Omar:** Mr. Speaker, Sir, arising from that reply, and in view of the fact that most of the cinemas in Mombasa and at the Coast as a whole, are owned by Indians, can the Assistant Minister tell us what plans he has to make the cinemas which are owned by Indians introduce Swahili films?

**The Speaker (Mr. Slade):** I think you had the answer to that on the last question.

Next question.

**Question No. 308****WATER SUPPLIES FOR SAMBURU**

**Mr. Rurumban** asked the Minister for Natural Resources and Tourism in view of the fact that water was a chronic problem in Samburu District, what plans did his Ministry have, if any, for water provision for Samburu people.

**The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed):** Mr. Speaker, Sir, I beg to reply. In view of the several answers I have given to questions regarding water supplies in the Samburu District, I would like to state emphatically that it is the Government's policy to compile development programmes from requests from the people of the district concerned. The leaders of the district—both the civil servants, the county councillors, as well as the politicians are the only ones who can help the people, by providing the necessary background information on which development plans can be based.

Referring specifically to water development in the Samburu District, it is regrettable to say that requests for background information on water supplies made by the Water Development Department's officers, and even by the provincial authorities, have been ignored by the Samburu District Planning Team. Thus, the Samburu District has not submitted any estimates or requests for water to its own provincial planning team.

In spite of this refusal to co-operate, my Ministry has included in the 1966/67 Estimates provision for the construction of a water supply at Baragoi Trading Centre. Because of the reasons given above, this is the only firm plan we have in this district.

I would like to urge all the leaders of the Samburu District to try and get into close touch with the Government officers of technical departments and generate the co-operation which is essential before the Government can initiate development plans for the district.

**Mr. Rurumban:** Mr. Speaker, Sir, arising from the Assistant Minister's reply, in view of the fact that water is one of the most essential commodity of consumption for any living creature and also in view of the fact that the district is now affected by severe drought that dried all the water up that people used to depend upon, what urgent measures is the Assistant Minister proposing to take to alleviate the present water problem in the district despite the county council's failure to submit its estimate?

**Mr. Mohamed:** Mr. Speaker, Sir, we accept the fact that water is a very necessary commodity and the hon. Member accepts the failure on their part. Mr. Speaker, Sir, water supplies can only be developed on a long-term plan, this is not a crash programme that we can work at. We have repeatedly requested the local leaders in the Samburu District to provide us with the required information as to what their water requirements are. This has to be on a long-term plan, not only

for one year, but for the next five years and we are prepared to help them, provided they are prepared to co-operate and give us the required information.

**Mr. ole Tipis:** Mr. Speaker, Sir, could we know from the hon. Assistant Minister whether the Government has done anything to try and carry out the hydraulic survey, as far as the water potentialities in the Samburu are concerned, instead of trying to kick the ball back to the Samburu County Council?

**Mr. Mohamed:** Mr. Speaker, Sir, technicians of the Water Development Department are always available. The main fact remains that any water development has to be planned, it has to be surveyed and an assessment has to be carried out. Water development is the dual responsibility of the local people as well as the Government. We need to know the requirements of the area, this is the first stage, and then the second stage is with regard to the hydraulic survey which then comes in. We have repeatedly asked for background information and this has gone through the provincial commissioners to the district team, and unless we get an estimate of what the requirements of the district are, then we cannot move into the second stage.

**Question No. 224****CHANGING NAME OF "PRISONS" TO "PROBATION SCHOOLS"**

**Mr. Godia** asked the Minister for Home Affairs if the Minister would consider amending the present law so that the name "prison" would be replaced by "probation schools", where criminals would be taught a better way of living in order to earn a living afterwards.

**The Minister for Home Affairs (Mr. arap Moi):** Mr. Speaker, Sir, I beg to reply. I propose to answer this question in two parts. Firstly as regards the suggested change of name from "prison" to "probation schools," it is apparent that the reason for making this request is an intention to remove the stigma which the community attaches to persons known to have been in prison. Close examination of this problem by penologists and sociologists throughout the world have failed to solve it, or to find a better or more appropriate name than "prisons" for the place where persons are sent whom the courts consider it necessary to deprive of their normal liberty. The reason for this is that experience has proved that, no matter what name an institution is given, once it becomes generally known that it is a place where rogues and persons who have committed crimes are accommodated, a stigma will be attached to anyone sent to it.

**[The Minister for Commerce, Industry and Co-operative Development]**

encouragement to this proposal, since Busia is one of the leading cotton-producing districts. The firm had accepted to run the textile mill with local Busia cotton growers, who were to contribute a certain percentage of the capital required. The project, however, ran into difficulties because the German firm did not take adequate steps to finance the project as promised and the licence issued consequently expired. New sponsors for this project have now been found and the Government is already exploring several proposals which have been presented. The situation will have to be studied more carefully now, because several licences have been issued for the manufacture of textiles in recent years and there is a possibility that the existing licence holders can satisfy the market, and any new applications may have to wait until a more complete survey has been done on textile consumption. The Government is, however, actively studying the matter and if a decision is reached to grant more licences for cotton fabrics manufacture, Busia will certainly be one of the first.

(b) In regard to the establishment of a sugar factory at Mumias, the Ministry of Agriculture is still carrying out feasiably studies on the project and nothing has so far been finalized. In fact, a similar question was tabled by the hon. Masinde Muliro, Member for Trans Nzoia, not so long ago and it was answered in detail by my colleague, the Minister for Agriculture, Mr. Bruce McKenzie, on 2nd February this year.

**The Speaker (Mr. Slade).** What the Minister says on the sugar mill question is quite correct. We cannot have supplementaries again on that question, but we can have supplementaries on the cotton industry.

**Mr. Aremam:** In view of the fact that the Minister said that a certain percentage should be produced by the local growers in the area, can he tell us what kind of percentage these people should produce so that the mill will be allocated there?

**Mr. Mwendwa:** Mr. Speaker, the percentage may vary, it depends on the amount of money that the local people can provide. If, for example, the local people say that they can only produce 15 per cent, while in another district, the local people may produce even 50 per cent, there is no definite target or fixed percentage.

**Mr. Godia:** Mr. Speaker, Sir, arising out of the Minister's reply, will he tell the House the circumstances which led to the failure of the first German firm which was to have established the factory in Busia?

**Mr. Mwendwa:** Mr. Speaker, one of the reasons why this company was unable to establish this factory, was that they asked for a guarantee from Government of 85 per cent. They wanted to have a promissory note of 85 per cent. Now the Government could not give this percentage as a guarantee, because if we did so we would have run into difficulties. Perhaps this company would have only brought in the machinery and then have gone home, then the Government would have to pay the rest of the money. That is one reason. Another reason was that this company was not the actual company which was actually going to establish the industry; it was, as it were an intermediate one. There was another company which was to give machinery to this company that we were negotiating with. Therefore, the company failed to obtain the machinery which they required from their mother company and therefore they stopped the whole industry.

**Mr. Muriuli:** Mr. Speaker, Sir, could the Minister tell the House whether the cotton factory that has been built in Kisumu, replaces the one that was to be built in Busia?

**Mr. Mwendwa:** Mr. Speaker, the answer is "No".

**Mr. Omweri:** Mr. Speaker, Sir, arising from the Minister's earlier reply about the German company refraining from taking up the project, would he tell this House how much money the Government invested in this project to attract the German or any other firm to participate, because the Government should also have taken the initiative?

**Mr. Mwendwa:** Mr. Speaker, the failure to establish this industry did not depend on the failure of the Government to give some part of the money; this is not the question. The Government was even prepared to give any amount of money should this company come in with its own share. The failure is that this company failed to get the machinery at home and, therefore, whether we pay the money or not, that is a different question.

**Mr. Khasakhaha:** Mr. Speaker, Sir, in view of the fact that the Government promised the people of the Western Province a cotton factory would be built in Busia, could he make a public apology to the people, because he made the announcement before the grounds were laid down?

**Mr. Mwendwa:** If the hon. Member listened to me very carefully he would have heard what I said. Since the first company failed to carry its commitment through, a new company has

**[Mr. Mwendwa]**  
been found and we are now negotiating the terms and the money required and so on, but the Government has not broken its promise at all.

**Mr. Shikuku:** Mr. Speaker, Sir, arising from the Minister's reply, could he tell this House whether he contacted the people in Busia and informed them that they were to raise a certain percentage before they could get the machinery or the cotton industry established in that area? If not, does he not agree with me that the Government has failed in trying to fulfil its promise by refusing to guarantee the 85 per cent to the firm?

**Mr. Mwendwa:** Mr. Speaker, I am quite sure the hon. Member will be the first man to challenge and to take the Government to task for being a careless Government, if we were to give a guarantee of 85 per cent, only to find that, at the end, the Government had to pay for the equipment and everything after the company had gone home!

**The Minister for Finance (Mr. Gichuru):** He was objecting to the guarantee loans the other day.

**Mr. Shikuku:** On a point of order, Mr. Speaker, I was just wondering whether the Minister for Finance is quite in order to shout at me and refer to me as a fellow, and that I refused to guarantee or support a guarantee for a certain loan, is he in order to do that?

**The Minister for Finance (Mr. Gichuru):** On a point of order, Mr. Speaker, I was talking to my friends here, I did not know that he would hear.

**The Speaker (Mr. Slade):** Order! Order! No, I think Mr. Gichuru knows better than most hon. Members that offensive remarks are not excused by being addressed to someone other than the person offended, if they are so loud as to be heard, I am sure you will apologize to him.

**The Minister for Finance (Mr. Gichuru):** I apologize, Sir.

**Mr. Mwendwa:** Mr. Speaker, the second part of the answer is, the hon. Member, if I understand him rightly, did not reply that perhaps this industry failed because we could not get local people to invest. Mr. Speaker, this is not the main reason. In fact, the local people are required to invest as little money as they can possibly invest in the interests of themselves alone. Now if the local people are not interested, or if they have no money, that cannot be taken as a reason to stop the industry. The industry will carry on, whether they invest or not, but it is the wish of this House, it is the wish of

the Members of this Parliament, to see that the local people are interested and also they are part and parcel of the whole industry.

**Question No. 290**

**ROADS ROUND KAKAMEGA PROVINCIAL HOSPITAL**

**Mr. Muriuli** asked the Minister for Works, Communications and Power if the Minister was aware of the danger of the dusty roads and paths in the vicinity of the Kakamega Provincial Hospital. If he was, what plans had he to pave these with a macadam surface.

**The Assistant Minister for Works, Communication and Power (Mr. Bomett):** Mr. Speaker, Sir, I beg to reply. I am sorry about the dust nuisance in the vicinity of the Kakamega Provincial Hospital, but regret to say that, as the roads and paths concerned are not classified grant-earning roads, the Government has no plans to pave these roads with a macadam surface. The construction of such roads is the responsibility of the local authorities. In this case, the Kakamega Township Authority may, in certain circumstances, be able to obtain a local government loan for the purpose.

**Mr. Shikuku:** Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that the Kakamega County Council was one of the first councils to be declared bankrupt and, as such, they do not have money and that is what is causing a lot of trouble, in that there is a lot of dust raised by passing vehicles? Could the Minister not consider tarmacking these roads for the sake of the sick?

**Mr. Bomett:** Mr. Speaker, Sir, I do not speak about the Kakamega County Council, but I speak about the Kakamega Township Authority. In any case, Sir, there is nothing we can do because this is not a classified road.

**Question No. 296**

**INDIAN FILMS SHOWN IN MOMBASA ON SUNDAYS**

**Mr. Babala** asked the Minister for Information and Broadcasting whether he could tell the House why almost all Indian-owned cinemas in Mombasa insisted on showing only Indian films every Sunday.

**The Assistant Minister for Information and Broadcasting (Mr. Njeru):** Mr. Speaker, Sir, I beg to reply. Cinemas in Kenya are all private businesses and on the basis as other private enterprises.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply, would he consider competition among the tribal dancers so that in the event of having to take a team out to represent Kenya, the best possible tribal team is sent to represent Kenya instead of having people picked out anyhow?

Mr. Nyamweya: Mr. Speaker, Sir, I very much concur with the views expressed by my friend, the hon. Member for Trans Nzoia.

Mr. Ngala: Arising from one of the replies by the Minister, whereas I agree that groups of tribal dancers should exist whether in amateur or professional form, would the Minister not agree with me that the time is ripe when Government should encourage these dances to the extent of forming national dances or dancers, so that we do away with the tribal or traditional aspect as other nations in Africa do?

Mr. Nyamweya: I missed one vital point in the question, Mr. Speaker. Would the hon. Member please paraphrase it for me again?

Mr. Ngala: Mr. Speaker, Sir, all other African nations are building up national dances, not tribal dances. I am just asking the Minister if he does not think the time is ripe when we should have national dances, whether in an amateur or professional form, because our nation needs that culture?

Mr. Nyamweya: I agree that this question of traditional dancing is a good thing and should be approached from the national point of view. However, at the same time, I think that whatever is good in a tribe or a group of tribes, should be preserved, provided it is not inconsistent with the national interests of the country.

Mr. Ngala: Arising from the reply, while I am not contradicting the Minister that tribal aspects should be shown, is the Minister aware that he is not answering my question? That is, that we should have a system whereby national dances should be encouraged; instead of hearing that the President was entertained by tribal dancers, we should hear of national dancers and national dances. This should not be tribal. What is the Minister doing to prepare national dances and dancers?

Mr. Nyamweya: Mr. Speaker, Sir, I have very high regard for the hon. Member for Kilifi South. However, what I fail to understand is his argument. Tribes constitute a nation and if there is a State function or there is some function going on in Kilifi, it is quite proper that the people in Kilifi, who belong to certain tribes—I hope they are the Giriama—should be able to display their tribal dancing.

The Speaker (Mr. Slade): Next question.

Mr. Rurumban: On a point of order, Mr. Speaker, before asking my question I seek your permission and the indulgence of the House for a correction to be made. The doctor's name should read Indire and not Indile.

#### Question No. 305

##### RESIGNATION OF DOCTOR FROM MINISTRY OF FOREIGN AFFAIRS

Mr. Rurumban asked the Minister of State in the President's Office to tell the House why Dr. Indire, an Under-Secretary for External Affairs in Russia, was forced to resign.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The officer referred to, Dr. Indire, as corrected by the hon. Member for Koroddi, was not forced to resign, nor, in fact, has he resigned from the Ministry of Foreign Affairs.

Officers within the Ministry of Foreign Affairs are transferable from any of our Missions abroad to any other Mission or to the Headquarters in Nairobi. In the case of this officer, it was a transfer from Moscow to the Headquarters in Nairobi.

The officer referred to in the question, has not suffered any financial loss.

Mr. Rurumban: Arising from the Minister's reply, Mr. Speaker, will he agree with me that it is because of political beliefs, as far as Eastern ideologies are concerned, between the Ambassador and Dr. Indire that prompted the desire for this gentleman to ask to be transferred or for him to resign?

Mr. Nyamweya: I have already said that this officer has not resigned. This officer is at the present time working in the Headquarters of the Foreign Office in Nairobi.

The Government is not aware of the conflict of political ideologies or convictions which made or necessitated the transfer of this officer from Moscow to Nairobi. All officers who are serving in the Foreign Office are supposed to support the views and policies of the Kenya Government.

#### Question No. 291

##### X-RAY EQUIPMENT FOR KAKAMEGA HOSPITAL

Mr. Murall asked the Minister for Health when the Kakamega Hospital would receive X-ray equipment.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. The hon. Member for Ikolomani can rest assured that my Ministry knows the needs of Kakamega Hospital and, so far, we have included all the necessary improvements in our Development Plan. I can tell the

##### [The Minister for Health]

hon. Member right away that the building which will be put up at Kakamega has been surveyed and plans are ready; it will be put up in June this year. It will contain the out-patients department, a theatre and an X-ray department.

Mr. Shikuku: Arising—

Mr. Mate: Eh, eh!

The Speaker (Mr. Slade): Order! Order. Mr. Mate!

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that Kakamega Hospital, being a provincial hospital which is situated at the headquarters of the province, has been without X-ray equipment for a long time? Does he not consider that we require this equipment immediately because there are many fractured limbs in that district which have to be transferred to Kisumu Hospital, for treatment; so many fractures of skulls and ribs and so forth?

Mr. Otiende: Mr. Speaker, Sir, the hon. Member also can rest assured that we have all the staff at Kakamega now. There is a provincial physician and a provincial surgeon. There is a small theatre which is used at present and there is a light there from a battery; if there is need for an urgent case, it can be done there. But X-ray cases which are not urgent are still sent to Kisumu.

Mr. Khasakhalu: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that no X-ray plant can operate without electricity? Could he therefore tell the House when 2-volt electricity will be supplied to Kakamega Hospital, which is a very important provincial hospital?

Mr. Otiende: Mr. Speaker, Sir, I do not know when the hon. Member was there last but the hospital is now fully lighted.

The Speaker (Mr. Slade): Next question.

#### Question No. 304

##### USE OF SCHOOL FEES BY LOCAL AUTHORITIES

Mr. Odera-Sar asked the Minister for Local Government if he would instruct the local councils, particularly Kisumu County Council, to use the primary school fees being paid this year for educational purposes only, so as to save the primary schools from being closed very soon due to the lack of funds.

The Minister for Local Government (Mr. Sagon): Mr. Speaker, Sir, this question is based upon a misunderstanding which I would like to correct at the start. It seems to imply that, so

long as all the money from school fees is spent upon education, then there would be no difficulty in financing the schools.

This is not so. The income from school fees meets less than half of the expenditure on primary schools and, therefore, all fees are being used for educational purposes. The remainder of the expenditure has to be met from other sources—principally from Graduated Personal Tax income and the Government general grant to councils.

If any council spent only the money from school fees, and nothing else, on primary schools, then all the schools would be closed down by the middle of the year.

The question refers particularly to Kisumu County Council, and I can give approximate figures relating to that council for last year, 1965. The income received from school fees was £190,000. The total expenditure on primary schools was over £470,000. Therefore the council found, from sources other than school fees, £280,000 towards the cost of primary schools. And these figures are quite typical of other councils.

The principal reasons for the difficulties in financing primary education are these:—

- (i) Under-collection of school fees;
- (ii) Graduated Personal Tax evasion; and
- (iii) the attempt in many cases, to expand the education service at a rate of growth beyond that which the council can afford.

But there is no truth in the implication that the difficulties arise from the misuse of school fees income by the councils.

#### Question No. 246

##### COTTON INDUSTRY, BUSIA AND SUGAR INDUSTRY, MUMIAS

Mr. Godia asked the Minister for Commerce Industry and Co-operative Development what actual progress had been made on the ground up to date regarding the Government plan for the establishment of—

- (a) a cotton industry for Busia, and
- (b) a sugar factory at Mumias.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): (a) After prolonged discussions between the Kenya Government and a German firm by the name of Inha, an application was made to the Industrial Licensing Council for the manufacture of textiles. It was expected that the mill would be established in the Busia District and the Ministry of Commerce and Industry had given

The Minister for Economic Planning and Development (Mr. Mboya): I will welcome the substantiation, but I want it to be on record that at every point before independence, in all my public pronouncements, at all election campaigns, and thereafter, I always stood against British troops in this country. What is more, Mr. Speaker, it was myself, the Minister for Education, the Minister for Foreign Affairs, the three of us, who, on the instructions of the President—then the Prime Minister—went to London and negotiated the removal of the British troops in this country as well as the date for independence. Mr. Speaker, that is on the record and any attempt to sidetrack us into other issues will not just do.

Mr. Speaker, the other point by the hon. Member for Majoge-Bassi was the usual one that many people resort to, when perhaps they have no further ideas or points to make: that is, to try and reduce this debate or the problems of this country or the factional or ideological problems of stability in this country to an Mboya/Odinga struggle. This, Sir, is a cheap attempt that has been made from time to time when people do not wish to face issues. I have definite views and convictions. They do not have to be mine because I am against Mr. Odinga. I always express them. If, in the process, I do not accept what struggle: it is just as much as I would oppose the Member for Majoge-Bassi.

The Speaker (Mr. Slade): I think you mean the hon. Member?

The Minister for Economic Planning and Development (Mr. Mboya): The hon. Member for Majoge-Bassi, and the hon. the Vice-President.

Mr. Speaker, I want to make it quite clear that I am tired of this persistence to reduce issues to

such a low level. That, Sir, may be said to be what they are by people who seek to benefit by them.

Mr. Speaker, the other point I want to make—

The Speaker (Mr. Slade): Mr. Mboya, if you were imputing any improper motive, you are out of order, you know.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I do not wish to impute any improper motives.

Mr. Speaker, Sir, the other point I want to make about this so-called history is that the public of this country, as the hon. Member for Karachuonyo said, is very well aware of what all of us did or did not do, but we are not going to live on past glories, and the myth that only certain people in this country mentioned Kenyatta's freedom must end, because they did not. The myth is there, there are records and maybe one day historians will write, and we will know the truth.

Mr. Speaker, I want to conclude on this note. The Government has brought itself squarely in the hands of the House, and it is for the House to declare its confidence or lack of confidence in the Government.

I beg to move.

(Question put and agreed to)

#### ADJOURNMENT

The Speaker (Mr. Slade): Order. It is now time for the interruption of business, and the House is adjourned until tomorrow, Wednesday, 16th February, at 2.30 p.m.

The House rose at Midnight.

Wednesday, 16th February 1966

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

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

#### PRAYERS

#### COMMUNICATIONS FROM THE CHAIR

##### TRIBUTE TO OFFICIAL REPORTERS

The Speaker (Mr. Slade): Hon. Members, I have two informal Communications to make. The first one is an apology for the slight mistake I made yesterday when we adjourned yesterday's sitting. At the time of adjournment, I said that we adjourn until 2.30 p.m. tomorrow. Of course, I should have said, since it was past midnight, 2.30 p.m. today.

With reference to that, I would like to point out to the House what a considerable strain this put upon our staff, and particularly the HANSARD reporters: I do not say it was not worth while, but I would like to offer our thanks, particularly to the reporters, who not only did the equivalent of two full days' work in one day, but they happened to be very short-staffed at that time. For that reason, I am sure the House will bear with them if the report of yesterday's proceedings and today's proceedings is somewhat delayed.

(Applause)

##### IMPARTIALITY OF SPEAKER'S RULINGS

The Speaker (Mr. Slade): The other matter which I think I should mention is a matter that arose yesterday and has arisen before. One hon. Member has, on three separate occasions, suggested by points of order that the Speaker is not impartial. Now, I should like to say a little more about that, not from any personal point of view at all but for the welfare of the House.

I do not know how serious the hon. Member was in his suggestion, but it is a very serious matter. I know that a House of Parliament will be very patient and put up for a long time with a Speaker who is ignorant, stupid, weak, rude or impatient: but what no Parliament with our traditions can stand for any length of time is a Speaker who lacks the quality of impartiality.

I did explain to the hon. Member that criticism of the Chair can only be made by a substantive Motion, but it is of vital importance that such criticism should be made, if there is any suspicion of the Speaker being biased, because a Speaker who is biased, or even believed to be biased, will wreck the House.

So, I do urge hon. Members, if or whenever they seriously have doubts on this matter, to move a substantive Motion without any delay. I am quite certain it will be given absolute precedence by the Sessional Committee, or even by the Government in Government time, and certainly with the fullest support of the Speaker, because these things must be immediately resolved by the House. If they are not going to be resolved in that way, then they must not be said either in the House or outside.

#### ORAL ANSWERS TO QUESTIONS

Question No. 285

##### PROFESSIONAL GROUP OF TRIBAL DANCERS

Mr. Ndile asked the Minister of State in the President's Office whether, in view of the great interest which His Excellency had shown in tribal dancers, the President would consider creating a professional group of dancers for regular entertainments.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply, No, Sir.

Traditional dancers come from various parts of the country and display a variety of tribal dancing during State functions. Every tribal group has its own form of traditional dancing which differs from those of other tribal groups. It is this variety that makes tribal dancing all the more interesting.

If we are to create a professional group of traditional dancers we would discourage and possibly destroy the traditional character of tribal dancing which we are anxious to preserve.

However, the Government is looking into the possibility of creating a professional group of tribal dancers and action will be taken in accordance with the results of the investigations. I should like to sound a warning that previous experience has shown that professionalism tends to kill amateurism which is necessary.

Mr. Ndile: Mr. Speaker, Sir, in view of the fact that Kenya sent a national team to the Commonwealth Festival in London, would the Minister not consider it more necessary for Kenya, as a nation, to have professional traditional dancers, not based on provincial or district levels but on a national basis, to represent Kenya outside?

Mr. Nyamweya: If the hon. Member listened to my original reply, Mr. Speaker, he would realize that his question was covered in the original reply. That is why investigations are being made along these lines.

[Mr. Oduya]

victims check their own mistakes? It is the public who can check us, but not to vote against us because we are already here, but through the party, and that is the thing which we want to impress, and I think my colleagues have no quarrel with this. We also press upon the Mover who moved this Motion that in his capacity as secretary, and also as the President has said in the Parliamentary Group that all the powers have been given to him to reorganize their party, of which I am sure he tried, but, Sir, he is now saying that the branches are not ready. But, Sir, which branches is he talking about? Mr. Speaker, Sir, I have already made the position of the Western Province clear. So, Sir, if it is the Western Province only that has been holding up these elections, then let him now declare fresh elections immediately, so that we have a valid office of the party in the national headquarters functioning. We want a valid office working, with a valid governing council, a valid executive and a valid authority of our party, so that when the Members happen to differ, even in the Cabinet—because I know that we Members of Parliament are not able to bring about the unity of the Cabinet and we must admit this—we are able to carry on. We go to the Parliamentary Group where we have always tried to—each person as a Member tries to, because we each have our own personal interests, and the party man will say, "Oduya, you are wrong", "Tom you are wrong", and "Koinange, you are wrong". He says this because he does not know that in this respect he knows that we do not have to dance around to show our interests and therefore he will correct me. It is the only way to help us build Kenya.

That, Sir, is why I think my speech to the party is very important. I would like the support of the Members on this particular thing that through this Motion we want the Minister to do something, because the Ministers also recognize the fact that they themselves in the Cabinet cannot agree. When it comes to us, Mr. Speaker, Sir, the Members of Parliament—some of us have friends in the Cabinet—naturally we sympathise with them. But, Sir, I assure you that the party will not have a friend. The party will discipline anybody, including Oduya, properly, and if there is any weakness or corruption of some sort, the party again will press upon the President, in his capacity as the President of the State and the President of the Party, to take stern steps to discipline any Minister. But, Sir, when we just come like this, then who will give the President a genuine case? No one will give the President a genuine case.

Now, Mr. Speaker, Sir, I would like to continue by saying that the Minister for Economic Planning and Development, when he was speaking, mentioned about democratic principles. But, Sir, I am wondering whether we are really exercising these democratic principles, and if we are, then I do not see why we should be worried about this Motion. Because of that alone, we must act according to the democratic principles. Now, Sir, here is an important issue. It means that any Member, even after passing this Motion, should not be penalized, and the word "condemn" and so on, should not be taken seriously when a Member has a point which, of course, is possibly not in line of keeping with the Cabinet. For example, Mr. Speaker, Sir, I, the Member for Teso, have never condemned the Government in any public meetings, but I put them right when they need to be put right. Unless a person has any ulterior motive, then he will give this Government a clean record of my speeches in the field. I have always praised the Government and this alone shows that I have confidence in the Government.

Several hon. Members: Do you support the Motion?

Mr. Oduya: Mr. Speaker, Sir, some people are asking me if I support the Motion, but I feel that they are behind time. Mr. Speaker, Sir, even when some Ministers come to my constituency, and some have been there already, they have seen that there is no atmosphere which they get from some places where they visit. I am not the Government and if the freedom has therefore been created through this Motion that each Member will be given the right to exercise his principles whether in the Government or not, then in this House we should be allowed to speak, but not when one has a difference of opinion to be told that we are the men opposing the Government. We should not entertain such weakness, because it will not help us. We are bound to oppose the Government when we think the Government is going a little too far. For example, we have these groups which have been referred to in this Motion and perhaps where some Members had a lack of confidence in the whole thing, but I would like to tell the Government Ministers that it was not that the Members were being organized by anybody. If the Members were being organized by anybody to oppose the Government, then let them say so. But, Sir, what I am saying is that the Members themselves were capable of checking whether this Bill was for the interest of the House and for the nation. That is how we are running things.

[Mr. Oduya]

Mr. Speaker, Sir, it should not therefore be thought that the Members have ulterior motives when opposing the Government. We have actually been trying to help the Government where necessary. I think that even after passing this Motion it is now indicating—

The Minister for Defence (Dr. Mungai): On a point of order, Mr. Speaker, Sir, as I think we are not likely to get any more from people speaking any more, could we call upon the Mover to reply now, Sir?

The Speaker (Mr. Slade): Order! I think we had seven hours of this debate now, and I do not hear many new points coming up now, and Mr. Oduya has had quite a long run; and so I think the House must now consider this. It is for the House to decide. The question is that the Mover be called upon to reply.

(Question put and agreed to)

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I am seeking your ruling on this. I thought, but I might have understood you wrongly, but you did rule that since Mr. Oduya was speaking that he might continue with his speech, and you would only consider the question of the—

The Speaker (Mr. Slade): I think you misunderstood me, Mr. Shikuku, if I said that. I was replying to a proposal to move the closure at that stage, and I thought that it was premature.

What I said for the rest, please do not take too seriously. I have the power to refuse the closure at any stage it is moved, but, I think it was perfectly right at this stage for the House to entertain it. There was such a very big majority in favour, and therefore, I am quite sure now.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, if hon. Members will stop talking I will finish in a record time.

Mr. Speaker, Sir, points have been made during this debate that must have helped to enlighten the public of this country on what we all must agree have been very important and grave matters. I still believe that this debate was necessary and I would like to submit, especially to those Members who posed the question, on why the Government itself should seek to move a Motion of this sort, suggesting that this was not something which ought to have been moved by people belonging to the party in power. Mr. Speaker, Sir, this is a definite misunderstanding of what can and should be done, but it should be remembered that here we have a one-party Government and the freedom to bring Motions

and ventilate these kinds of matters should be accorded even to the Government if and when it feels that sufficiently important issues have arisen that require such ventilation. I do believe that here today we have demonstrated that in Kenya, although a one-party State, serious discussions can take place of issues based on a democratic concept of our relations.

Mr. Speaker, I want to refer to some specific points made by some of the speakers before I conclude my reply.

The hon. Mr. Anyieni, the Member for Bassi-Majoge, made an effort to give a reasoned statement of his position, but in the process he did what, if the House listened to what I said in my original speech, I suspected might come out of some Members: that is, the attempt to white-wash, the attempt continuously to use certain labels, the attempt to divert our attention on the more important question of today by referring to history. Mr. Speaker, I do not wish to go back into history, I have had opportunity—

Mr. Oduya: On a point of order, Mr. Speaker, as we are prohibited from going to the area of the Front Benches, how do I get some water?

The Speaker (Mr. Slade): Order. I am sorry, Mr. Oduya, I did not hear you, but it probably was not serious, was it?

Mr. Oduya: Yes. What I was saying, Mr. Speaker, is that as we are prohibited from this area, how do we get some water?

The Speaker (Mr. Slade): I think Mr. Oduya has a very good point there which we will have to consider.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, the point I was going to particularly refer to is the suggestion by the hon. Member for Majoge-Bassi that at some point in 1961 or 1962, the hon. Minister for Finance and myself, in Germany, signed or negotiated an agreement to retain British troops in this country after independence. Mr. Speaker—

Mr. Anyieni: On a point of order, Mr. Speaker, I said they were reported to have, which is different from what he said; they were reported to have.

The Speaker (Mr. Slade): Order! No, from the point of view of substantiation, there is no difference between saying something has happened and saying something is reported to have happened. I have made that quite clear. You cannot get round things that way. I think you were going to substantiate, were you not?

Mr. Anyieni: Yes, Sir.

The Speaker (Mr. Slade): And you will have to.

The Speaker (Mr. Slade): I will give Mr. Mate the benefit of the doubt in believing that he was speaking on a point of order.

Mr. Oduya: Thank you very much, Mr. Speaker, Sir. The quarrel which I have here is this. I feel that our Ministers should try and respect their positions. I remember one day when we were in the other Chamber, I think, when we were speaking about the Lumumba Institute, the Minister for Economic Planning declared that we were out to fight international communism.

Several hon. Members: What is wrong with that?

Mr. Oduya: Mr. Speaker, Sir, when I hear a rumour I speak my mind. I do not want to be interrupted just because I am speaking my mind and also because some people are being used for that purpose. Mr. Speaker, Sir, I would like to say that my quarrel is directed to the Ministers of the Government. If one is opposed to the communist world, then he should not, because we know that in the Western world they are publicly fighting communism and what it gets out of people, bring it here, because we know that the West is hiding something from them. In our party, Sir, we have a problem prevailing which the Mover of the Motion has outlined. We, of course, know that it is famine, and here he has talked of the many problems which face the country today. There is a shortage of schools, food, which we have to get from outside although Kenya has plenty of land. These are some of the facts which the Members of this House and the Government must examine, instead of fighting international communism. When a Minister declares something like that, then perhaps he has a friend who is in the communist part of the world. But, Sir, why can that man not declare also that he is out to fight to capitalist world? Now, Sir, now that two giant issues have come before us, we should not give way or suppress them, but give way and say that communism will bring this, and capitalism will bring this, and let the people of Kenya select. If the Kenya Government does not want any interference, then we would like to humbly beg our Ministers not to take us to fight the international world. We want to fight the domestic affairs, and finish that first. Mr. Speaker, Sir, I know what international problems are facing us in Teso.

Mr. Speaker, Sir, the international problems which are facing us in Teso are severe, and one of these days I will ask the Minister for Economic Planning and Development, along with other Ministers, to come and—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, Sir, I did not wish to interrupt the hon. Member but he keeps repeating this point, which is the allegation that at a debate I have said that we are fighting against international communism. Could he substantiate this, or does he mean that I said we rejected communism?

Mr. Oduya: Mr. Speaker, Sir, it is in the HANSARD, but with your permission—

The Speaker (Mr. Slade): When you say it, do you say it with reference to this debate?

Mr. Oduya: Not today, Mr. Speaker, Sir, but the other day in the other Chamber, when we were discussing the question of the Lumumba Institute. Actually, Sir, I was quoting an example.

The Speaker (Mr. Slade): You rely on the HANSARD of the Senate?

Mr. Oduya: Yes, Sir.

The Speaker (Mr. Slade): Then you will produce it to the hon. Member, and if you cannot substantiate, you will come and tell the House?

Mr. Oduya: Yes, Sir. Thank you very much, Mr. Speaker, Sir. I have no other quarrel, but all I would like to say is that the international problems which prevail in Teso today are first of all, the shortage of schools, and secondly, the Minister did challenge me, as the Member for Teso, that I should organize co-operative societies in order to put Teso into an effective position, for example, putting up self-help schools and other projects to advance Teso. Other than this, Sir, I have no quarrel.

But, Sir, if all our time is going to be wasted debating personal interests here, then how is the Teso problem going to be considered in this? Mr. Speaker, Sir, I would like to say that if the Government is tired, they should not use the name of the President all the time. The name, Mzee Kenyatta, is a very big name. If, for instance, a Minister has a Motion and he says that he wants to use the name, Kenyatta, then I feel that that Motion should not be entertained. If we are tired, then all of us here should advise the President that since we cannot help him to build the country and because we are tired, we merely want to use his name.

The people are waiting to see from where the food comes, because, Sir, I know that there are some districts, and also the Minister for Economic Planning and Development knows, that are depending only on the supply of food. They have nothing of their own today, therefore, Sir,

[Mr. Oduya] for how long are we going to help our people? These are some of the things which I say that if we fail to find a solution for Kenya, then the best thing is to call a general election. Somebody disputes the fact that a general election would not be the solution. But, Mr. Speaker, Sir, I say that the general election will be the solution.

Mr. Speaker, Sir, we are elected on three ideologies and principles. Firstly, the African People's Party, which we know what it is. Secondly, Kadu, and we knew the principles of Kadu. Thirdly, Kanu, which is supposed to be ruling now. Kanu is a coalition, it is not ruling by itself. It is a coalition of three policies and three principles which have been brought together. But, Sir, if we are doubting our integrity—I am still speaking and so there should be no Member standing. Mr. Speaker, Sir, if we doubt our position, then we should ask the President of Kenya to declare the House dissolved, so that we all go back to our constituencies, and if Kanu can put up two or three candidates from each district or constituency, then we can be assessed by the people under one Kanu policy, so that we know who is going to come.

Now, Mr. Speaker, Sir, it means that some of us may lose, but take me for example, I am not the only man in Teso, and if the people of Teso think that I have not made use of the chance that I was given, and that I have joined in the confusion, then they will put another man in. When the men come here possibly with other people, then they will help Mzee Kenyatta formulate the line and Kenya would like to thank them. At the moment, when I speak, I am really ashamed of our position. For example, Mr. Speaker, Sir, in the Press it is reported that the Ministers are going this way, and the Members of Parliament, who do not hold any position of responsibility in the Government, say this and the people outside read this. Now, Sir, the people outside are really wondering whether we are going to be able to find a solution to some of the needy problems, which are today pressing in on our people.

Also, Mr. Speaker, Sir, there is another point which I would like to speak on, which the Mover of the Motion raised, and that is how the Government is feeling about the position of the party, and how the party top officers have taken an interest in trying to reorganize the party. Mr. Speaker, Sir, in connexion with this, I think I am involved. Mr. Speaker, Sir, the Minister referred to the Western Province where elections

have not been properly conducted, and, Mr. Speaker, Sir, I must say, in my capacity as chairman, I have a great interest in this one which I would like to make clear. I am the Chairman of the Kanu Co-ordination Commission, and I know that from 1963—for the information of the House I have done my best. First in 1963, Sir, I did the elections, on reaching 1964, the year ended and so those officials were retired. Another election took place in 1964, and the Minister for Economic Planning and Development came down and as you know my seat was so sweet that some people wanted to take over from me, and they passed some talk around that Oduya did not do anything last time, but the people knew me and therefore I was re-elected and remained in the office.

The Speaker (Mr. Slade): Order. Mr. Oduya! We are not discussing the confidence in Mr. Oduya, we are discussing confidence in the Government.

Mr. Oduya: Thank you, Mr. Speaker.

Now, Mr. Speaker, Sir, I would like to go further and say that the Western Province so far has done very well under my chairmanship. The officers are there, and I would like to inform the House that there is a chairman of Kanu with his officers, for example, Mr. Lugonzo in the Kakamega District, and he is the chairman for that area, Bungoma. Mr. Makokha is the chairman for Busia along with his officers. The Minister is shaking his head, but I know, because it is my authority. The hon. Mr. Makokha is here to justify whether he is the chairman or not. So, Sir, this alone shows that the Western Province should not be blamed. All that we are waiting for is the date for the national election. If there is any place in Kenya which hinders the progress of the party, the Minister himself as secretary of the party has to find where this place is, but not merely say that he has not done his best.

But, Mr. Speaker, Sir, what I would like to see is that if we have a party which is organized, then some of these matters which come to this House should have been handled throughout the executive or governing councils of the party. Also this party would then have assisted our hon. President in discipline the Members of the Cabinet or even the Members of Parliament whenever they tried to bring points about their personal interest first. This is the only basis on which we can face our problems in Kenya and bring them into a proper line, so that our activities can be checked and the victims take their own steps, otherwise how can we check our activities and how can the

[Mr. Ngala-Aboki]

something frank is actually carried out. But those people who gain by merely cheating others should continue to do so, but with me, at the moment, when I feel that I can no longer gain because my own views are not being supported— Mr. Speaker, in this ideological policy which is being carried out in this country, the moment when I feel that my own views are being submerged and I will have no opportunity to put my own personal views in which I believe, I shall kick off any of this sort of alignment.

So I support this Motion, saying that we pass a vote of confidence in our President, appreciate what the Government has done and condemn all those people who feel that they will have it or it will go their way by merely trying to suppress the freedom of the people to express opposition to them or who want to appeal to the emotions of the people and yet they, themselves, have not even the guts to explain a policy, merely pronounce, pronounce, pronounce.

Mr. Speaker, there is a difference between organizing a programme and telling people that from building a well, we shall build a school, from building a health centre, we shall create this and that. It makes a lot of difference between a well-tailored programme with aid behind it and mere speeches to appeal to the emotion of the people. I have the guts today to speak in this manner, but I do not have any person in mind; I am only speaking my mind as the rightful Member for Homa Bay Constituency, and if anybody feels that I am against him, for goodness sake let him go to hell.

Thank you, Mr. Speaker.

Mr. Oduya: Mr. Speaker, Sir, thank you very much.

Let me also take my chance and I would like, through the Chair, to tell the Members that I have been very patient here and I thank the Chair for giving me the opportunity to air my views, but mere shouting at me will not silence Oduya at all.

Because this Motion has come to the House, it is the duty of the Members of this House to examine the merits and demerits of the Motion, and also—

The Speaker (Mr. Slade): Did you say the amendment, Mr. Oduya?

Mr. Oduya: No, I am speaking on the Motion.

The Speaker (Mr. Slade): That is right. I am sorry.

Mr. Oduya: I have no amendment at all, but the Motion as it is to me, personally, is not a danger; I will give my views.

During the Mover's speech, which was a long speech in which he outlined what the Government has been attempting to do and what he has attempted to do, and what it intends to do. I take it that he has really outlined this without actually trying to blame anybody, but only when you try to go a little outside the facts of the Motion—I as the Member for Teso also have the right, Mr. Speaker, to put my own case independently. The Mover of the Motion has been my colleague for many years. I have known him since he was only, I think, twenty-six and I was just a small thing, but today I am equal with you here.

Mr. Speaker, Sir, the point here is this. The Motion actually came up as a result of the statement which was supposed to have been made by our Minister for Finance somewhere in Lagos, otherwise the Motion would not have come to the House. But because this paper misreported or, possibly, reported correctly—we do not know—the Minister for Finance—of course, because some of us are readers, we obtain the paper on the street, because it is sold somewhere in Nairobi, and we also read it in the library. So we were questioning amongst ourselves here during tea-time, and so on, whether a Minister could really say this or whether he was misquoted. All we were waiting for at that time, Mr. Speaker, was for the Minister at least to refute this, even in our own local papers, but since this failed, I think a question was proposed in the House and when it came to the House, I think that is the time when the Ministers also were taken by surprise. Possibly, they thought that the Members here were going to condemn the Minister, just because that day I remember the Members pressed very hard on the Chair to agree to that Motion being discussed as a matter of national importance, but the Chair said it could only be brought in as a private notice question and "later on we will see if you can move it on adjournment and then you will be allowed to debate it."

I think the Ministers thought that by allowing it to come in the form of a question, it might possibly embarrass the Minister or the Government as a whole, and so they have considered it fit to bring it in the form of a Motion. However, I would say that they also went further because actually the paper is not written in Kenya. The paper was written abroad and, personally, I do not even know the character who wrote the paper. If one examines the paper, Mr. Speaker, Sir, without being biased, it has really condemned the Minister for Finance. On the other hand, it went on further to call him even the darling of the capitalist world, which is also quoted. It

[Mr. Oduya]

went on further to praise the Vice-President and called the Minister for Information and called them left-wing. The Minister for Finance was called a "rightist". Here it is the duty of the Members in Kenya to say, "Who wrote that paper?" But the Members also have to consider how the person who wrote the paper was writing. Was he trying to make Kenya a united country, to work for the interest of the Kenya people all the time, or to brew up trouble, whereby a Minister says, "Well, maybe the Vice-President is connected with the man who wrote the statement to condemn the Minister for Finance."

Naturally, the Minister for Finance is a friend of the Minister for Economic Planning and Development and they might have thought it was better to hit back. This is where we now have this trouble. On the other hand, the Vice-President, on his part, thinking that the Motion has come to the House—probably he was not in his office today or he was not consulted—felt that perhaps these people might have an idea of attacking him as a person. If I am allowed to make my point to the man who is interrupting me in such a manner, although I do not have the best language, I can reply to him. However, Sir, I would like to go on. Am I allowed to go on on my own?

The Assistant Minister for Health (M. Moss): On a point of order, Mr. Speaker, Sir, in view of the fact that the hon. Member now speaking has alleged that the Vice-President and the Minister for Information are branded as leftists, could he substantiate or tell us as to whether he agrees with the Motion as it stands or—

The Speaker (Mr. Slade): Order! This is entirely a fraudulent point of order. You will leave the precincts of the Assembly, Serjeant-at-Arms!

(Mr. Moss withdrew from the Chamber)

Hon. Members, I know that there may be some amusement at this time of night when several have satisfied their thirst on so many fraudulent points of order that bring so much discredit to this House, but there is much more effect, you know, in the disciplinary measures which have to be taken if hon. Members do not stick with laughter every time.

Mr. Oduya: Thank you very much, Mr. Speaker. Now I would like to go on.

Mr. Speaker, Sir, the Members should not act emotionally on the issues which come from abroad. First of all, Sir, I know that the Minister for Finance was reported to have said something but he has denied the allegation both in the Senate and again here today. Also, Mr. Speaker, Sir, the Minister for Information made it clear

that there would be a film, or a record played in this House, so that we can hear the voice of the Minister. Mr. Speaker, Sir, we in this country and this House know the voice of the Minister for Finance very well, and therefore do not see why we should punish the Minister. We just want to hear this record or see the film and then we will be able to judge for ourselves. It is very simple. It is a cheap reply and therefore I do not see why people want to build a mountain, as high as Kilimanjaro, out of a mole hill. Mr. Speaker, Sir, the only thing I am concerned with are the sentiments of the statement given by the Minister for Economic Planning and Development, who moved the Motion.

Mr. Speaker, Sir, with all due respect to the Minister, and also personally I do not have any quarrel with him, but, Sir, I would like, in my position as Oduya, I would like to check on him and I find out whether we differ. But, Sir, some people take it for granted that just because I happen to oppose the Motion brought by the Minister for Economic Planning and Development, they think that I am opposing Mboya. But, Sir, I know that the Minister for Economic Planning and Development is carrying out his duties very well. For example, he will visit my constituency, assess the situation and the problems of Kenya—and also Teso which is a part of Kenya—and see what he can do.

The Speaker (Mr. Slade): Order! I have told hon. Members several times that if they wish to cross from side to side, then please will they do it at the Bar of the House and not by the Mace.

The Minister for Defence (Dr. Mungai): I am sorry, Mr. Speaker.

Mr. Gatuguta: On a point of order, Mr. Speaker, Sir, now that a lot of discussion has taken place on this Motion, and the Members have already made up their minds, can I move that the Mover be called upon to reply?

The Speaker (Mr. Slade): I think we must certainly allow Mr. Oduya to speak a little longer. I will then see whether we are hearing much more which is new in this debate, because I am very loathe to deprive hon. Members, even in the minority of one, of saying something new on such an important matter. But if it appears that we are getting no more than repetition, then I think the House ought to consider the closure.

Mr. Mate: On a point of order, Mr. Speaker, Sir, does it mean that just because certain people feel, or might feel, that the Motion is finished some of us will not have a chance to speak? I would like to support my friend, the hon. Member for Kikuyu, but oppose him and say that we are not tired.

[Mr. Ngala-Abok]

Personally, I would like to thank those Members or Ministers who thought that this Motion was wise and timely. I very much congratulate the Kenya political leaders for their maturity in coming out quickly to explain to the countryside anything that might undermine us or which might go on secretly, so that at the end we might find a Nigeria situation. It is important, Mr. Speaker, that no attempt should be made to suppress openly the views of Members of Parliament, left wing, right wing, pro-East, pro-West, but this is the Parliament where the pro-East and pro-West views can be expressed. If the country feels that pro-West views are prevailing, let pro-West views prevail. If pro-East views are prevailing, let those views prevail. If African Socialism views and non-alignment views or pro-Kenyatta views, for example, are those ones prevailing in the country, let us allow ourselves to be free. Personally, Mr. Speaker, I do not believe in freedom of an individual suppressing any view whatsoever.

In my constituency, Mr. Speaker, whether you are my opponent or not, I would entertain your views and wait for my turn when my constituents will eliminate me and I will know that I am no longer required. But at the time when I am still required also to represent my people, I shall not try to interfere, merely because I personally do not think that this is a good thing. So, Mr. Speaker, I do not wish to see any amendment to the Motion. This is for one logical reason. The Motion is questioning that those people who wish to feel that they want to show the country that they have certain principles in which they believe, and they believe that these principles will better serve the country, will eliminate unemployment, will eliminate ignorance, will eliminate disease and will bring things as quickly as possible, should come and say so, and let the country hear their views, and again try to put these views to the test of facing the public outside today. This, frankly speaking, Mr. Speaker, is what this Motion is seeking.

But then, we may find in our midst people who think that, to be allowed to express your views openly, is to be exposed to ridicule and actually to be exposed to ideological alignments. In fact, this, I think, is a very short-sighted sort of thing. I would like to see Members expressing themselves very, very freely indeed.

There is one thing I do not wish to see, Mr. Speaker. There should be the fullest possible consultation, so that even within this consultation machinery, if anyone does not want to succumb to what the majority of the Members want to do,

he should then be told that we had this consultation but his acceptance was not forthcoming and now we are defying it and defying it democratically because, Mr. Speaker, there is a big difference between what a Minister exercises in his office and what he can do in this Parliament. After a Minister has left his office, he no longer has any power to rule this Parliament where Members have come under Standing Orders, and this is a real misunderstanding. Standing Orders are here to control Ministers and to equalize Members of Parliament, Backbenchers and Ministers equally. If a Minister puts forward a point of order, he will be ruled equally regarding the point of order of this Parliament. The same will apply to Backbenchers, and this is where we say that we must observe every principle of democracy. When one has already proposed a Motion in this House and the Motion has been so defeated, I do not see—as the Vice-President has done today—any sense in walking out because, Mr. Speaker, everybody else is seeking for the same thing. Those politicians are seeking for the same thing. Go back to the people. If you are left out, do your job. If you were a farmer, a medical assistant, do your job—

Mr. Anyieni: On a point of order, Mr. Speaker, when the Vice-President walked out, did he walk out in protest, or did he walk out as any other Member who is never compelled to stay here?

The Speaker (Mr. Slade): Order. I might be wrong, but I understood pretty clearly he walked out in protest.

Mr. Ngala-Abok: Mr. Speaker, personally, what I believe in at the moment is that I see a true thing happening and if I do not believe in it, I will say so and I remain free, and I find myself enjoying it. Mr. Speaker, one cannot say on the one hand that one is advocating democracy, advocating the cause, fighting for the cause of the people at large, when at the same time one takes the initiative to propose democratically a Motion which is defeated democratically and, at the same time, settles to listen to the debate and in the course of that debate leaves the Chamber, instead of waiting to protect one's position, to defend one's position. This sort of leader, Mr. Speaker, cannot lead a nation, because to lead a nation is not a job, to lead a nation needs a person who is politically thick skinned and who will not respond to a mere approach to emotionalism, so that you will respond so negatively. We want to see a person of some calibre, a person who would resist any situation, a person who would stand any attempt to test his own integrity, but this Motion—I believe—was questioning some of these people's temperaments.

[Mr. Ngala-Abok]

Mr. Speaker, any learned politician in this House knows very well that there is nothing intended in this Motion to be against any politician. What is intended in this Motion is only to test any person who feels that he has some views and principles, on which he firmly stands, to come and reveal them today in this House, but if instead of a person showing today in the national Parliament that he is up to the mark with all the principles and he can stand up, quell all these things, refute all allegations, stand firm—

The Speaker (Mr. Slade): I think I must intervene, if this is criticism of Mr. Odinga still. I am pretty sure, as I said, that Mr. Odinga walked out in protest, but he was not walking out in protest against the actual terms of the Motion, as I understood it, he was walking out in protest against the statement that it was a Government Motion, when he had never been informed. We must have it clear.

Mr. Ngala-Abok: Thank you very much, Mr. Speaker.

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, in view of your ruling that the Vice-President walked out in protest against the statement that this was a Government Motion, if in the long run it is proved that it is a Government Motion, does it mean that the Vice-President has also walked out of the Government?

The Speaker (Mr. Slade): Order. That is not a good point of order; I think you must know it is not, Mr. Gachago, and I must ask you to leave the precincts of the Chamber, without laughing please.

The Assistant Minister for Health (Mr. Moss): On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Will you wait until Mr. Gachago has left the Chamber, please.

(Mr. Gachago withdrew from the Chamber)

The Speaker (Mr. Slade): You had a point of order, Mr. Moss?

Mr. Ngala-Abok: Mr. Speaker, in fact, at the time when the hon. Member raised a point of order, I had already left the question of the Vice-President leaving the Chamber. I was saying generally, in terms of this Motion, it was giving an opportunity for a Member or a Minister, frankly before this House—and this is why we have even suspended Standing Orders—who has the guts to explain exactly where he stands in this country to come out and say so. But we do not want, Mr. Speaker, to be swept into

speaking arrogantly, or defending a meaningless and unknown cause, with a person not understanding what he is defending and the facts of the matter he is trying to avoid. This is what I was saying.

I was saying that, Mr. Speaker, because I do not believe in the amendment. The question is—

The Speaker (Mr. Slade): We have disposed of that; it is out.

Mr. Ngala-Abok: Yes, I agree, but I had to refer to that one because—

The Speaker (Mr. Slade): You do not have to refer to something that is finished.

Mr. Ngala-Abok: Thank you, Mr. Speaker.

The most important part of the Motion is, do we unanimously support what the Government has done so far, or do we have any dissident opinion or views which we can put before the country? This is the dry fact of the matter, and if we do not have any dissident views, probably we just have personal ones which may be naturally political views, and we cannot show these to the country. Do we have to agree that the country is doing well under the present Government and that we shall no longer profess views which cannot be practical and which cannot be forthcoming and can never be implemented in the shortest possible time? This is also in the Motion, Mr. Speaker, because this is a request to the country, Ministers and its leaders.

This does not mean that there are people who are of such views in my view, Mr. Speaker, because in the Mover's own statement he said that there is freedom for each Member to express his views, to question the Ministers' policy, but there is such a thing, Mr. Speaker, in this House. When a Member tries to become democratic and free or he tries to question something, some people will, if it is a question affecting America, Britain, Russia or China, call him a stooge. One day, Mr. Speaker, I had the experience of being very much embarrassed when my own colleague, the Member for Majjoo-Bassi, labelled me as a stooge when I had the opportunity merely to support a very logical amendment to a Motion about a railway line which was to be investigated by Government and then to be built. This is what the Motion is saying today. Are there people who want to build up their own political status and political stand, merely because of either political hatred or alignment?

Now, Mr. Speaker, I support the Motion because I believe very much in frankness and, personally, I have suffered some frustration because I have been trying hard to see that



[Mr. Agar]

Sir, we find that a Member of Parliament belonging to the Conservative Party from Britain goes back to England and admitted that Smith was not going to surrender. So, Sir, nobody in this House is impressed with the statement that we have supported the Rhodesian cause. Nobody is impressed that we have taken a firm stand of our own about this issue. Mr. Deputy Speaker, Sir, let the Cabinet know that the country is so far dissatisfied with the stand that the Government has taken. We can say this without saying that we have lost confidence in the Government of Kenya, but, Sir, we are saying this in order to alert the Government so that they know that we expect more of them. They have taken this stand, but, Sir, suppose I see some child being mistreated and I am strong enough to do something about it, or else a young woman being raped, I do not stand there and say that it is very bad, I do something about it. Otherwise, Sir, what would people say? They would say that I am a coward, I would do something to save the child or the woman.

So, Mr. Deputy Speaker, Sir, we would like our Government to take a clearer stand and state a certain line of action, so that they lead Africa.

Mr. Deputy Speaker, Sir, the conference which was held in Lagos—

Mr. Khasakhalu: On a point of order, Mr. Deputy Speaker, Sir, I beg to move that the question of the amendment be now put.

The Deputy Speaker (Dr. De Souza): Order! No, I think, considering the interest in the debate, one must still have to let it go a little longer.

Mr. Agar: Mr. Deputy Speaker, Sir, today in this House something did happen and I use these words—

Mr. Gatuguta: On a point of order, Mr. Deputy Speaker, Sir, this is only a question of an amendment and the House is aware of what the Motion is and also the amendment, therefore, I am wondering whether we could vote on the amendment and then speak on the Motion itself?

The Deputy Speaker (Dr. De Souza): Mr. Gatuguta, I think you must be aware of the Standing Orders. According to Standing Orders, the Speaker has the duty of deciding whether he thinks sufficient time has been given to the debate before he allows the question to be put, even the question of whether the amendment should be put. I certainly for myself, although the Speaker might have different opinions—he will be here in a few minutes' time—feel that

this is a very important matter and, as far as I know, only one or two persons have spoken on the amendment, and I think it is only fair that for a matter of such great importance proper debate should be allowed.

Mr. Agar: Mr. Deputy Speaker, Sir, I was going to say that there is no clear demonstration of the division that exists in our Cabinet than what happened on this Floor today, where one Minister stood up and said that the President had allowed this Motion, and the other one stood up and said that the President had not allowed this, then there is a dual on the Floor. Now, Sir, whoever thinks that our people are foolish is mistaken. Mr. Deputy Speaker, Sir, whoever thinks that he is with the people more than any other person—for example, you may come to Karachuonyo and say that you are for the Karachuonyo people more than I am, you may sneak there at night, but others have done this sort of thing and they have found themselves hung. So, Sir, we would like to see at this House which is the supreme authority, no repetition of what happened in this House today, and we would also like to see that the President takes a firmer stand on the discipline of the Cabinet, then this Government will be able to run smoothly.

Mr. Deputy Speaker, Sir, there are matters which can be brought to the Parliamentary Group and also those which can be brought to this House. Apparently, it has been shown that Members have thought it a very admirable thing to do to come and embarrass or accuse another Member of this House so that it is publicized and the Member is discredited in public. I do not know which Member here does not make a mistake. I do not know whether it will be the President who can make this House dignified and make it have any meaning to this country. I therefore, Sir, would like to declare my stand here and that is that although on our foreign policy we have shown a feeble line, we have shown people that we are, perhaps, sailing along with the tide.

Mr. Deputy Speaker, Sir, although in certain matters—domestic affairs—we think that the Government has not acted sufficiently vigorously, we have confidence in this Government as expressed in this Motion. We have told the President in this Motion, if it is passed—and I hope it will be passed—that we want to see him working with an outwardly unanimous Cabinet. Even if they have to fight on some issues within the Cabinet, outside, we want people presenting a united view to our people. We want to see clearly, and we want to tell the President that

1001 Motion—Confidence in the President—

[Mr. Agar]

next time we see that the Cabinet does not present to the public and to us here a united front, we shall discredit it and we shall reconsider the confidence we are going to express today.

Thank you, Mr. Deputy Speaker.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Deputy Speaker, Sir, I have merely a few words in opposing the amendment and in supporting the original Motion. I have merely a few points to bring forward which are very important.

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

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

Mr. Speaker, the amendment, in fact, should be seen for what it is. It seeks to remove from the Motion the statements which are statements of fact. Mr. Speaker, I thought that this particular Motion gave us the opportunity to face up to the facts, to challenge these facts, to address ourselves to them, to speak openly without fear or favour as to these facts. Therefore, Mr. Speaker, I object to any attempt to remove from the Motion the statement of the well-known fact, internationally known, in fact, that there are, as stated here, in the quotations by various papers, that certain people have grouped themselves and called themselves by the names that have been stated in the Motion.

Mr. Speaker, equally in the Motion, there is the statement that we are convinced that those who do not support this particular policy should have the freedom to speak their minds. Again, Mr. Speaker, this is a statement of our conviction that they should have this opportunity. Therefore, Mr. Speaker, why do we want to remove from the Motion two statements of fact? I would have thought that if anyone had wanted to amend the Motion, he would have sought to amend the substantive part of it, which is that we express full confidence in the President and the Government of Kenya, and condemn these dissident, confused groups. Mr. Speaker, I would have thought, therefore, that if anyone really seriously sought to amend a Motion with the intention of guiding this House to make a decision, other than that which is proposed in the Motion, he would have had the guts, the courage, to amend that part of the Motion which asks us to take a positive decision, that he would not have sought merely to delete from the Motion preliminary statements of fact. He would, Mr. Speaker, have tried to amend the substantive part of the Motion.

Mr. Speaker, therefore, I feel that somewhere there is an effort to divert the thought of this House from the substantive part of the Motion towards other very minor and, in many ways, not very significant points, because in the way this Motion has been drafted, we are merely noting that these things do exist, they are facts, they have been stated by the hon. Members themselves, even tonight, Mr. Speaker, and some people—credit to themselves, I dare say—have declared what groups they belong to. Then, Mr. Speaker, if people have gone that far, why are we being requested at this very late hour in this debate to delete from the Motion statements of fact acknowledged by Members themselves?

So, Mr. Speaker, the only point I want to make here, is that the amendment is not really even helpful to those people who are themselves trying to move the amendment, and therefore, that they might even at this late hour take a cooler view, a much better view of the Motion, and accept that there is no need really to insist on the amendment. Mr. Speaker, therefore, my—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, knowing that Members are getting tired and also seeing that those who have put forward the question of the amendment have reasoned enough, could I suggest, Mr. Speaker, that the question of the amendment be now put?

The Speaker (Mr. Slade): Yes, I think we can entertain the closure of the amendment; that does not necessarily mean to say the whole debate. I will put the question.

(Question that the question of the amendment be now put, put and agreed to)

(Question of the first part of the amendment that the words to be left out be left out put and negatived)

(Debate on the original Motion resumed)

Mr. Ngala-Abok: Mr. Speaker, Sir, I must thank you very much indeed for having allowed me to speak on the most important and deciding Motion we have had a chance to debate in our history during the last three years.

Mr. Speaker, you will believe me when I say this Motion is revealing and it is providing a chance for Members of Parliament who want to be frank and who want to speak to the country and to air their views as people who were elected, each Member representing his own constituency, each Member standing on his own feet, each Member thinking on his own lines as a person who advocated certain views and who stood to be elected by his constituents, to come, personally, to represent his constituency.

[Mr. Agar]

group, but, Sir, that group must be constructive for God's sake. You produce a paper, produce a proposal, Motion or a Bill to the Parliament, you discuss it and put it through. If you think that the Government is refusing reasonable proposals, then you go out into the countryside and tell the people. So, Mr. Deputy Speaker, Sir, I have been very surprised and amazed to see how we have allowed this debate to descend so low. We are not debating the principles here.

Today, Mr. Deputy Speaker, Sir, many people have just been talking about how they hate one another, how they think the other used to be a wicked man or a better man, or how they think one is progressive and critical of the other. But, Sir, there is nothing wrong with a person being critical towards the Government. Mr. Deputy Speaker, Sir, speaking on this Motion, as it concerns all of us, we are here in this House as two groups; those who are entrusted with the responsibilities of the Government as Ministers, and those who remain with the responsibility of representing the people only. It is quite easy for the Minister to develop or to get into the habit of blaming the Members of Parliament or being biased against a Member of Parliament because the Member of Parliament has become critical about him or because of his policy, but yet, at the same time, it is quite easy for the Members of Parliament to try—I think it was the hon. Tom Mboya who said this—to try to see themselves as the only person free from blame but that everybody else should be blamed. This attitude, if developed in our country, will destroy this country. But, Sir, our people are not fools, they are watching. However much you come here and try to show that you are a better Minister than the next Minister, or that you are a better Member than other Member, the people are watching you from outside and they say, "We elected you to go there and act collectively and work together," but we find that when they come to fight they are pleased. They think that when they go out and talk to the Mzee, telling him that they attacked a Minister or that they revealed a Minister, or that they told the House and people heard them saying how these other people were this and that. This, Sir, is not going to help the country or the people.

Mr. Deputy Speaker, Sir, I oppose the amendment on this Motion. I support the Motion as it is and there is no amendment which I will accept to this Motion, because the Government has asked us to express our confidence. I am not going to amend any part that eliminates some other people and says just "the confidence in the Government and the President". The

Government asks that if there are people here or in evidence of what has been going on in the newspapers, and even in our HANSARD if you read it today, you will find that if there are people, particularly in the Government, who feel that they do not like the policy of this Government, its activities, its decisions, then they should say so openly. If I am one of them—although there is no sign of it—there is no better service one can do in this country than by saying so. If I am in the Cabinet, then I cannot criticize that Cabinet publicly, but I have a chance of putting my views to the Cabinet. Outside, Sir, I am with the Government. The day I feel that a principle is involved which I cannot tolerate and that is disunity in the Cabinet, Mr. Deputy Speaker, Sir, this is the only practical solution so that democracy can operate. You cannot say that we have one party, therefore the Cabinet Ministers and Kanu can criticize the fellow Cabinet Ministers. What about those, Mr. Deputy Speaker, Sir, what about those confidential things they discuss in the Cabinet?

Mr. Deputy Speaker, Sir, they swear secrecy and yet we find groups discussing this matter outside, passing information to their friends instead of putting them to the Cabinet. We hear before the Government announces something, "Oh, the Cabinet discussed this". We are not going to go on like this, Mr. Deputy Speaker, Sir, and I would like to call upon the Mzee and let him read this that we are going to have a disciplined Cabinet or else this Government is going to fail. I do not support those who think that they will solve any problem by going to country and holding general elections. I do not see how people are going to benefit from this when you go out, except to tell them, "Oh look, when I am elected, I will do better than this or that man." Even those fellows waiting outside will tell you that the Members have failed them who said that they would do better than the ones before them. Mr. Deputy Speaker, Sir, where does all this end? We cannot play about with our people. They have given us a job to do in five years and if it is a question of unity, then let us consolidate our unity. We voluntarily disolve Kadu in order that we may be able to work together with Kanu. Therefore, Sir, there is no reason why we should act like dogs biting at one another.

Mr. Deputy Speaker, Sir, those who won the independence for this country, some of them are not even known and most of them are not even in this House. There are people who sweated and shed their blood, and people who suffered for the sake of this country. Mr. Deputy Speaker, Sir, there are so many people here who speak

[Mr. Agar]

so much of what they can do, of who was not faithful and who was the champion when they themselves did not even raise a finger. In fact, Sir, some of them were traitors. But, Mr. Deputy Speaker, Sir, having forgotten all these things, we have been elected to come here and therefore let us work humbly for our people. The fact that I suffered and sweated does not mean that our people owe me something. I have helped achieve what we sweated for, and there is no question of boasting of what one did for this country. I do not want to be cut short as many Members suggest, because I believe that if this Motion is not over by tonight then we can move that it continues until tomorrow morning so that more Members can express themselves.

Mr. Deputy Speaker, Sir, I want to speak on how much progress the Government has made. This Government, since it came into power, has done so much for the Africans in this country. The President has repeatedly quoted a lot of things which have been done in the last three years. Mr. Speaker, Sir, a person may think that if he went into Government, or the Office of the President, he could, by way of a miracle, get something done without the people having to sweat. If anyone thinks that he can go to the Western or the Eastern countries and get large loans, free money and then build everything which he wants without using the sweat of our people, then he is selling us and our children. Therefore, Sir, whether we are growing gradually and suffering as we are doing, we would rather try and remain independent upon ourselves. Therefore, Sir, if you come here and begin discrediting this country and saying that it has done nothing, you are just one of those jealous people who think that if your friend is in power, then he will vote for you the next day. If you go there the next day, then they will probably vote for another man. Therefore Mr. Speaker, Sir, we must be mature enough to see that if we put our fellow men into Government, if we put the President in the Chair, we do not expect them to be like angels and that if you want free medical attention and free education you get it, or get employment. Who do you think is going to employ these people? We talk here so much, that the Government gives people chances to start this or that, but, Sir, we want the people to be properly employed. We pay our taxes and our poor people also pay their small taxes and we think that the Government is going to employ everybody, but, Sir, with what money are they going to pay their salaries if they are employed all of them? It is our duty to create employment for our people. It is our duty to take the initiative. If we take the initiative of our people by

telling them to wait in their houses; educated people, Members of Parliament and retired people, just to sit there and wait for employment, then I know that we are misleading the people. Why should we indulge in cheap propaganda to our people? We are going to make this country what it is by encouraging the initiative from our people, to tell them to be independent of the Government.

Therefore, Mr. Deputy Speaker, Sir, I consider as this Motion is worded, we have to realize in this House as Members of Parliament that that confidence we seek in showing the Government today, and those who doubt it are those people who think that they can ask you to sit idle and the Government will do everything for you. It has never been done in Russia or even in China. What is it that should be blamed against this Government? Nevertheless, Sir, the blame can be put there so that their lesson is learnt from that and if they do not learn their lesson, then it is not for us only to pass a vote of no confidence in the Government, or a vote of confidence, it is for the people to see.

Mr. Deputy Speaker, Sir, if we are going to have in this country a divided kingdom, divided leadership and divided loyalty then that is the surest way of ruining this country, because if you think a tribal group can dominate nine million Africans, you cannot do it. If you think that by discrediting your fellow Members or your fellow Members of the Cabinet secretly, you are going to be ruined and progress in nothing. Also, Mr. Deputy Speaker, Sir, I would like to call upon the President to check these things. We want to see this country developed to such an extent that the people will forget what we used to call tribalism in the past. Let us, the Members or the Cabinet Members, give a lead to demonstrate that nobody feels tribally biased in whatever post he holds.

Mr. Deputy Speaker, Sir, on this question of Rhodesia which brought about this Motion. It is clear that in Africa as a whole and neighbouring countries many people expected much more from Kenya. They expected our Government not only to support certain lines of action or endorse the right of the Rhodesian people to get independence; this was a foregone conclusion, but, Sir, we thought that the Kenya Government was going to strike a line of action and give a lead to Africa as the whole of Africa expected. We thought that that lead was going to be clearly expressed, we were going to be active. It was going to be realistic and we were going to be kept informed, and something much more effective, Mr. Deputy Speaker, Sir, was going to be done in the shortest possible time. Now,

**[The Minister for Commerce, Industry and Co-operative Development]**

sentence. What does this long sentence without any full stops in between seek to do in this House? This is what we want to know in this House. Mr. Speaker, Sir, it is no good anybody trying to divide this long sentence into two. They are not two sentences but one only. It is one long sentence with two semi-colons in between, and a full stop at the end. This one long sentence is seeking one thing only, and that is whether this House has confidence in the President or not, Mr. Speaker, Sir. This is the question before us.

Mr. Speaker, Sir, in opposing the amendment, I would like to say this. It is very unfortunate to try and separate the President from his Cabinet. This, Sir, has never been done anywhere, but for what reason is it trying to be done?

The Speaker (Mr. Slade): Mr. Mwendwa, we must make it very clear that the amendment does not seek to do that. It keeps in the Motion the words, "confidence in the President and his Government", it only cuts out some of the other words. You must not argue against something which is not there.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I think I am coming to that. If I am not wrong in my assessment, then all that I am saying is that if you read the whole Motion as one, and one only, some Members have implied that—

The Speaker (Mr. Slade): Will the hon. Members please be quieter, if they have to talk?

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, they have confidence in the President. They have stated here in this House that they have confidence in the President and there is no question about this. All I want to state, is this. It is no good any Member here saying that he has confidence in the President, but that he has no confidence in the Government as a whole.

The Speaker (Mr. Slade): Mr. Mwendwa, I must warn you that you are off the point. We have to get this quite clear. In moving his Motion, Mr. Mboya corrected what is written here by inserting in the last line but one the words "and his Government", after the word "President", so that you have now in the last line but one, "expressed full confidence in the President and his Government . . ." The amendment now proposed does not touch that at all. It leaves it intact, but seeks to remove other words. So

there is no attempt by this amendment to make a distinction between the President and his Government. So it is irrelevant to argue on that.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Thank you very much, Mr. Speaker, Sir.

Now, Sir, at the moment what we are fighting about is whether this House has confidence in the President and his Government, so that can be left alone. Mr. Speaker, Sir, if I may say, that there are other groups which are speaking different languages and that is what we are opposing here. These are the groups which are splitting themselves up into various categories, fighting the very President that they are supporting, if I understand you correctly, and so on. Mr. Speaker, Sir, this is what I have to say and I think you had better listen.

The Speaker (Mr. Slade): Order! I am listening. Mr. Mwendwa.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir,—

Mr. Odera-Sar: On a point of order, Mr. Speaker, Sir, since the Minister is speaking on the nature of the grouping system, although I do not know what grouping system he is referring to, and because I am from Ugenya Constituency—

The Speaker (Mr. Slade): Order! What is your point of order, Mr. Odera-Sar?

Mr. Odera-Sar: Mr. Speaker, Sir, my point of order is this. When the President visited Ugenya Constituency— Mr. Speaker, Sir, I will only speak when the House is silent.

The Speaker (Mr. Slade): I want your point of order, Mr. Odera-Sar, very quickly.

Mr. Odera-Sar: Mr. Speaker, Sir, my point of order is this. The Minister is speaking about a group existing in this House, but when the President visited the Ugenya Constituency people of Ugenya—

The Speaker (Mr. Slade): Sit down, Mr. Odera-Sar. Mr. Odera-Sar, I did warn the House, at the request of hon. Members, that any false point of order from that time onwards would lead to the hon. Member concerned being sent out of the precincts of the House. This is a completely false point of order, and you will leave the precincts of the Assembly until the House rises. Serjeant-at-Arms!

(The hon. Odera-Sar retired from the Chamber)

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I am going to be very short indeed. In fact, Sir, I do not want to take more than about one second more. My disappointment is that in a Motion like this, the merry men who, in 1962, stood to hear him say that he supports—

The Speaker (Mr. Slade): Would the hon. Members please control their conversations, so that those who want to hear can hear the Member on his feet. Otherwise, it is a sheer waste of time.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, the men who, in 1962—

Mr. apg Soi: On a point of order, Mr. Speaker, Sir, is it in order when you are on your feet for the Minister to continue standing?

The Speaker (Mr. Slade): No, it is not. He forgot that.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to support.

Mr. Agar: On a point of order, Mr. Speaker, Sir,—

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to oppose this amendment.

Mr. Agar: Mr. Speaker, Sir, my point of order was to inquire into the Minister repeating himself, but now he has sat down.

Mr. Speaker, Sir, we have proved in Luo that even if it is your mother who has died you can still laugh, so, Sir, even if Members are so merry and yet on the other hand Members say that this is a very serious Motion, they are inconsistent. Here, Sir, in this House we were not elected to come here on any ticket to repeat what we thought we had done during the independence struggle. There are people who would like to look very brave nowadays. There are people in this country who would like to tell you of all sorts of things which they did for African independence, and there are also people, who at the same time, would like to try to say that everybody else was a coward, and that everyone else did nothing to gain independence.

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

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

Mr. Deputy Speaker, Sir, our people never elected us on this kind of a ticket. Our people elected us on the understanding that when we

came to this House to form a Government, that that Government would deliver the goods. Again, Sir, the President of this Republic announced during the election campaign that we would go to this House and forget the past and that we would have nothing to do with it. But, Sir, if that were so, I daresay that no European would be in this country or this House today, and also no Indian. But, Sir, because we say that we have become a mature nation and we are going to mould it and make it grow and develop it, our people agreed that we were coming here to build the nation. Why should we hear so much of what happened in the past, and of what somebody said on such-and-such an occasion whether this was that, or whether the Minister for Finance did sign this document or not? Mr. Deputy Speaker, Sir, these things to me are irrelevant.

Mr. Deputy Speaker, Sir, this debate here is about the Government having the confidence of the people. I do not separate the President from the Government because he is the Head of the Cabinet. Mr. Deputy Speaker, Sir, when it is said that people have confidence in the President alone, then one does not understand what one is talking about, because, Sir, the President controls the Cabinet, and one cannot come here and say that some Ministers are good and others are no good, or that the President is good and the Ministers are bad. If the President allows some Ministers who are no good, who cannot do much and cannot do what we want in his Cabinet, then we go to him and tell him to sack those Ministers. Mr. Deputy Speaker, Sir, I want this House to consider today the fact that we are not going to indulge in personal recriminations. The worst we can do to this country and the sure way of killing any hope in our people is to come to this House and begin showing that we are better than our brothers. For example, I am holier than you, I am more progressive than you, I am more of a socialist than you. Why do we not leave our people outside for them to judge who is better than the others? Why do we come here and say that we are better than others? I would like to call myself better than any other person, but, Sir, I would feel ashamed to do that.

Therefore, Mr. Deputy Speaker, Sir, I condemn strongly, and also I know that my colleagues condemn strongly this attitude. Also the Africans outside condemn strongly those people who come to this House and make an issue of saying that they are better than the rest as their main theme in debate. But, Mr. Deputy Speaker, Sir, what do people do in a democracy when you are elected by your people? You join a group you like and we are free to form any

[Mr. Ngala-Abok]

being put on their speeches, Mr. Speaker, Sir. What is the Standing Order just now, Sir, because those people—

The Speaker (Mr. Slade): I have answered this point of order twice already, Mr. Ngala-Abok. It is a valid point of order, but you must be careful with your points of order.

Mr. Khalif: Mr. Speaker, Sir, before I continue, because it would save a lot of explanation, I would like to know if I am supposed to combine debate on the Motion and the amendment or am I to speak on the amendment alone.

The Speaker (Mr. Slade): You can speak on both. But if you are speaking in favour of an amendment which leaves in a vote of confidence in the President and his Government—and you have read out the whole resolution as you would have it, which ends up with a vote of confidence in the President and his Government—you cannot speak against that, logically or with great interest to the House.

Mr. Khalif: Thank you, Sir, I understand now.

Mr. Speaker, Sir, we have been told by the hon. Mr. Anyieni that somebody like the hon. Mr. Gichuru, in the past, signed documents, which said that all the *Mau Mau* convicts should not be released.

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, Sir, I would like to know what he did during that time and also what the hon. Mr. Anyieni did. I would like to know what the document he is referring to is.

The Speaker (Mr. Slade): You are asking him to substantiate?

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

The Speaker (Mr. Slade): On yes, you can do that but be careful. You have been asked to substantiate, Mr. Khalif.

Mr. Khalif: Mr. Speaker, Sir, that statement was made here in this House by the hon. Mr. Anyieni about fifteen minutes ago, and that is what I am referring to. If the hon. Mr. Gichuru wanted it to be substantiated, then, he should have asked the previous speaker to substantiate.

The Speaker (Mr. Slade): Well, perhaps he was not here then. Unless you know it yourself, you had better withdraw it, even if Mr. Anyieni has said it.

Mr. Khalif: Mr. Speaker, Sir, I do not know much about this myself and will be perfectly honest with you.

Several hon. Members: Withdraw!

The Speaker (Mr. Slade): Order! You cannot blame the hon. Member for referring to a statement made by another Member that was not challenged, but now it has been challenged, he withdraws because he does not know himself. He is behaving perfectly properly, so please leave him alone.

Mr. Odero-Sar: On a point of order, Mr. Speaker, Sir, this question of the hon. Mr. Gichuru signing something—if at all he really did and in view of the fact that this thing has been going on—

The Speaker (Mr. Slade): Unless you can be very quick and clear on your point of order we must get on, Mr. Odero-Sar.

Mr. Odero-Sar: Mr. Speaker, Sir, what I would like to know is that for a very long time—

The Speaker (Mr. Slade): Order! We cannot spend this much time on points of order. Sit down, Mr. Odero-Sar.

Mr. Khalif: Mr. Speaker, Sir, I would like to leave that alone, but would like to know from the Minister who is going to reply, the hon. Mr. Mboya, what is wrong specifically with those he calls progressives and those he calls socialists in Kenya, and also what he calls the prohibited *Africa and the World* magazine which notes that they call on the people to act on progressive line, or is it because the prohibited *Africa and the World* said that those in Kenya who are progressives and socialists should act instead of sitting on the fence? We strongly believe that we in Kenya need exercise instead of just sitting on the fence. Mr. Speaker, Sir, those of us in this House, in the country, politicians in Kanu and even ourselves in Kanu who are progressively minded, and those whose policy is based on socialism, should act instead of just sitting. Mr. Speaker, Sir, if the hon. Minister for Economic Planning and Development wants to know as to whether the people, let alone the Members of this Parliament, have confidence in the Government, then the only thing to do is to dissolve Parliament. We will go before another election. Mr. Speaker, Sir, bringing a Motion like this, does not help anything. If this Motion is passed tonight, it will not show that we have any more confidence in the Government than we did before. The Government will not really achieve anything, as it will not have more confidence shown in it. If the Government is doubtful of its confidence with the masses and the Members of Parliament, then it should dissolve—

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, is it in order for the hon. Minister for Finance to threaten me?

The Speaker (Mr. Slade): To do what?

Mr. Anyieni: Threaten me.

The Speaker (Mr. Slade): I did not hear him threaten you.

Mr. Anyieni: He called me here and asked me to show him on what I based my statement.

The Speaker (Mr. Slade): Order! I did not hear it. You had better carry on and perhaps get a little further away from each other. Mr. Gichuru, will you please control yourself, in your position particularly.

Mr. Khalif: Apart from seconding the amendment, Sir, which was proposed by the hon. Mr. Anyieni, I would like to say one last word, Sir.

Mr. Speaker, Sir, I feel that the only way the Government can gain more confidence of the masses is to dissolve Parliament and go to the masses.

With these few words, Mr. Speaker, Sir, I beg to support.

The Speaker (Mr. Slade): Hon. Members may not quite have understood, but Mr. Khalif is not, in fact, opposing the Motion; he was moving an amendment which is quite a different thing. When people move an amendment to a Motion it means that they support it substantively. So you must take it, in spite of what he said, that he seconded the amendment which supports the Motion.

I have to 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): I think we must combine debate on this with debate on the main question.

Mr. Oduya: On a point of order, Mr. Speaker, Sir, I just stand to seek your help on this. Just before you came in we, as Back-benchers, had put up a point of order to your deputy and he indicated to the House that the chances only are for the Minister, is it in order for me to request you that since some of us have been waiting to speak, the Members would be given chances?

The Speaker (Mr. Slade): Order, Mr. Oduya! I am sure that every Member would like to rise on a point of order and suggest that it is his turn to speak, but that rests with me and I will see how it goes.

I will call Mr. Mwendwa, now, but do not bother to rise until we have dealt with all these points of order. It is another burst of points of order.

Mr. G. G. Kariuki: On a point of order, Mr. Speaker, Sir, in view of the fact that we now know what is being debated here, and in view of the fact that we have sat here a long time, am I in order to move that the question be now put?

The Speaker (Mr. Slade): It is in order for any hon. Member to suggest the closure in a debate of this kind, but as there are so many Members interested in this, it is far too early to entertain the closure.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, the question of the amendment is the one which is now being proposed be now put, because, Sir, those supporting the amendment have put forward their views but the original—

The Speaker (Mr. Slade): Order! Are you challenging my ruling about the closure?

Mr. Ngala-Abok: No, Sir.

The Speaker (Mr. Slade): Then sit down.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I am very pleased to have to associate myself in opposing the amendment of this Motion. Mr. Speaker, Sir, this Motion is composed—

Mr. Odero-Sar: On a point of order, Mr. Speaker, Sir, I am seeking your guidance. Since this Motion was introduced in this Parliament, you have been allowing the Ministers to speak on this Motion, now would you allow—

The Speaker (Mr. Slade): Sit down Mr. Odero-Sar. I warn hon. Members that if another hon. Member rises on a point of order that claims some sort of precedence in this debate, he will go out of the House.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, I have said that I am very pleased to be personally associated with the opposition of the amendment to this Motion. Mr. Speaker, Sir, let me say, and I say it now in this House, that this Motion rather than the amendment, the Motion is composed of one sentence only. If the hon. Mover will read the Motion as it is from the word, "Whereas" up to the word "groups". Mr. Speaker, Sir, it is only one sentence. I am a teacher, and have taught for a few years, and the only thing which divides this long sentence is semi-colons. The first one appears after the year "1963.", another one appears after the word "fence," and then after the word "groups" there is a full stop. This, Sir, is far too long a sentence. It is one long

[Mr. Anyieni]

House. Those words should be deleted, from the words "noting also" down to the word "fence". All those words should be deleted.

An hon. Member: The whole thing.

Mr. Anyieni: No, it is not the whole thing; from the top to the word "policies" is included. That is where it has to do with the Government and Mzee. Who is quarrelling, my dear?

Also the words from "and being" after the word "matters" should also be deleted, down to the word "intentions". Then the words "expresses full confidence in the President" should be left there, and the words "and his Government" should be included. Mr. Speaker, I am proposing this amendment—

The Speaker (Mr. Slade): I believe, Mr. Anyieni, you wanted to delete the words of the last line also, did you not?

Mr. Anyieni: Yes, "and condemns those dissident and confused groups". Those should also be deleted.

Mr. Speaker. I am moving this because I believe that we do not want to pretend, honestly. For example, the hon. Mr. Tom Mboya is more to the right, the hon. Mr. Anyieni is more to the left, but this is typical even in America—

An hon. Member: To the left of where?

Mr. Anyieni: Of the central line, which is Mzee Kenyatta.

Mr. Speaker, Sir, even in the United States which is completely capitalistic, there are some on the left side and some on the right. Everywhere you go, even in your own family, with your children, there are some a little bit to the left and some a little bit to the right. But the most important thing is that we are lucky that we have somebody who can accommodate all of us, and continue with peace and the progress the hon. Minister was talking about. But why should we be magnifying this idea of groups? We know that the hon. Ministers meet together and discuss things over a drink. If one has Sh. 5, he buys drinks and they drink and they discuss. If I also have Sh. 5 I can call my friends and we discuss something. There is nothing wrong with this. I can never agree with him when he says that unity does not mean unanimity, because you never have this, even you and your wife.

Now, Mr. Speaker, if this is intended to bring unanimity, it is impossible, Mr. Speaker. I say that if I were to sit down and we were to vote without having regard to our past activities, the

hon. Minister would have agreed, but because of these past activities I think he will never agree with me.

An hon. Member: Address the Chair.

The Speaker (Mr. Slade): Order! Order! The hon. Member is quite in order.

Mr. Anyieni: I believe that we have differences here, but we are lucky, and we hope that even after Mzee Kenyatta, there will be somebody who can still keep the groups together in the interests of the majority of our people. We believe, Mr. Speaker, that we shall not have a situation whereby America and Russia are going to say, "All right, if you don't agree, box, box." Then our country may become the battle-ground for the big powers. We do not want this, Mr. Speaker.

With those few words, I beg to move the amendment to this Motion.

Mr. Khalif: Mr. Speaker, Sir, for those who did not really follow the amendment, our amendment reads as follows, Sir:—

WHEREAS the Government of the Republic of Kenya under the leadership of the President, Mzee Jomo Kenyatta, has carried out faithfully its mandate as approved by the people at the General Election in 1963;

AND WHEREAS all the Government's activities and policies have been based on a faithful interpretation of the democratic will of the people, as expressed in the Constitution of the Republic, the Kanu Manifesto and Sessional Paper No. 10—African Socialism and its application to planning in Kenya;

AND WHEREAS the President of the Republic and his Government have spared no effort in securing the unity of all the people of Kenya under Kanu so as to create the political stability needed for the effective and rapid development of the country;

NOTING that in these past months some leaders and even Members of Parliament have used words or made statements implying lack of confidence in the Government, its activities and its policies, this House, having regard to all these matters, expresses full confidence in the President and his Government.

That, Sir, is what we have come here to support and that is what we have to be logical about. Mr. Speaker, Sir, it is clear and it has been indicated by the fact that this Motion has been put forward by some Members and that some parts of this Motion are immaterial. It is immaterial because it refers to methods which are also quite immaterial. It talks about groups, progressive and socialist groups, but, Sir,

[Mr. Khalif]

as far as I am concerned I do not see any reason why some people should be deprecated because they are either socialist-minded or progressive-minded. Mr. Speaker, Sir, I do not see why some people should fear being described as being progressive. There is no reason at all, Sir, why any of us should fear being termed as progressive or socialist. For that matter, Sir, there is no reason following the Motion, why such a Motion should be brought to undermine or to try and indicate that those who are progressive-minded, and those who are socialist-minded have no room in Kenya.

Mr. Speaker, Sir, it is doubtless that the people of Kenya feel greatly indebted to Mzee Jomo Kenyatta. There is no question about that. We know that it was the Mzee Jomo Kenyatta who led the struggle for freedom in this country, and there is nobody who is going to doubt that. There is nobody who is questioning that. But, Mr. Speaker, Sir, we also know that there are some people who are trying to use the name of Mzee Jomo Kenyatta, who are trying to use His Excellency the President's name, in order to try and build themselves up, to try and right the wrongs. Mr. Speaker, Sir, if we are going to accept this Motion, then we might as well indicate that the Members in this House unanimously agree to be led blindly, by those people who brought this Motion to the House.

Mr. Speaker, Sir, as far as the hon. Members are concerned, it is Kanu which brought the hon. President and his Government into power, but, Sir, what is Kanu? It is not camouflaged. Kanu is composed of the people of this country. Those people are the ones that now suggest that because in 1963 the then members of Kanu, as many of them have now left, brought the Government and the then Prime Minister into power, that now we should bring a vote of confidence, is immaterial and ridiculous. Mr. Speaker, Sir, if today a private Member brings in a vote of no confidence and then wherever he is being urged in this Motion, then that would have been logical, but now that nobody has brought any Motion of no confidence in the Government, we in the party ourselves, and the Minister in the Government brings a vote of confidence in the Government. Mr. Speaker, Sir, who has expressed that they do not have any confidence in the Government?

Mr. Kiprotich: You, Mr. Khalif.

Mr. Khalif: I beg your pardon, Sir, is the hon. Member who says that I expressed that I had no confidence in the Government in order?

The Speaker (Mr. Slade): You can I think, ask him to substantiate.

Mr. Khalif: That, Sir, is what I am doing.

The Speaker (Mr. Slade): All right, then you sit down and let him do it. Which Member are you asking to substantiate?

Mr. Khalif: The hon. Kiprotich.

The Speaker (Mr. Slade): Mr. Kiprotich, you are being required to substantiate your statement that Mr. Khalif has at times expressed no confidence in this Government. Can you do that?

Mr. Kiprotich: Not to my knowledge, Mr. Speaker, Sir, and because I do not want to express my views I withdraw, but think that all the *Shifita* are the people causing all this trouble.

Mr. Khalif: Mr. Speaker, Sir, even after withdrawing his remark, the word *Shifita* which was mentioned by the same hon. Member, but, Sir, I am not going to pursue it because I know, and so does everybody know, that I am not a *Shifita*, and neither have I ever indicated lack of confidence in this Government.

Sir, although we appreciate all these things, and all the learned people of Kenya appreciate it also, we feel that there is some difference between the Mzee Kenyatta of Gatundu and the President of Kenya. There is a difference, Sir, if what is referred to here is Mzee Jomo Kenyatta, then let me say point blank that in no uncertain terms that everybody, in so far as I know, has confidence in Mzee Jomo Kenyatta. But, Sir, if we are referring to the Mzee, the President, in his capacity as Head of State, it is a different thing. Mr. Speaker, Sir, the difference is when something is manoeuvred by the public and also in the papers that there are certain Ministers in Mzee's Cabinet who are corrupt and who have betrayed the people and the nation. We then think twice as to whether we confide in the President as the Head of State or the Member for Gatundu. We have every confidence in the Mzee Jomo Kenyatta as a man, which is quite different. I think it is different the President being Head of State and also the Member for Gatundu.

The Speaker (Mr. Slade): I would remind you, Mr. Khalif, that you are speaking to an amendment which leaves in a vote of confidence to the President and his Government. You cannot speak against what you are supposed to be moving or seconding.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, we shall be sleeping here if even those who are speaking in support of the amendment were allowed to speak without any limit

[Mr. Anyien]

Mr. Speaker, at this time, to say that Mzee Kenyatta was the leader, was really a terrible thing. Then the hon. Mr. Odinga did say that the British and the Kenya Colonial Government must know that in the heart of hearts of the African people Jomo Kenyatta and those who were restricted with him were the leaders of the people. Now, at that time, Mr. Speaker, we know that very many of our people today, who are saying Kenyatta is wonderful, were the people who had no guts to stand by him; they denounced him, even Mzee Odinga, to give a challenge to Dr. Kioko—I am sorry that he is not here: I do not like to speak about him when he is not here—to convene a meeting in Central Province and share a platform on this particular point. This was not done. At last, and slowly, every member joined in the chorus and we all joined and, as a result, Mzee is out.

The Speaker (Mr. Slade): Mr. Anyien, I think a lot of what you are saying is of very great interest to us this evening, but there is a limit to past history. We are concerned with present confidence. The background is important, but we cannot go right through details of the history of all past years, you know. Try to make it short.

Mr. Anyien: I was trying to quote this, Mr. Speaker, because the problem we have today did not start today, and it is very important that we know the background of the whole thing, so that the world is not deceived, because we have never had the opportunity to give the background of the whole divisions that exist in our country today, Mr. Speaker.

Mr. Agar: On a point of order, Mr. Speaker, Sir, if this is going to take so much of the time of the House—that is, the recitation of what did take place—is it fair for some of us who were in the heart of that struggle and who have records, magazines and newspaper cuttings, to keep on listening to some of the things which are actually inaccurate and the Member does not have documents here to prove it?

The Speaker (Mr. Slade): Order! This is a valid point of order, to the extent that, if we get too involved in the past history of this country, we shall have wandered, before we finish, rather far from the subject matter of this debate. I would not say that past history and background are altogether irrelevant, but I would ask hon. Members to keep that part pretty short. The real issue is present confidence. Mr. Anyien is opening a very wide door by going along on this ground.

Mr. Anyien: Mr. Speaker, I think that is enough of the past.

Mr. Speaker, when Mzee came out, he found a situation where even Kanu, the party, was divided into two factions. When Mzee came out, he tried to put together Kanu/Kadu, but he also had a problem within Kanu and we must give him credit, honestly, for having worked in such a way that he has been able to keep the hon. Mr. Odinga together with the hon. Mr. Mboya in the interests of unity and in the interests of the country. I thought that what should be done now is to try, as much as we can, to minimize some of these differences. Maybe, when we meet each other with a glass of beer, we can discuss them, but we should not make them the subject of a major discussion like this.

What I fear, Mr. Speaker, is this. Today, some of us want to implicate and to bring Mzee Kenyatta face to face; we want to take him to ourselves, in order that he may help us to crush our opponents. What I think is being done here, Mr. Speaker, is this. You can go to Kamukuni, to any meeting even in the remote parts of Kisumu, and people will tell you they have confidence in Mzee and they have confidence in his Government. Honestly speaking, Mr. Speaker, when a matter like this is brought— for example, in Britain, when a matter has to be brought by the party itself—by the ruling party—trying to express confidence in that Government, it means that something went wrong and, as a result, you have to get the Parliament to pass a vote of confidence in the Government in order that that may be covered. What, honestly, has gone wrong?

We know that the hon. Mr. Gichuru went to Lagos. Personally, I do not know exactly what he said. The first time I heard about what he said was when I read this paper *Africa and the World*. The hon. Mr. Gichuru got a copy of this paper before this was a matter of discussion in the Senate. What we had expected him to do was to denounce it and say that he did not make such a statement, and also say that he was going to sue the paper. But the only thing we heard was that when this matter was brought to the Senate, our Ministers went there and they said they had nothing to do with this paper and, as a matter of fact, the first person to ban the paper was the very man about whom the paper was speaking.

It seems as if, Mr. Speaker, this Motion has been brought as a result, not of the speech but of the comment of this paper. Honestly speaking, there is mention here of progressives and of the socialists. I am not ashamed to say that I am progressive-minded; I am not ashamed to say that I believe in socialism, whether you call it

[Mr. Anyien]

African Socialism, Kenyan, or, if you want to call it that, Majoje-Bassi Socialism, or whatever type of socialism you want to call it. I am a socialist. I do not understand why there is something wrong with being progressive. I waited for my friend who has read books. He might not have been to school for many years, but I know he has read enough to understand, but he did not tell us what this word "progressive", which he does not like, means. As far as I am concerned, my definition may be wrong because it is my own. I did not read it anywhere; being progressive means that I would like the country to progress toward the wish of the majority of the people in the country. I also believe, Mr. Speaker—

The Speaker (Mr. Slade): There is a point of information suggested by Mr. Ekitella.

Mr. Anyien: No, Mr. Speaker, I do not think I should be diverted.

Being progressive, Mr. Speaker, means that I believe that there should be continuous, progressive changes. There should be changes in the interests of our people, and every time we come to this House we thank the Government very much for this and that, but we say that this also needs doing. Mr. Speaker, if we had Members here bringing a Motion into this House, trying to discredit the Government and trying to overthrow the Government, this Motion could have been justified, but, Mr. Speaker, the hon. Mover did agree also that there were a lot of things which needed doing, and we know there are. We also know, Mr. Speaker, that it is very easy for me to say that we want secondary education, but for him, who is doing it, it is very difficult because he has to look for the money but then, while he is trying to do what he can with the money, it is also my duty to tell him, because, as a Member, how can I keep quiet and tell him everything is all right? If I tell him everything is all right, it will be very bad.

You can quote, Mr. Speaker, the speeches we make in our own constituencies. I have never made a speech in my constituency, telling my people that the Government has failed them; I have never said that. What I have said is—

An hon. Member: You have said this.

Mr. Anyien: I have never said that. Mr. Speaker, nobody should bear false witness against another. I have never said that.

What I have said in this House is that this is what we think should be done and then we say that we believe the Government is coming. For

example, they have given us free medical treatment. It is our duty as Back-benchers to tell the Government we want this and that done; it is our duty.

If the Ministers who take this as being against Government believe that the duty of a Member, who is not a Minister, in a one-party Government, is just to say that Government has done wonderfully, and finish it there, we shall be failing our people. When I go to my constituency, Mr. Speaker, people come to me; it is me they want to slaughter, it is me they blame, they do not see any Government there. They say, "Anyien, you people promised us this and you have not brought it. What is wrong with you people? We do not want to see you." Then what I do, Mr. Speaker, is to say to them, "My dear friends, we are doing the best we can." but when I come here I must relay those wishes of the people and this must not be taken to mean that I am against the Government or any other Member who speaks like that is particularly against the Government.

What the Government should do is this. If I speak like that and Government finds that those words I speak are not enough, and after I have said those words, I go again and engage myself in underground ways to try and overthrow the Government, the Government should arrest me and put me into gaol for the sake of peace. Mr. Speaker, it is a very well-known fact that if one tries to overthrow a popularly-elected Government, one must suffer for it, and I do not believe that the Minister who is saying "Oh" is saying that he has known people who have been going against Government and they do not want to do anything. It would be failing the country.

Now, Mr. Speaker, I do not want to go too far on this Motion. All I would like to say, Mr. Speaker, is this. If the Government has or if the Mover and the group which met in some mysterious place have some facts—

An hon. Member: Where?

Mr. Anyien: I do not know where, that is why I am calling it mysterious. If they have some facts that we have some elements who, at this time, are trying to interfere with the security of the country, to shed blood, the Government has the power to act. I do not see why the Government cannot act.

Mr. Speaker, I have amended this Motion. From the beginning of the Motion—where it starts with whereas—all those words are very good down to the word "policies". All the other words are immaterial, useless, intended to create more divisions, intended to bring instability in the country. I do not think they are of any use to this

Mr. Anyieni: Mr. Speaker, we did not know why they differed, we were not there, and I do not really know why they differed, but as a result, each of this group was trying to get some financial help and it must be admitted here that the hon. Mr. Mboya did go to the Western countries, particularly to America, to seek financial help. In those days, it was to fight for political independence for the African people in Kenya. When the hon. Mr. Mboya seemed to be having too much of this money, the hon. Mr. Odinga also thought, "This is going to become dangerous, he is a young man, he is going to crash, so I think I must also go to the Eastern countries—maybe Moscow of Peking." I do not know where he went, but the fact is that he must also have—I was then at home, my friend, I did not know very well. You were here.

Then, Mr. Speaker, he also obtained some money, as I said for the hon. Tom Mboya, to help him in the struggle for the independence of the African people.

Mr. Speaker, these two gentlemen started arguing. There have been a lot of arguments, there have been a lot of differences between them. I would like to quote a few, Mr. Speaker, so that I can put correctly the situation which Mzee Kenyatta inherited and which was not of his own making.

For example, Mr. Speaker, the hon. Mr. Gichuru—I do not know whether he is in here—and the hon. Tom Mboya went to West Germany. I think this was in 1962. They said that if Kenya achieved independence, they would negotiate with the British Government for their troops to remain in our country after independence, and also that there would be no taking away of land without compensation.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I hate to interrupt the hon. Member and I think what he says is of interest to the House and to the country. I would, however, ask that he does substantiate the point he is making about what we are supposed to have negotiated in West Germany, so that, if we are to reply, we know what we are talking about.

The Speaker (Mr. Slade): Yes. Can you substantiate what you are saying, Mr. Anyieni?

Mr. Anyieni: I am very sorry for one thing, that I went to the library this afternoon to try and get the cutting because I knew the date, but I was told that all the papers from that date to this day were burned last week but one. Therefore, Mr. Speaker, if given time, maybe I could

get this from some other quarter, but this was reported, Mr. Speaker, in the *Daily Nation*. As a result of this—

The Speaker (Mr. Slade): No, before we go on to the result, we are concerned with substantiation. These things are very important. You must either tell us now on what ground you have alleged this particular thing, or, undertake to produce the evidence on which you allege it, within a very short time, or withdraw it.

Mr. Anyieni: Mr. Speaker, if you give me about two years, I think I will get it; I will try to get some old cuttings. I think I can get them, Mr. Speaker.

The Speaker (Mr. Slade): Yes. If you cannot—

Mr. Anyieni: Then I will come and—

The Speaker (Mr. Slade): Tell the House.

Mr. Anyieni: Yes. I will come and tell the House.

Mr. Speaker, as a result, when we heard of this, we said that this is dangerous. We formed what was then called the "ginger group" within Kanu. This was started by people like Akumu, ourselves and others, like hon. Senator Josef Mathenge. We opposed this. We said, Mr. Speaker, that we did not want any British troops to remain in our country after independence, and that also the land which the European settlers were on was our land and there would be no need for compensating them; the only thing we might do was to compensate them for the development on the land and not the naked land as it was given to us by God.

Mr. Speaker, these were some of the differences. I am starting where we started not to see eye to eye, and let people not blame Mzee Kenyatta for these differences because he was not there. When we said this, Mr. Speaker, the Manifesto of Kanu was changed, and as a result, some of the things which we said, were included and there was a negotiated agreement, so we agreed at last; we had Kanu.

But then there were several things, Mr. Speaker. There was, for example, a time when Dr. Waiyaki stood to fight the election in Nairobi and swore an affidavit that he was only going to fight that election so that when Mzee Kenyatta came out of gaol, he would vacate the seat automatically and leave it for Mzee Kenyatta to occupy, so that he would become a Member of Parliament. Now, the hon. Mr. Mboya also stood and the hon. Mr. Warithi was here, he was one of the lawyers who was called to witness the signature of the hon. Mr. Mboya.

[Mr. Anyieni]

Mr. Speaker, there was a time when the hon. Mr. Odinga believed that the only man who could stand in Nairobi and still give his seat to Mzee Kenyatta was Dr. Waiyaki and not the hon. Mr. Mboya. So, the hon. Mr. Odinga supported Dr. Waiyaki to fight the hon. Mr. Mboya, because he did not believe that if Mr. Mboya obtained that seat, he would ever give it to Mzee Kenyatta. The fact is that when this was done, the hon. Mr. Mboya and the hon. Mr. Gichuru came together and they suspended Mr. Odinga from the vice-presidency of the party. When the Governing Council was called, these gentlemen were made to withdraw and to apologize for the act they had done. As a result, Mr. Odinga was never suspended.

This is some of the background to what we are subjected to tonight.

Mr. Speaker, things went on like this. Surely, Mr. Speaker, let us be honest and, if we agree that the hon. Mr. Odinga was getting some money from the East, we must also agree that these people in the East could not give him money to create a capitalist State in Kenya. There must be some Socialist State. This we must accept. Equally, we must accept, Mr. Speaker, that the money which the hon. Mr. Mboya was getting from the West was to help him to create a capitalist state in our country. This is the basis of the whole problem, and we must face it; there is no point hiding it.

Mr. Speaker, these two giants who happened to come from the same tribe, their differences started to widen, widen and widen. By 1966, they are very much apart. Here we must agree that we have factions in this House. The background of everybody must be taken into account. It is not the first time that the hon. Mr. Gichuru has said something and withdrawn it. The hon. Mr. Gichuru did sign a paper to say that all people convicted *Mau Mau* should not be released. At the time, when he was signing this, Mzee Kenyatta was convicted as *Mau Mau*.

So, in other words, he was signing a blank cheque and was allowing the imperialists to write any amount they wanted and in this amount they wrote that Mzee Kenyatta was one of the people who must never come back.

Mr. Speaker, in the former House where we were, in those days I was young; I must agree I was not actively, openly in politics, but in my small way, I was also a politician and very faithful to the national cause. Mr. Speaker, we were whispering secretly, making sure no Government informant was hearing us: "We know Kenyatta is the leader, we know Kenyatta

is the leader, we know Kenyatta is the leader." Then one day, this old man Odinga came to the House. I do not know what happened to him, but he forgot that there was any security problem involved. So he said "Release Kenyatta." This was the time when the British had conspired to kill Mzee Kenyatta, to kill Kaggia at Kapenguria, or wherever they were—

Mr. Kiprotich: On a point of order, Sir, I was there and Mr. Argwings-Kodhek—

The Speaker (Mr. Slade): Order! Order! You have a point of order, Mr. Kiprotich?

Mr. Kiprotich: Yes, Sir. We do not want to mislead the public here when we say that we come here to tell the truth. If I am lying, Mr. Speaker, Sir, Mr. Argwings-Kodhek was the president at that time of the Congress Party. Is it in order for the hon. Anyieni today to quote some false information because I and he were there?

The Speaker (Mr. Slade): Order! Order! Mr. Kiprotich, you cannot make a big speech on a point of order, but you can do what I think you are trying to do, that is to ask the hon. Member to substantiate what he alleges.

Mr. Kiprotich: Mr. Speaker, can he substantiate when we as the Congress at that time approached anyone at any time of the day?

Mr. Anyieni: Mr. Speaker, I have not mentioned the word "Congress" in this House and what the hon. Member is asking me to substantiate about the Congress and Mr. Kodhek, I have not mentioned the hon. Kodhek; I have not mentioned the Congress. What I was saying, Mr. Speaker—and I do not think any Member who was reading the papers and who has ever read the HANSARD can refute this—is that one day, when a letter reached London from Mzee Kenyatta and those who were imprisoned with him saying that they were being starved and they were not getting water, the matter came to the Legislative Assembly then.

An hon. Member: Who produced it?

Mr. Anyieni: I do not know who produced it. You can give me that information.

An hon. Member: He is there.

Mr. Anyieni: We give him credit for it.

When it was introduced by the hon. T. J. Mboya—I do not want to hide credit, I am not doing that—the—

The Speaker (Mr. Slade): Order! Order!

Mr. Anyieni: I am a young man, I can twist. I am not too old for twisting!

The Minister for Finance (Mr. Gichuru): I hope that the hon. Member who still owes me some money—and this was long before he was a Member of this House—

Mr. Shikuku: On a point of order, I do not know whether the hon. speaker has withdrawn the remark in which he referred to the hon. Ndile as nothing. Is it in order to refer to a Member like that, Mr. Deputy Speaker?

The Deputy Speaker (Dr. De Souza): No, no, it is not in order. In fact, I told the Minister that he should not address remarks directly to any hon. Member in any event, and I think he will not do so.

Mr. Gichuru, you have withdrawn that?

The Minister for Finance (Mr. Gichuru): I have, Sir.

Mr. Bala: On a point of order, Mr. Deputy Speaker, would the hon. Member speaking substantiate the fact that one Member—I would like to know his name—owes him some money?

The Deputy Speaker (Dr. De Souza): No, order! This is not a fraudulent point of order. If I thought it was a point of order which was completely ridiculous, I would send him out, but it is a point of order that could be raised and in which one could be genuinely mistaken about the type of facts which need to be substantiated. This is not the type of fact which needs to be substantiated, so you carry on.

The Minister for Finance (Mr. Gichuru): I apologize to my personal friend here, that I had—he provoked me to make a reference—

The Deputy Speaker (Dr. De Souza): Then do not get provoked.

The Minister for Finance (Mr. Gichuru): Right. No, it does not matter; I do not care.

What I was trying to refer to was that the remarks which were made here earlier on were not my own, and I have just read the remarks that I made. There is still further explanation, which I gave the other day. I did, indeed, expand on this theme, because in the communique that was issued, the part dealing with assistance in training Rhodesia Africans, it was said that the Prime Ministers were agreed that planned assistance to a lawfully constituted government of Rhodesia should begin at once. They, therefore, approved the establishment of a special Commonwealth programme to help accelerate the training of Rhodesian Africans and it directed the Secretary-General to arrange, as soon as possible, a meeting of educational and technical assistance experts to consider detailed

projects of aid by Commonwealth countries, including the early establishment of an administrative training centre in Rhodesia.

This is what I was referring to earlier this afternoon. I think anybody who has the interest of these Africans at heart in Rhodesia would support that as much money—and Britain has definitely promised this—should be made available to ensure that these people—and as I said here in this statement, Africans in Rhodesia are not as well organized as they are in West Africa, or here in Kenya. This is true.

An hon. Member: How do you know?

The Minister for Finance (Mr. Gichuru): I know because I have read. I am not like you, I read newspapers and you can tell it from the reports that we read of the conflict that there is in Rhodesia today between the African groups. I only said they are not as well organized; I did not say that they could not take over the Government. This is the issue, that the newspaper, that magazine, has tried to build on, that I said that they were not capable of taking over their Government. I never said anything like that, and this is what, Mr. Deputy Speaker, I would like to refute very strongly. This is why I am happy that if the Minister for Information, although he does not—the other day I went to Limuru. We had the opening of a school. Over the radio, my name never appeared as the Member for the area, and this is the policy that the Minister carries out.

My point is, where he thought he could get me, he has taken a lot of trouble, wasted a lot of money, to try and buy these films, just to blacken my name. He has failed. This is the only thing that there is in the Independent Television. I would like this damned thing—oh, sorry, I withdraw that word. This is why I feel that this record ought to be played because you will find that there was a question and then I gave my answer. There is nothing wrong. This is why I am happy that the film should be shown. There is something very important that I was going to say; I thought the Minister was going to wait—

The Minister for Information and Broadcasting (Mr. Achieng-Onyko): I am here.

The Minister for Finance (Mr. Gichuru): Oh, he is here.

I would like to put it this way. Honestly, I feel that it would not be fair—it is not a fight between me and him—it would be extremely unfair for me to make some of the quotations that people who were imprisoned with him have been making, because I was not there and I cannot substantiate, but they do say a lot of

[The Minister for Finance]

read here were not mine: the words to the effect that the Africans of Rhodesia are not quite ready to replace Smith's régime; those were not my words. This was supposed to be an introduction to the question, and I refute it, and I challenge the Minister himself. He has taken a lot of trouble, although he has never tried to ask me about it. As I said, His Excellency the President went to open my school, in my own area, and he described this area as Ruiru. This was done deliberately, and my name never appeared over the radio, although the newspapers did mention it.

Mr. Gichoya: On a point of order, Mr. Deputy Speaker, we have been given valuable information from the Minister for Finance. Would he substantiate the statement he has made, so that we are not left in ignorance?

The Deputy Speaker (Dr. De Souza): No, no, I am afraid. Mr. Gichoya, by now you know that is not a point of order. I am afraid you had better leave the Chamber.

(Mr. Gichoya withdrew from the Chamber)

The Minister for Finance (Mr. Gichuru): Mr. Deputy Speaker, Sir, I did not have any intention of trying to whitewash myself—

Mr. Bala: On a point of order, Mr. Deputy Speaker, I do not mind going out of the Chamber so long as I raise my point of order. Mr. Deputy Speaker, my point of order is this. Could we really allow the Minister to get away with it when he is making very serious allegations that some people have informed him about the activities of the Minister when he is not prepared to substantiate? Can we allow that?

The Deputy Speaker (Dr. De Souza): Mr. Okuto Bala, I explained just now, and, in fact, you are being quite unfair to me and to the House, that this is not the type of thing to be substantiated. Mr. Gichuru has not made any allegation. He did make a passing reference to something and he said that at some future date he may bring up, so there is nothing to ask him to substantiate when there is no allegation made. He did say that some of the chaps did say something which he would not like to bring because it was personal and it was not a direct fight between him and the Minister. There may have been a possibility that some of these things were not very complimentary to the Minister, but one cannot start delving into all the possible effects of what a person might hear or have heard and now, particularly, having made a ruling just now to the same effect, you stand up and want to challenge the ruling, which is most unfair. I must ask you to leave the Chamber.

(Mr. Bala withdrew from the Chamber)

The Minister for Finance (Mr. Gichuru): Mr. Deputy Speaker, all I want to make very clear was that the first words that the Minister

read here were not mine: the words to the effect that the Africans of Rhodesia are not quite ready to replace Smith's régime; those were not my words. This was supposed to be an introduction to the question, and I refute it, and I challenge the Minister himself. He has taken a lot of trouble, although he has never tried to ask me about it. As I said, His Excellency the President went to open my school, in my own area, and he described this area as Ruiru. This was done deliberately, and my name never appeared over the radio, although the newspapers did mention it.

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

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

So I can understand why he has taken all this interest, although he takes no other interest in other things to bring this affair up. Thank you. I support the Motion.

Mr. Anyieni: Mr. Speaker, Sir, I wish to thank the Member who brought this Motion today, but I regret that, for some reason which he never told us, he has forced us to discuss it today.

Mr. Speaker, one hon. Member is saying that I do not like the hon. Mr. Mboya. In politics maybe I do not like him, but tomorrow he may be my saviour and so I do not think there is any permanency there.

Mr. Speaker, I intend to move an amendment to this Motion, as I have already notified you, and before I give this amendment, I would like to say that there are some words which have been included in this Motion which are completely unreasonable.

Mr. Speaker, it is a very well-known fact that when the President of this Republic was sent to gaol by the Colonialists, those who remained outside did their part. Here I must thank the hon. Mover of this Motion for the part he played and all the other Members who did something to help the African people while Mzee and others were inside. Mr. Speaker, while Mzee was inside, the hon. Members will remember that there were divisions. Some parties were formed and later on there were Kanu and Kadu as the national political parties. Mr. Speaker, Sir, it is a very well-known fact that in that very Kanu, which was formed by our leaders then, after a few days, there were some differences. Whether these gentlemen went to London and had a quarrel for a girl or something else, we do not know, but then, Mr. Speaker, as a result—

The Speaker (Mr. Slade): Order! I do not want these running commentaries, please.



The Minister for Information and Broadcasting (Mr. Achieng-Oneko): My hon. colleague, the Minister for Finance is trying to say that he wants to quote me in Lamu. Where was he when I was in Lamu?

The Minister for Finance (Mr. Gichuru): Yes, I will tell you.

The Minister for Information and Broadcasting (Mr. Achieng-Oneko): Was he not hiding here? Where was he when I was kept away from my family?

The Minister for Finance (Mr. Gichuru): On a point of order, Mr. Speaker, I would like to state—

The Speaker (Mr. Slade): Make sure it is a point of order.

The Minister for Finance (Mr. Gichuru): On a point of clarification—

The Speaker (Mr. Slade): Oh, well, no. It is for the Minister to give way or not, on a point of clarification. Do you give way, Mr. Oneko?

The Minister for Information and Broadcasting (Mr. Achieng-Oneko): No, Sir, since the hon. Member is going to have a chance—

The Speaker (Mr. Slade): Order! Order! Hon. Members please keep calm. We are using up a lot of late hours with great hardship on some of our staff to get through this debate, and I would ask hon. Members to use this time properly.

The Minister for Information and Broadcasting (Mr. Achieng-Oneko): Mr. Speaker, Sir, I think I have made use of this time. I have been trying to be as honest as possible to myself, this House and the nation, and if some hon. Members do doubt my honesty, I do not mind. I am a simple countryman and I will serve in any capacity, and what I do not want, Mr. Speaker, is for some groups—when I refer to groups, who in this House does not know that when the Corner Bar is not meeting, there is always quiet in this House? When there is agitation and some infiltration, there is always trouble.

An hon. Member: From where?

The Minister for Information and Broadcasting (Mr. Achieng-Oneko): From where? You know where.

So, Mr. Speaker, we have taken this opportunity, and it would be very wrong—I would appeal to hon. Members to speak until one o'clock, so that we can speak again tomorrow, to give more information to this House, rather than to be limited until twelve. This is a very serious issue, Mr. Speaker, and therefore to

apply a manoeuvre by which some people's opinions will be suppressed because some people seem to say that they belong to a majority group, is wrong. We belong to one group, and that is the Kenya group. I have heard in this House that there are some people who are being challenged because they are socialists or progressive. Can one tell me about this? Even in Great Britain there are left-wingers, even in the Parliament, and left-wingers are always the ginger group to push the Government to do something. What is wrong with that?

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

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

Or do you just want us to walk in and say that you are very good always? This is not government. Government is like a family and in a family there will always be people to push even the father. We are family men, we have some children who push us to do something. What is wrong with that? I do not want to be called anything. If you call me a socialist, I am an African socialist. But calling me leftist, I do not know what that means, but I know that I follow the policy of our country, which is contained in Sessional Paper No. 10. What is wrong with that? Everybody supports that.

So, Mr. Deputy Speaker, if I have been doubted on anything about the film, about the script—now, Mr. Deputy Speaker, I do not want to be, with due respect to the hon. Member for nowhere—

Hon. Members: Question, question.

The Minister for Information and Broadcasting (Mr. Achieng-Oneko): This is why I feel, Mr. Deputy Speaker, that there should not be these small doses, where you are suffering from malaria and somebody gives you something else. The best thing in order to get rid of some Members who are Members of nowhere and Members who think—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): On a point of order, Mr. Deputy Speaker, is there an hon. Member of nowhere?

The Deputy Speaker (Dr. De Souza): Order! Order! I think you are strictly correct, Mr. Murgor. Technically, he is a Specially Elected Member and I think he should be referred to as a Specially Elected Member.

The Minister for Information and Broadcasting (Mr. Achieng-Oneko): Mr. Deputy Speaker, I do, with respect, submit to what you have ruled and that he is a Specially Elected Member, but he is not the Member for any place.

[The Minister for Information and Broadcasting]

Mr. Deputy Speaker, this is the liberty that we always ask for, this is the freedom that we always ask for. Myself, I have heard Members saying that they do not want to be pocketed. Who wants to pocket you if you do not want to be pocketed? These are far-fetched arguments and we should not allow ourselves to use words like that. These are some of the words which we were using during the campaign of Kanu and Kadu. These days we have been advised by our President to forget the past, and we are trying to do so. So, as regards the question of being pocketed, if one has allowed himself to be slow and succumbed to be pocketed, it is up to him and his constituency.

But we have a policy to guide us. This is the main thing. We have a policy to guide us to achieve what we stood for. In fact, Mr. Deputy Speaker, I want in conclusion to say this. I have already made some proposals which I hope other Members may raise when they stand to speak. I have the honour, Mr. Deputy Speaker, to lay this paper on the Table as the property of this House, and I have indicated that when this film comes—of course, it will speak for itself—it will be announced and then it will be shown to justify and to support the freedom that we are always looking for, and so I should not be accused again in this House or elsewhere of suppressing somebody's genuine opinion.

So, Mr. Deputy Speaker, with these remarks, I would like to support the Motion that will be on the basis I have proposed, expressing full confidence in His Excellency the President of Kenya, Jomo Kenyatta, and the Republic of Kenya. But I do condemn very strongly, Mr. Deputy Speaker, in this House the use of the name of President Jomo Kenyatta when some people go for protection.

#### PAPER LAID

Independent Television News: International Newsfilm Service—Roving Report, dated 12th January 1966.

(By the Minister for Information and Broadcasting (Mr. Achieng-Oneko))

(Resumption of debate on Motion)

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker—

The Deputy Speaker (Dr. De Souza): Order! Order! I thought I heard a point of order. Please, I hope you have heard the ruling of the Speaker, which I propose to pursue.

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, I am raising a point of order. Members of Parliament who are not Ministers are very much interested in this Motion and since this Motion started, we have seen Members of the Cabinet struggling and fighting. Should it not be—

The Deputy Speaker (Dr. De Souza): Mr. Ngala-Abok, please sit down. I will not send you out this time, but I will in future take this action. I appreciate that there are hon. Members here who think and who feel that Back-benchers should be given a chance, and they will be given a chance—there is no doubt about it—but I think that when there is a particular Minister so directly involved, he should be given a chance to explain himself.

The Minister for Finance (Mr. Gichuru): Mr. Deputy Speaker, Sir, I stand to make a quotation from the paper that has just been laid on the Table.

The first part, which was quoted as if it was I who had said it, simply says, "Treason or not, Mr. Gichuru of Kenya realizes that the Africans of Rhodesia are not quite ready to replace Mr. Smith's régime." I never said that. It is here. I mean the quotation is not against my name. I was asked that question and that is how they put it, and this is what I said. "Well, it would be very stupid if we were to ask for immediate take-over. The Africans in Rhodesia are not as well organized as they are here, in West Africa, or as they are in East Africa, if I might claim that, much." This is a fact. Some of the freedom fighters that he has been quoting—

An hon. Member: Who is he?

The Minister for Finance (Mr. Gichuru): You know him, the Minister here.

They fight here in Dar es Salaam. They dare not go to Rhodesia. I mean, how can you fight? Others live a luxurious life in London. They live well, they have cars and luxurious places in which to live, apartments.

If we have to be honest, we have to understand this, and this is all that is being quoted against me. This is what he is going to play on the tape recorder; that is all, nothing more. I would be 100 per cent happy if this was played, because it does not reflect on anything that is wrong.

You can be what you are, Ndile, you are nothing I know—

The Deputy Speaker (Dr. De Souza): Mr. Gichuru, you must address the Chair. Order! Order!

Mr. Gatuguta: Mr. Speaker, Sir, this matter is becoming very interesting indeed. In the first instance the leader of the House can walk out, in the second place the Ministers seem—

The Speaker (Mr. Slade): This is not a point of order, you know.

Mr. Gatuguta: I am making a point of order, Mr. Speaker. The Ministers seem to disagree on this Motion. Is it in order for this House then to assume that the President of this country has no advisers, because the Ministers are supposed to be his advisers?

The Speaker (Mr. Slade): Order! Order! You have no point of order there. You may have a debating point, it is quite a different thing.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, in view of the fact that some of us take this matter very seriously and in view of the fact that there are a lot of points of order that are not points of order, could you now rule that anybody standing on a point of order which is not a point of order will be sent out of this Chamber?

The Speaker (Mr. Slade): Order! Order! Yes, I will do that, I will warn hon. Members. Any one who rises on a point of order which is not strictly a valid point of order will go. Order! Order! Mr. Oneko your rest continues a little longer.

The Assistant Minister for Works, Communications and Power (Mr. Bonnett): On a point of order, Mr. Speaker, Sir, when we started this debate you ruled, after a long wrangle, that this was a Government Motion and it was accepted that it was a Government Motion and now the Minister has said that he was speaking as a Minister and now he is saying that if he had been consulted he would have removed part of this Motion. Now, where are we, Mr. Speaker?

The Speaker (Mr. Slade): Order! Order! I think the hon. Member is entitled to point this out, but I cannot see how it is a point of order. Hon. Members have been told so many times, and I hope in particular Ministers have listened, that a point of order is only a point of actual procedure or a matter of some hon. Member breaking the Standing Orders of this House in some way. I cannot see how the point Mr. Bonnett has raised is a point of order and I shall, therefore, ask him to leave the precincts of the House.

(Mr. Bonnett withdrew from the Chamber)

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): Mr. Speaker, Sir, the reason why I am suggesting some amendment to the Resolution is this: We are trying to invite

and to include unnecessary things, we are capable of running our own Government, if we feel that there has been quite a lot of criticism in the country, which we consider to be destructive, some of the things which, of course, I would have brought here if this House was allowed to sit until tomorrow, some of the remarks made by Members of Parliament and other leaders to support this particular Motion, because I am the custodian of some of these resolutions, some of these remarks, I would have brought them here to justify why we want to pass a Resolution to express confidence in our Government and the President, but if you now, Mr. Speaker, think in Kenya today there is any reason why we should call for confidence. Confidence means that the President has been shaken a bit, but is the hon. Jomo Kenyatta shaken in any capacity, not at all. He is not shaken. Now some of the people, Mr. Speaker, Sir, go to Mzee and they say "Mzee, you know there is a danger", and Mzee asks, "Where is the danger coming from?" "Mzee you do not see, it is just in the cloud" and then Mzee says "A very good cloud to look at that particular danger" and he sees nothing except clearness.

Mr. Speaker, Sir, this Motion is a camouflage.

The Speaker (Mr. Slade): I must remind Mr. Oneko and the House that according to the Mover it was by the direction of the President that it was moved.

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): Mr. Speaker, I was straight enough, I am a straightforward person. Here, in this House, I said that I saw the President immediately after seeing this Motion, I want to see the President and I asked him whether the Motion or something else was being discussed, but the President did not give me the impression. So I am saying this, Mr. Speaker. What I am trying to say is this, that my voice is being reduced just because some other people do not like the facts, but I will say them here tonight and not tomorrow. Mr. Speaker, what I would have proposed would have been this and I read how this Motion would have been worded. Now, Mr. Speaker, the Motion would exclude the part I have referred to, because they are not necessary. Tomorrow if the hon. Members agree that we shall include the remarks of newspapers then nobody should complain against the newspapers and especially illegal newspapers.

Mr. Speaker, if Members in this House are trying to cover something which we know is correct and then we are told "Oh, this paper refers to this and that", well, I too agree some of the remarks are not good for Kenya. With this I quite agree. They should have been referred to

[The Minister for Information and Broadcasting] in support in any action that we intend to either take against a paper or a resolution without referring to that particular part in our Government resolution.

Mr. Speaker, if the hon. Members will wait I will give them something. They say here, hon. Members are trying to say that all right they are prepared to go to the country.

The Speaker (Mr. Slade): Order! Order! Yes what is your point of order, Mr. arap Too?

Mr. arap Too: My point of order, Mr. Speaker, Sir, is that I do not understand whether—I would just like to get this, Sir, from you—is the Minister supporting the banned paper in the Republic of Kenya. I was just seeking your guidance.

The Speaker (Mr. Slade): Order! Order! It is very easy for hon. Members to rise on a point of order and say they are seeking the guidance of the Speaker and raise something which is not in the least a point of order; you may or may not have been here when I uttered my warning, but it is too bad, and you will now leave the precincts of this Chamber for the rest of the day.

(Mr. arap Too withdrew from the Chamber)

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): Mr. Speaker, Sir, I am giving another alternative. I will support the proposed amendment which I will again read, but if the House refuses to support the proposal I think we should be honest to our country and to our people and say to them, whether one is going to be returned or not, we should say here and now that we demand elections and that this House should be dissolved.

Mr. Speaker, Sir, I do not want to say that I have no confidence in the people of Kenya, I do not want to be protected and the only test is that if we do not approve and support the proposals that I am making, is to go back to the country. There is no question of resigning, resigning in small doses, because when they resign there may be another one, let us give the full doses and the full dose is by resolution of Parliament so that our people can return us with full confidence in the present circumstances. This is a challenge to this House, Mr. Speaker, and the alternative proposal is that the Motion should read as follows: "Whereas the Government of the Republic of Kenya under the leadership of the President, Mzee Jomo Kenyatta, has carried out faithfully its mandate as approved by the people, by the general election in 1963, and whereas all the Government's activities and their policies have been

based on a faithful interpretation of the democratic will of the people as expressed in the Constitution of the Republic, the Kanu Manifesto and Sessional Paper No. 10, African Socialism, and its application to planning in Kenya and whereas the President of the Republic of Kenya and his Government have spared no effort in securing the unity of all the people of Kenya under Kanu so as to create the political stability needed for the effective and rapid development of the country which in these past months seem to have been opposed by Parliament and have used words or made statements implying lack of confidence in the Government, its activities and its policy." Now we come down then to "this House, having regard to these matters, resolves its full confidence in the President of the Republic of Kenya" and delete other things. This is what I am presenting to the House. If the House—

The Speaker (Mr. Slade): I am afraid you cannot, Mr. Oneko, because in Standing Orders, as I have pointed out to the House several times lately, no amendment can be moved unless I have it in writing before it is moved.

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): But, Mr. Speaker, Sir, what if I give it to you after this?

The Speaker (Mr. Slade): No. You must get someone else to move it.

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): All right, Mr. Speaker, this is what I am trying to propose and in fact, Mr. Speaker, I have also indicated the alternative. Because you see, when we are here, Mr. Speaker, they may have this with words. We may try to convince the whole House and yet our intentions are wrong.

It may be some of the hon. Members are questioning my line. Shall I ask them where they were most of them. Anyway the hon. Members can conclude for themselves, I do not want a free ride on the bus, what we want here is to do service to our people and again I must say this if the intention, Mr. Speaker, of this particular Motion is in fact to cut the freedom of the Press then I would say that definitely it is incorrect. But we should not start with just general comments; let us leave the main issue. Had it not been that the hon. Minister for Finance did not make some remarks in Lagos, nobody would have been discussing this tonight. Probably, by this time, we would have been dancing or meeting our families—

The Minister for Finance (Mr. Gichuru): I am going to quote you.

**Mr. Malinda:** On a point of order, Mr. Speaker, Sir, if I heard the Minister properly he said, reading from that document, that the reporter whoever it was attributed certain words as having been said by Mr. Gichuru, but the paper here which we have before us says that the Finance Minister expressed his view that Rhodesia was not yet ready for majority rule. Is it in order, Mr. Speaker, Sir, to conclude that what the reporter has said is exactly what Mr. Gichuru himself said?

**The Speaker (Mr. Slade):** Order! Order! No, reports of what someone has said are never accepted as proof that he said it. It is some evidence that he said it, if it purports to be a first-hand witness, and that is most of what we get in this House. We very seldom get absolute proof of anything. We get what is called substantiation, sometimes, which is the reason for alleging something. That is all it is.

**The Assistant Minister for Works, Communications and Power (Mr. Bomett):** On a point of order, Mr. Speaker, since the Minister has quoted from some papers here, and some other papers which he is still having, would it be in order, if we knew in advance, the source of the information?

**The Speaker (Mr. Slade):** I do not understand what the hon. Member means by saying "in advance". Mr. Onoko has described what this document is, and he has produced it now. It is on the Table so he tells us.

**The Minister for Defence (Dr. Mungai):** On a point of order, Mr. Speaker, since this is a very important matter, and it has been quoted by the Minister for Information, could it be available now to the Members so that they can have it properly, or the Minister for Information repeat it slowly so that it can be noted down by the hon. Members of this House?

**The Speaker (Mr. Slade):** I have said it should be laid on the Table, that is the practice and it will be laid on the Table.

**Mr. Gatuguta:** On a point of order, Mr. Speaker, since this Motion is of much wider scope than what we are now being asked to debate on: it is a question as to whether this House has confidence in the Government or not. We are not debating a small issue, whether Mr. Gichuru said this or that. Could you not rule now that any more reference to this particular newspaper article is irrelevant?

**The Speaker (Mr. Slade):** Order! Order! I would not say this is a small issue, in fact it was the question by private notice on this very issue

which sparked off the whole of this Motion, so I understand. I certainly will not rule this irrelevant.

**Mr. Ngala-Abok:** On a point of order, Mr. Speaker, for goodness sake, Mr. Speaker, in a Motion like this, have you no powers at all under Standing Orders to rule that we listen to speakers so that we can make better use of the Motion and better use of this House? Could you please, with the resolution of the House, rule that no point of order will be allowed until all speakers have had a chance to air their views?

**The Speaker (Mr. Slade):** Order! Order! That is one thing, unfortunately, the Speaker cannot do. That is one thing, among many others, that is the responsibility of the Members themselves; to control themselves, and make this a proper debating Chamber and not a monkey house.

**Mr. Gatuguta:** On a point of order, Mr. Speaker, since this is a very important matter, and involves so many things within the Government, can we give you powers now, Sir, not to allow points of order until this debate is finished?

**The Speaker (Mr. Slade):** Order! Order! There is one thing none of us can ever do, and that is to deprive an hon. Member of raising a proper point of order at a proper time. Now, can we go on?

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, I must thank the hon. Members for taking great interest in what I was saying, which, of course, led to a number of points of order.

Mr. Speaker, Sir, what I wanted to say, and this I must repeat, is what the hon. Members are challenging me on, because they also inquired whether I could produce the film. A film is not secret. Why? Because this has been shown all over the world by the Independent Television News, and it is a sort of roving report, the film which I expect will be coming from Singapore. There it has been shown, of course where they have business, and we also have a contract with them. Mr. Speaker, do the hon. Members expect me to be honest and say the truth, or just come here and clap and support because I want to be a good boy? This I cannot do. I will never be led in this country by anything else but the truth and facts alone. I think I am grown up enough—

**Mr. Gatuguta:** On a point of order, Sir—

**The Speaker (Mr. Slade):** Order! Is it a necessary point of order, Mr. Gatuguta? I thought you were one of those who wanted to rule out points of order! I should carry on, Mr. Achieng-Onoko.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, if the film is shown, it will not only be shown to this House, but I will have it announced to the House so they will be able to look at it, view it if it is shown on television, and sound recording also. The Kenya people will not be denied the freedom of seeing or listening to what a leader did say in Lagos.

**The Speaker (Mr. Slade):** Order! Mr. Onoko, in order to get this clear, hon. Members are greatly interested in this, could we have it that you will arrange for a showing of this film, when you have it, on due notice to the Members in a suitable place in the building?

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** I will do so, Mr. Speaker, when I have it, and even for private viewing if you like.

Mr. Speaker, Sir, having said those things about the paper, I now wish to say a few things on the Motion. Mr. Speaker, Sir, as I said here about four hours ago, that I did not know about this Motion, I now want to state that if I was approached on this particular Motion, I would have done this, and I referred the hon. Members. Mr. Speaker, to the Motion itself. The Motion would have gone up to mid line of "confidence in the Government, its activities and policies", and put out "the record which has been taken from the paper." We are not being ruled by newspaper editorials. Our attention cannot be directed or drawn to these remarks, but we do not want, if it is a Government Motion, we do not want and we do not wish because we have intelligence enough to refer to some of these remarks, because these are independent remarks which can be made anywhere, and they have been made in this country of ours. Some of them are very useful. What about when there was an argument about the maize distribution? There were remarks by newspaper men. Already the President, himself, has appointed a commission to look into the whole thing. I would have liked, if it were necessary to bring a Motion of this type, which I do feel very strongly, Mr. Speaker, that in Kenya today, unless we are looking for something else, we are the only country in Africa where we have managed to maintain peace, law and order, and everybody here is quite happy except, of course, we are not going to shut up the mouths, or tie up the tongues of our people when they say "you Government, you have not done enough, we want more secondary schools, we want more hospitals and so many other things." These are signs healthy

in a democratic country, these are healthy criticisms, several times I have been criticized in this House—

**The Assistant Minister for Works, Communications and Power (Mr. Bomett):** On a point of order, Mr. Speaker, I would like to know one thing because this is a very important debate, I would like to know whether the Minister is speaking now as a Minister of this Government—

**The Speaker (Mr. Slade):** Order! Order! Sit down, Mr. Bomett, that is something we are asking of every Minister as a rule to say if he is speaking for the Government or himself.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, I can speak as a Member or as a Minister; I have every right to speak up.

**The Speaker (Mr. Slade):** Order! Order! Now, Mr. Onoko, it is the desire of the House, a very reasonable desire, that whenever an hon. Member speaks who is both a Minister and a Member for a constituency, that he makes it quite clear in which capacity he is speaking, or both perhaps.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** It is very difficult for me, Mr. Speaker, when I am just trying, I have already explained, why I do feel that if I were asked to go through this draft, I would have put it another way altogether. In this respect I am speaking as a Minister.

Mr. Speaker, Sir, I do not mind what the other Members say, or whether they heckle, I know I stand firm, I am a loyal citizen of this country and I have worked for this country, and I will not be diverted by any heckling whatsoever, and here I am. Make me anything, I work and live only for Kenya.

Mr. Speaker, Sir, I would have deleted anything referring to newspapers, and this is what I am trying to do, it may be very peculiar, but Mr. Speaker, I would have deleted anything referring to *Africa and the World* giving it such a big name, and yet it has been banned by our Government. Then, Mr. Speaker, the last paragraph would have read "this House, having regard to all these matters resolves and expresses its full confidence in the President and the Republic of Kenya". Then instead of talking about groups, now who does not know the groups in this country?

**The Speaker (Mr. Slade):** Order! Order! I see Mr. Gatuguta on his feet with a point of order.

[The Minister for Information and Broadcasting] papers. Most of them are based outside our jurisdiction and we cannot deal with them immediately.

Now, Mr. Speaker, Sir, I shall not go into the merits and the demerits of the editorial comments contained in that particular paper because I realize that my colleague, the Minister for Home Affairs, has banned it and I have all due respect for what he has done in his opinion.

**Mr. Gatuguta:** On a point of order, Mr. Speaker, Sir, we are getting a lot of very funny statements from the Minister who is now speaking. The Minister for Home Affairs banned this paper, so we are told, but, Sir, he is a Minister of the Government and therefore the paper was banned by the Government. Is he now telling us that this paper was banned by the Minister for Home Affairs and not the Government?

**The Speaker (Mr. Slade):** I think it would be in order if you made that clear, Mr. Oneko.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, what I was referring to is that, normally, the opinion of a Minister is as a representative of the Government and I do not say anything against my friend, the Minister for Home Affairs. Mr. Speaker, Sir, what I want to do—

**The Speaker (Mr. Slade):** Mr. Gatuguta's question was quite an important one particularly dealing with the situation as it is now. What he is asking for really is confirmation that you have accepted it as a representative of Government on this occasion. That is what you have not made quite clear yet.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, when I learnt that he said—

**The Speaker (Mr. Slade):** Order, Mr. Anyien! He did not say it. He said that a Minister's action is normally representative.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, when I learnt of the decision by the Minister, I did concur and support the action he had taken.

**The Assistant Minister for Works, Communications and Power (Mr. Bonnett):** On a point of order, Mr. Speaker, Sir, I do not know whether I will be in order, but I would like to find out that, when the debate was carried out in the Senate, the same Minister said that he was not part and parcel of this Government, I do not know whether he was speaking the truth in that House or in this House.

**The Speaker (Mr. Slade):** Order! I do not think we can be very much concerned with what the Minister said in the Senate, if he says categorically in this House that he was party to this order.

**Mr. ole Tipis:** On a point of order, Mr. Speaker, Sir, could we please seek your guidance as to where we stand in this affair, whether the Cabinet has collective responsibility or not, because we are not here to be told by one Minister this way or the other. The banning of the paper—

**The Speaker (Mr. Slade):** Order, Mr. Tipis! We have disposed of this matter. There was collective responsibility in this case. Do let the debate go on.

**Mr. Maisori-Itumbo:** On a point of order, Mr. Speaker, Sir, —

**The Speaker (Mr. Slade):** Yes, Mr. Maisori, what is your point of order? I think, Mr. Oneko, you had better stay seated for a little bit until the rash has passed.

**Mr. Maisori-Itumbo:** Mr. Speaker, Sir, about three hours ago, the same Minister denied categorically in the House that the Motion that he is now speaking on, Mr. Speaker, Sir, was a Government-sponsored Motion. Is he trying to tell us whether he is speaking as a Minister or as a Member for Nakuru?

**The Speaker (Mr. Slade):** Order, Mr. Maisori! That is quite a different thing, and it is not a point of order.

Now, any more valid points of order before Mr. Oneko starts again? Well then will you please give him a chance. Continue, Mr. Oneko.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** I did say that when I learnt of the decision by my hon. colleague, the Minister for Home Affairs, I did support him.

Now, Mr. Speaker, Sir, I heard with great interest the remarks made by the Minister for Economic Planning and Development that we must be frank and tell our country the truth. Now, Mr. Speaker, Sir, I would like to take this opportunity of informing the House of what actually did happen before I go into the comments or remarks made by this horrible newspaper. Mr. Speaker, Sir, it has been wondered in this House whether my colleague, the Minister for Finance, the hon. James Gichuru, did utter the words which have been quoted in the paper. With your permission, Mr. Speaker, Sir, I would like to ask the Minister for Economic Planning to give me the paper, which was laid on the Table, so that I may be able to quote from it.

**The Speaker (Mr. Slade):** Yes, it should be lying on the Table now, until it goes into the library.

**The Minister for Information and Broadcasting (Achieng-Onoko):** Mr. Speaker, Sir, if there is any contradiction in what I am going to quote—I am a humble Member of this House and therefore in what I say I do not want to mislead the hon. Members of this House at all—in fact, Sir, I would just like to tell the truth and only the truth. Now, Mr. Speaker, Sir, it has been denied that Mr. James Gichuru, the hon. Minister for Finance, never said these words at all, but, Sir, I want to tell the House that on the 12th January 1966, in Lagos according to the independent television news, international news film service, which is known here as Roving Report, which is not only viewed in Kenya, he was reported to have said, and with your permission, Sir, I would like to play a record in this House of the interview. Mr. Speaker, Sir, we have said in this House that in order to clean up our House we must be straightforward, honest and direct and I am doing so in the interest of Kenya. Mr. Speaker, Sir, the fact that our attention has been drawn to this, is why I would like to clear it up, Sir, I love unity, but, Sir, I do not love unity only when I am trying to please others.

**The Speaker (Mr. Slade):** Many hon. Members have asked for this evidence of this statement to be produced either by film or whatever it is, and Mr. Oneko is offering that evidence now, and I cannot see where the objection is. The only question I have to consider is the rather novel question as to whether we can have records played in this Chamber. I will have to think about that one.

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir, I do recall your ruling during the question time when the question by special notice was being asked that you ruled to the effect that we could not move on any further since this Motion was coming. Now, Sir, I was wondering whether this is the opportune time for us to hear the record and if there is television to see the television film. Therefore, is it not, Sir, in order for him to play the record or show us the television film?

**The Speaker (Mr. Slade):** I think I did indicate, Mr. Shikuku, that it was such a novel request, that I would need a little time to consider it, because one has to watch the precedents you know, in these things. We might get all kinds of mechanical records once we start.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, on the 12th January 1966, as I have already said, the hon. Mr. Gichuru in the presence of Harold Wilson, the Prime Minister of Britain, Sir Albert Margai, the Rt. hon. Milton Obote and Lee Kwan Yung, had a Press conference in Lagos

where, and I will only read the relevant parts, it is stated, and I will also come up with another substantiation if I am challenged, but, Sir, he was being interviewed by John Wayne, and his reply was this, "Treason or not treason, Mr. Gichuru of Kenya realizes that Africans of Rhodesia are not quite ready to replace Mr. Smith's régime." Mr. Gichuru went on further to say, "It would be very stupid if we were to ask for an immediate take-over. The Africans in Rhodesia are not as well organized as they are here, in West Africa, or in East Africa, if I might claim that much."

**The Minister for Economic Planning and Development (Mr. Mboyal):** On a point of order, Mr. Speaker, Sir, would the hon. Minister for Information, now that he has quoted from the document, agree to place the entire document on the Table?

**The Speaker (Mr. Slade):** Yes, you must do that, of course, Mr. Oneko.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, I shall do so.

**The Speaker (Mr. Slade):** Yes, it should be put there from the time you have finished speaking; put on the Table so that other hon. Members can refer to it.

**The Minister for Economic Planning and Development (Mr. Mboyal):** Mr. Speaker, Sir, on a point of order, I thought you ruled that the paper should now be placed on the Table?

**The Speaker (Mr. Slade):** I did say from the time he had finished speaking. But strictly it should be on the Table from now on, so that the hon. Members can see it.

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** Mr. Speaker, Sir, it will remain on the Table.

**The Speaker (Mr. Slade):** It is there now, is it?

**The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** It is there now.

**Mr. Kibuga:** On a point of order, Mr. Speaker, Sir, I understand that you have not yet ruled over the question of the recordings, can we be assured that we shall have a chance of hearing these records?

**The Speaker (Mr. Slade):** Oh, yes, I think without question that if they are offered they should be made available to be heard somewhere. My only doubt at the moment is whether this Chamber is the right place. Quite definitely you will hear it.

**Mr. Malinda,** you have a point of order?

**[The Minister for Health]**

or guide this country, or become like a receiving set or radio set, listening to strong stations from Somalia or from China or from Moscow, or, yes, from Washington, and despises our weak station, the Voice of Kenya, I can only say this: either he is despising this country and the people who elected him, or he has something wrong with him.

Nowadays we hear a great deal about leadership. Leadership is something that comes as a natural thing to a person. You cannot make yourself into a leader by wearing funny clothes or by giving yourself titles. A leader is known by his actions, a leader is known by his devotion to duty, not by the fanciful dresses he puts on. And, if I may say so here, what is wrong now in Kenya is that certain individuals have taken it upon themselves to be leaders and to succeed, in future, as the natural leaders to the Presidency, or whatever there is in the future.

Now every Member here represents his own area; and the Government works in this way. The different Ministers, although they are Members for various constituencies, work together as a team to carry out the policy. Now if one sets out to make himself the natural leader, inheritor, of all things in Kenya, we shall tell him that he will not get these things. After all, this is a democratic country and I cannot think of any Member thinking he is so big that he can make and unmake the other Members. They are all equal.

If I hear of anyone coming to my constituency to play about there and say, "Oh, Otiende, you see, unless you come into my pocket here, you have no chance at the next election", well, I am so large that I cannot go into anyone's pocket!

Another cause of all the rumours that are going around the country is because certain people somehow have discovered a way of financing themselves, an external way of financing themselves. Now, because of our democratic Government, we do not go chasing up people to see how they get their Mercedes or how they buy their new houses; but the time has come now for the Government to look into the activities of certain individuals. People flit from capital to capital of the world on shady business. How many hon. Members here have kept all their money in this country? How many have foreign bank accounts? To show that you are loyal to this country, you must have faith in this country, and you must keep your money here. But you keep your money in a foreign country and then you declare how poor you are

and what a good socialist you are and yet you have thousands of pounds in foreign banks.

Mr. Shikuku: On a point of order, Mr. Speaker, I have just heard the hon. Minister state quite frankly that there are people who are keeping—Members of this House or Ministers—their money outside this country. Could the Minister tell us who these Members or Ministers are? Could he substantiate what he is telling the House, that people keep money outside this country?

The Minister for Health (Mr. Otiende): The hon. Member misheard me a bit. I said that if they keep their accounts in foreign country, then they are being disloyal to this country. I said "people". I did not mention any Ministers.

Another point that I notice, Sir, which is bringing about discord in this country is that foreign papers, as we heard today, are trying to mould this country to follow their way of life. I know that the big powers are anxious that we should become their followers, but we have endeavoured to keep clear of them all without antagonizing any of them. Surely, no one in East Africa can say that Kenya's foreign policy has been biased. We have been very, very straightforward and we have made no enemies so far. We have tried to keep our people free from the cold war.

Mr. Speaker, I do not believe in following anything which I do not believe in, and I do not think I can change at this age.

I would like to say very, very frankly here today that this Motion must be studied and carefully chewed over by Members because it only points to certain things that are ruining our otherwise very peaceful country; and if we all agree on this Motion it will reduce tension in this country.

Just now, Sir, as we are speaking, rumours are going round the country, like they are doing in other countries, to their detriment. "Oh, you see, Uganda is like this and Kenya will be like this." People begin talking, talking. It is our duty here, as Members, not to encourage or to take sides in such things. We should tell our people who sent us here that we are following our own course to its logical conclusion. We shall go to hell or we shall go to heaven with our African Socialism.

There are individuals in every society, of course, who want to be very important. In African society, we used to have witch doctors and perhaps chiefs. Mr. Speaker, I am not saying that we are referring to witch doctors here, but I

**[The Minister for Health]**

will like to say that hon. Members must be very careful, because when a man is anxious to be big and to supersede all others, he will never leave any stone unturned until he is big; and he will use any manner of achieving this end. Some people, even in this year of 1966, are tempted to become primitive and refer to witch doctors in this country, so that they may very well be bigger than other people in this House.

I would like to assure the Members of this House who started out with misgivings about this Motion that it has no malice behind it. It is only giving them a platform in order that they may be able to tell us here today, without fear, that the Government, say, has been wrong in this and wrong in that, and that it should do this and do that, instead of what is happening now. We think we are one party, but you hear that we are three groups in one party or that one party will break off and form a new body, as that paper was saying.

What I suggest is that if anybody is not satisfied with the policy today, let him stand here like a man, as a deputy; let him stand here and say so on behalf of his own people.

**(Question proposed)**

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): Mr. Speaker, Sir, as Minister for Information and Broadcasting I wish to extend my sincere thanks to the free World Press for having done their job some time to remind us of our responsibilities where we sometimes go wrong. Had it not been that the paper which, of course, has been tabled here did not carry certain stories, then this matter would not have come to this House for discussion this evening. Mr. Speaker, Sir—

Mr. Kiprotich: On a point of order, Mr. Speaker, Sir, I seek your guidance on this issue. Is the Minister alleging that the paper which has been laid on the Table there does not carry the information which was alleged by that paper?

The Speaker (Mr. Slade): Mr. Kiprotich, I cannot see any point of order there.

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): Mr. Speaker, Sir, I do realize that some—

The Assistant Minister for Information and Broadcasting (Mr. Onamu): On a point of order, Mr. Speaker, Sir, as the Assistant Minister for Information, I am baffled by the Minister who states that he supports the paper which has been banned, may we know—

Several hon. Members: Hear, hear!

The Speaker (Mr. Slade): I think the hon. Member is getting on dangerous ground to pay tribute to a paper which has been officially banned. Order! Now, hon. Members I do not want applause any more than I want criticism of the rulings I make. Please just entertain them in silence for better or for worse. To speak in favour of the freedom of the Press as a whole, is obviously in order; but, as I have said, hon. Members in this House with their oath of loyalty and their membership of a properly constituted Parliament, must not show a shadow of support for anything illegal. Now this paper has been banned, and so it must not be supported now. But if the hon. Member is referring to any good it did before it was banned, then he is just in order, I think.

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): Mr. Speaker, Sir, I was expressing thanks to the free Press which is contained in our Constitution, and I am also saying, whether banned or not, these papers normally remind us of our responsibility and business. Mr. Speaker, Sir, I know that most of these papers sometimes go wrong; sometimes they quote people out of context; and in most cases in fact, we have complained in this House, and I know that the hon. Members have reminded me from time to time of my responsibility and referred me to certain remarks which have been written in some of our local papers and even in overseas newspapers. I do remember, Sir, immediately after the reshuffle among the Cabinet in December last year, some hon. Ministers were referred to as plotters, and this was referring to the then hon. Minister for Internal Security and Defence who had been reduced to the reasonable size because of the army, because he was referred to in this House as a plotter by the hon. Members. I stand to be corrected if I am wrong.

Mr. Speaker, Sir, I shall not go—

Mr. arap Sol: On a point of order, Mr. Speaker, Sir, with that allegation, could the Minister substantiate and name the hon. Member who said what he has said now?

The Speaker (Mr. Slade): I do not think so. There was some reference to Dr. Mungai being a plotter, but I think by Dr. Mungai himself, if I rightly remember. The Minister can refer to that.

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): In fact, Mr. Speaker, Sir, I did not refer this matter because it was my duty, but here is the paper referring to an hon. Minister as a plotter, and, of course, sometimes we do disagree entirely with what is said in these

**[The Minister for Economic Planning and Development]**

We cannot be united if we think that we will stop anyone from thinking as he wants to think. We are provided with brains and intelligence so that we may use them; and the Government will encourage anyone who can use initiative constructively to help this country, proposals that will help us go forward will always be welcome.

When people criticize our development efforts, they should take into account the time we have had to move forward. It is a very short time. In that time, a lot has been done. We have the highest number of children at school today, more than at any time in the history of this country. We have the highest number of Kenya Preliminary Examination school-leavers of any period. We have the highest number of secondary schools in this country today, and the number increased by a higher percentage than at any time in the last seventy years.

I agree that we do not have enough secondary schools; I agree that we do not have enough places at the university; I agree that we do not have enough places in the primary schools. But that is a different question. The quarrel we have is with those who seek to exploit the emotion of the parents by telling them that the Government has done nothing. That is the quarrel. It does not require courage to get up and whip up these emotions. What requires courage is to be able to tell your people, before their own eyes and in their presence, that there is a problem and that they should appreciate the problem. That is what requires courage. But going to tell them that they have no schools does not require courage. Nor is this talk going to produce schools.

The only way that you can produce schools is by working to establish schools in the different areas, using Government as well as voluntary initiative, and I do not speak about this merely because I am a Minister. As a Member for my own constituency, in this past two years, I have seen to it, through private initiative, that we have doubled the places for children at secondary schools; and we have not asked the Government for a cent. I have done that as a Member for the area.

My friend, the Member for Gichugu, who is not a Minister, and my friend, the Member for Githunguri who is not a Minister, whose area I had the opportunity to visit recently, have, in one year, working with their co-operative societies, have been able to build thirteen secondary schools. Mr. Speaker, the hon. Member for Teso has the potential in his area; cotton is grown there; there are co-operative societies

there. All they are waiting for is his leadership. I know that some areas have fewer resources than others. I do not expect every district to build thirteen secondary schools. But I do expect that every district can start to make some contribution. If this is done, then the limited funds we have in the Government can be directed to those areas that are poorest, to help them, because they cannot help themselves.

That is the way I would like to plan our development. But, Sir, it may be a hard job. It can, however, be done. It has been proved. Let us have it done. There is a lot of land in the areas of some Members which, agriculturally, is better than anything in the Highlands, on which you have the best rainfall in this country. But where the rain falls, there are no crops for it to help grow. Mr. Speaker, Sir, we want to intensify the use of our resources, and we will give every facility for this purpose. But we need the co-operation of the Members; and certainly Members must give leadership in their areas.

Mr. Speaker, the work of this Government can be seen with the naked eye. It does not need glasses. The Civil Service of this country has been Africanized at a higher pace than anywhere that I can think of. What remains is for us to encourage the new civil servants to do their best for their country. We will always have problems, but what we want is the spirit to solve them.

In conclusion, Sir, I should like to submit that Africa as a whole, and developing countries in general, is passing through a crisis of confidence. In this crisis of confidence, leaders of whatever organization, Governmental or non-Governmental, at whatever level, have a heavy responsibility to guide, to lead and to influence the people, for they are the reflection upon which the man in the street will determine his reaction to the problems of the day. If the leaders talk carelessly, they cannot escape the responsibility for the reaction of the people. Speaking freely and speaking carelessly are two different things; and the distinction must be made. Freedom to speak is not licence to be reckless and careless and irresponsible. We have a mandate to govern, and we intend to govern; but we respond to the people of this country because the mandate is theirs and not ours.

Africa and the world talk of a crisis of revolution. Mr. Speaker, I do not accept that phraseology. It is the distinction between their approach and our approach. I talk of a crisis of confidence. The newly independent States need to generate sufficient confidence that will assure stability for the people to see that the future is not a hopeless one, that the future is full of expectation and opportunities. If our people

**[The Minister for Economic Planning and Development]**

know that opportunities lie ahead, they will not be to blame if they become disillusioned and fall the victims of cheap propaganda.

Mr. Speaker, the hon. Member for Majengo-Bassi says I should not under-estimate the intelligence of the people of this country. Mr. Speaker, I have had a bigger and longer lesson than the hon. Member. Yes, I am about the hon. Member's age, and I do not know what he was doing when I started to do things for our country. I do not quarrel with the fact that he was earning his living in a different place; hence he must concede that we have different experiences.

Mr. Speaker, the Government's position is very clear, and, very briefly, on some of the wider issues, it is this. On Rhodesia, our position has been stated and it remains the same. We shall support, as we have done before, the right of the people of Rhodesia to majority democratic government. We are doing so even now. If the hon. Member feels that he can do it in a different way, I have yet to hear what his proposals are and I have not even heard that he resigned his seat to go and lead guerrilla warfare in Rhodesia.

Mr. Speaker, we here in this country fought for our independence, sacrificed for it and did not even have as much support as some people now have. But we won. I know the situation in Rhodesia is difficult and it is different, and that they need more support. Through the Organization for African Unity, like every other African State, we have made our contribution to the fund, the freedom fund, to help them fight. Sir, it is easy to talk about Rhodesia with emotion but Rhodesia's problem must be solved; the issue is how to do it, and we will continue the pressure in doing it. We have never said it should be a non-violent solution; we have always said that the people of Rhodesia has the right to fight back, and if they need our assistance they will be given it.

As regards the Organization for African Unity, we continue to support it; we continue to believe it is the hope for African unity and for the future. Some Members get terribly worried when the organization runs into problems, Mr. Speaker, where is the organization in this world that does not run into problems from time to time?

Mr. Gatigata: On a point of order, Mr. Speaker, I congratulate the Minister on all he has been saying during the last three hours, but I would like to know from you, Mr. Speaker, Sir, whether it is in order for one man in the House to go on talking all that time?

The Speaker (Mr. Slade): No, Mr. Gatigata, with your professional training, I think you know the answer. It is completely in order, unless there is a time limit imposed by the debate, so long as the hon. Member is relevant and does not repeat himself.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I entirely accept the seatments of the hon. Member for Kikuyu, but if I had had less interruptions, we would have finished long ago.

As I was saying, Sir, we will continue our support of the Organization for African Unity, and we would like to make it quite clear that whenever there are problems we will continue to strive to get them resolved, within the spirit of African unity. But that unity must be based, as indeed the organization's charter recognizes, on the sovereignty of the constituent countries. That we have never conceded to anyone.

Sir, our ideology has been stated in Sessional Paper No. 10 and that must continue to guide us. We do not accept any efforts or attempts to confuse the public regarding this ideology, and so, Sir, here today the Government has made it possible for this House to air its views on the record of the Government, its activities, its policy and its performance, and, where there is criticism, freely, frankly and publicly, to air this too, so that we can give our people the stability that they demand, the stability that is a prerequisite to the accelerated development which our situation calls for.

Mr. Speaker, I beg to move.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I will not take up the valuable time of hon. Members because I know exactly how tired they have been, but they have learned a big lesson today which will take a long time to unlearn. I would like to make only four points.

The first of them is this. Members of this House were elected on a Kanu or Kadu ticket or any other kind of ticket; but they were sent here for a purpose and that purpose was to guide the destiny of Kenya towards the goal that has been laid down in our Manifesto. Therefore, if any Member here comes up with new, high-falutin' ideas to teach us how to rule

**[The Minister for Economic Planning and Development]**

Mr. Deputy Speaker, it is easy to go to an international conference and shout and, in some cases, shout against your own Government and country, because you want to prove that you belong to an idea. Mr. Deputy Speaker, God help us in this country if we will descend to the extent of disowning and prostituting our own country and its leaders, in order to please and serve the wishes of some foreign ideology and influences.

Sir, if in order to be a good nationalist, if in order not to be called an American stooge, I am required to go to Cuba, or to go to any other conference and there to abuse the system of Government, the principles, the policies and ideals of my people, the customs and traditions of my people, then, Sir, the need and usefulness of my existence will have passed and I would be better dead. That is my answer to those who would threaten us in the corridors of this House and outside, that they might do to us a Nigeria. Let them not also forget that Kenya is Kenya and not Nigeria.

Mr. Deputy Speaker, I want to say a few words about Kanu, because our Government's programme is based on the Kanu Manifesto. There have been criticisms of Kanu, there have been criticisms of its leadership and there have been criticisms of its organization and in the last few weeks there have been circulated, even in the precincts of this building, documents attacking me personally, attacking Kanu leaders in general and threatening that a second party might be formed.

Mr. Deputy Speaker, I have chosen in the past to remain silent on this question because I did not want to lend dignity to activities which I knew were the actions of men whose motives were dirty. By replying they would have thought that they had ascended certain steps and they would have got the publicity that they were craving for.

Mr. Deputy Speaker, it is true that since independence we have had problems of organization in Kanu. It is true that there have been certain weaknesses, it is true that the party needs to be re-organized and it is true that its constitutional position has not been strictly adhered to in these past three or two-and-a-half years.

Mr. Deputy Speaker, no Member in this House can pretend that by speaking about this in the Parliament or by writing some circulars in this country that they are giving the public a discovery, because I personally more than on one occasion, have drawn attention to these weaknesses, to the need to do something about it and

have devised, in consultation with my colleagues, a programme of re-organization to achieve this end. What do we find? Instead of support for this programme, active support for this programme of re-organization, the same people who come to this House and outside to shout about Kanu weaknesses and to condemn me and other officials, are the ones who least co-operate and support the programme actively.

An hon. Member who raised this point in this House was in fact himself chairman of a re-organization committee for a province which required that they should re-organize and do elections from the locations to the district level to facilitate national elections, but which until the time I am speaking here, he had not completed—the Western Province. It is so easy—

Mr. Oduya: On a point of order, Mr. Deputy Speaker, Sir, can the Minister state whether anybody in this House or not is the legal chairman of the Kanu Western Province Co-ordination Commission and for the information of the House the election of the Western Province is well, legally and—

The Deputy Speaker (Dr. De Souza): Order! Order! Please sit down Mr. Oduya. If you think that what the Minister has said is not strictly correct, I am sure you will get a chance in which you can express your views.

Mr. Gitchoya: Mr. Deputy Speaker, Sir, on a point of order, you have already stated that the hon. Member will have an opportunity—

The Deputy Speaker (Dr. De Souza): I said I am sure he will, I cannot guarantee that.

Mr. Gitchoya: Now, how can you guarantee it, Mr. Deputy Speaker. Are you going to fix it—

The Deputy Speaker (Dr. De Souza): Order! Order! I think you must understand this quite clearly. It does not mean to say that because any hon. Member stands up on a point of order that he must be given a chance, but I am sure considering that we are going to have as many speakers as possible, it is quite likely that Mr. Oduya may get a chance.

Mr. Bala: On a point of order, Mr. Deputy Speaker, Sir, would the hon. Member speaking substantiate the fact that one hon. Member in this House has not carried out the elections for helping Kanu to complete the elections in the Western Province.

The Deputy Speaker (Dr. De Souza): Mr. Bala, I am afraid that this is not the type of generalized allegation that needs to be substantiated. It is more a question of opinion and I think it can be rebutted, if necessary, by the person who is concerned.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, Sir, it has been said by those who go about criticizing the party that we have never held any meetings, any conferences, any nothing. Mr. Deputy Speaker, in 1963 we had numerous conferences. We even had conferences to approve the Party Manifesto. We even had conferences to agree on candidates, we even paid the deposit for most of our candidates who were elected to this House and the party actively supported the candidates and campaigned for them. I personally and many of my colleagues went around the country, more in other constituencies than in my own, to ensure that this party won the elections and we did win the elections. I am glad that some of those who opposed us as independents are with us today and that they are the loudest in proclaiming their loyalty to Kanu and in suggesting to the people of this country that they are loyal to Kanu and not people like myself.

Mr. Deputy Speaker, in 1964 after the elections, we generally agreed and the matter was even discussed at a Parliamentary Group meeting, that much dislocation had taken place in the districts, especially where Kanu fought Kanu, leave alone fighting Kadu, and it was necessary to carry out a programme of re-organization by which we held provincial, at that time regional conferences throughout the country. I personally conducted those conferences and most Members in this House, those who were Kanu at the time, attended all those conferences and yet, Sir, some of them are the first to say, "Nothing has been done, no meetings have taken place anywhere". When we had finished these conferences in 1964 and were about to go ahead with the national re-organization Kadu was dissolved and it was then agreed that it would be unfair to go ahead with the national elections until new conferences at provincial level had been held to help integrate the former Kadu and Kanu members into one political organization. We went ahead in 1965 and we held all those conferences as agreed and it was then the demand that we give some people the chance, who had been Kadu, to register as members of the party, and they were then given the receipt books. In each province we established a committee with a chairman. In many cases the chairman were Members of Parliament who sit in this House.

Mr. Deputy Speaker, how fast this work went on in each province was entirely in the hands of that committee, but on my part we reminded them from time to time to complete these elections and in addition we did our other work as

effectively as we could. Until now some areas have not even finished these elections, although in many districts the elections have been carried out.

Mr. Deputy Speaker, we cannot re-organize the party by merely convening a conference at national headquarters. The best and effective method is to start from the bottom and that is what we are trying to do. I concede to the hon. Members that the delay has caused some difficulties and weaknesses, but the answer is not to try to accuse everybody but yourselves because in each area most Members could help. In some cases where elections were completed we were immediately lodged with appeals and although some Members and other people would like the House and the country to feel that these appeals were only in areas which they themselves defined, there have been appeals from many different areas including appeals by hon. Members sitting in this House for fresh elections.

Mr. Deputy Speaker, and yet I am blamed and the President is asked, the Government is blamed, why has action not been taken? Mr. Deputy Speaker, what we need is some help from those who blame us to get this done. I congratulate some groups who did their work expeditiously in their provinces, not including the hon. Member who is heckling me now.

Mr. Deputy Speaker, on this point I would like merely to say this: that every effort is being made and will continue to be made for the re-organization of the party. That we all accept the significance of the party and its place in our Government and in the lives of our people, but I do not necessarily subscribe to those who have put forward suggestions of incorporating the party in the Republic Constitution. If they listened carefully to what the President said in his message to the nation here in this House, they will know that he said it was not the intention of the Kenya Government to legislate on a one-party State.

Mr. Deputy Speaker, I hope that instead of all this recrimination, that people will settle down in their own areas to creating an active Kanu machine. I will never stand in the way of this and we have never stopped them going ahead to do this.

Mr. Deputy Speaker, I have spoken at length. *[The Deputy Speaker (Dr. De Souza) left the Chair]*

*[The Speaker (Mr. Slade) resumed the Chair]*  
But the issues before us are of importance and we feel that they should have been aired in this House freely, frankly and publicly. As I said earlier, Sir, unity does not mean uniformity, and

**[The Minister for Economic Planning and Development]**

reveal that in these two-and-a-half, nearly three years when this Government has been exercising responsibility for the affairs of this country, much progress has been made. We have moved a long way on the road towards higher standards of life. We have moved a long way on the road in our resolve to remove the handicaps and difficulties of our people. The Government does not say, and has never contended, that all the problems of our country have been solved. We know, as well as every Member in this House, that in many areas in our country there is still poverty, misery, hardships. We know—as well as any Member in this House, that many of our people are still living in deprivation, and we know that they urgently desire to share in the fruits of *Uhuru*. We do not refuse that a Member should come to this House and freely air the problems or difficulties or views of his constituents. This is his right. It is recognized in our Constitution and it is appreciated by the Government. When a Member gets up in this House to explain the difficulties of his area or visits a Minister in his office, to plead for development in this area, he is doing his duty. If he fails to do this, then, Sir, he does not deserve to be in this House.

We welcome criticism. In fact, in these past few months the Government has shown beyond any doubt that it is responsive to constructive criticism, that it is big enough to accept mistakes when and if they are made, that it has the courage to come out and try to correct what is wrong. Mr. Deputy Speaker, this is the foundation for a democratic society and government. So long as we each try to act in that spirit and on that basis, there will be no quarrel between us. But, Sir, what we reject, what we condemn, and what we must continue to resist, is that case where a leader or a Member of this House tries to play on the emotions of the people, tries to exploit the misery and suffering of some of our people for his own political purposes, trying to undermine the work that is being done constructively throughout this land, to develop the people, because he believes that in so doing he will run down the Government or run down a Minister or Ministers.

Mr. Deputy Speaker, this we reject, and this we shall resist. We are bound to tell our people that they must not be used as a ladder by cheap and bankrupt politics. When a man is unemployed, he knows more than any Member of this House the suffering that he goes through. He does not have to be lectured to by a Member in this House, in order to know how serious a

handicap unemployment is. When a man has children and those children fail to go to school, he does not need to be lectured to by some persons that his children have failed because he has no money; he knows, he suffers this. And too often those who persist in this behaviour are not suffering one bit. Their interest is a very temporary expedient: how best can we exploit the situation?

It is a well-known fact, universally, that irresponsible leadership tends to play upon the hardships, the handicaps and the difficulties of the masses and the ordinary man. Mr. Deputy Speaker, some Members in this House, some leaders outside this House, would like the public to believe that President Kenyatta, his Ministers and Government have deserted them, after being put into power, and that only they are the new stars and champions who have suddenly been ordained with the wisdom, intelligence and knowledge to fight for the masses. Mr. Deputy Speaker, we who sit on the Government benches can claim—and I hope without contradiction—that we have dedicated ourselves to serve the people. We are Ministers in the Government because a government must have Ministers, not because we were born to be Ministers. We are in the Government because the people of this country have decreed that there shall be a Government, and they have decided on the nature and structure of that Government. We are in this Government because the people of this country, in their wisdom, have chosen to give us the mandate and the responsibility to look after their affairs.

We are prepared to go to the country on our record of performance, and, Sir, if we have failed, let the people's judgment be sustained. But, Sir, this is not a licence for some people to try to ridicule the position of those in office today, to try to undermine, to try to exploit that position.

Mr. Deputy Speaker, we have been listening patiently from week to week, from month to month, in these benches and outside, to people who pour scorn upon us as persons, as leaders and as Ministers, even in some cases people who are just beginning to show whether they can really lead and serve. Mr. Deputy Speaker, is the public of this country going to believe that in merely two years the leaders who fought with them and for them, in days of great difficulty and insecurity, have so suddenly abandoned them because of merely being Ministers? I hear Members shout in this House every time a Minister speaks or the Government tries to bring in a measure, "Let us go with you to

**[The Minister for Economic Planning and Development]**

Kamakunji." Mr. Deputy Speaker, what is the threat for? In the days when there was no Kamakunji, when some of us used to meet under threats greater than this, when some of us used to defy all the measures by the Colonialist Government, when some of us spoke without fear, even when our speeches were being tape-recorded, and when there was no opportunity to speak at Kamakunji of any sort, we defied those threats, and we can defy new threats today.

Just because we have accepted responsibility, and just because we carry the responsibility and must speak responsibly about the future of this country, just because on our shoulders rests the decision that will help this country move forward and, therefore, we cannot engage in demagoguery, some people think that our tongues have been cut out or that our intelligence has deserted us, or that we cannot, as eloquently, speak to the public at Kamakunji as some think they can.

Mr. Deputy Speaker, we do not intend to stay in power beyond what the Constitution says. In 1968, there will be a general election, and there is no intention of this Government to put off that general election, because we know that by our record the people of this country will be ready, willing and eager to give us yet another mandate. It has become a cheap point for some people to stand and talk, "Oh, if you don't believe, if you don't talk to me properly, we shall do to you what happened to some Ministers in Tanzania." More recently, some people say, "If you don't do this for me, we shall do to you what happened to some Ministers in Nigeria." What do they take us to be? If it is a question of losing at an election, does that Minister think that his seat is guaranteed? Does the Member think that his seat is any more guaranteed than mine? I will fight for my seat, as I have fought before, and I will fight for my seat just like every Member in this House will fight for his.

Mr. Deputy Speaker, it may very well be true that those who now think that some of us are in for trouble do not know what awaits them. Mr. Deputy Speaker, I speak strongly on this point because I feel the time has come when we also should take this opportunity to reply, to put the record right, so that the public can make a decision based on fact. Mr. Deputy Speaker, I heard it, and the hon. gentleman who said it is out at the moment. I know that someone will get up here—I heard it being said

behind these benches—in this House and say the hon. Mover of this Motion is an American stooge, or he has been given money by Americans. Mr. Deputy Speaker, I am not in the least worried about such stupid nonsense. I am not worried and for the last twelve years in public life in this country I have never been bothered or worried about such labels. I do my best; I serve my people; I work in this Government; and my work can be seen. I do not stay in the Government or in leadership or in public life as an act of grace or generosity from anybody. When we fought for independence, some people said some of us would sell this country to the Americans. Today, some of those same people would like to use these same slogans in order to defend their own shady intentions. Mr. Deputy Speaker, it is not a reply to the issue to shout back and use labels and tags. That is what this paper does of Mr. Gichuru. This is not a new technique, it is intended to compromise some leaders—

**[The Minister for Information and Broadcasting (Mr. Achieng-Onoko):** On a point of order, Mr. Deputy Speaker, what about if the hon. Minister continues to speak until about midnight, as he is capable of doing?

**The Deputy Speaker (Dr. De Souza):** Order! Order! I think the Minister is entitled to speak until midnight if he wants to, but, of course, the Motion will not be put until it is proposed and seconded.

**[The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Deputy Speaker, I take the hint from my friend, but the point I was making is this.

When a person—and let the public of this country get to know this—resorts to labels and names and personalities, then the public of this country must know that the man is bankrupt of ideas. Mr. Deputy Speaker, what the public of this country want to know is positively for the person to make his contribution, in his own constituency to show by work and deed that he is going to do something for his people, just as some of us have done and continue to do. When people only want to go to Kamakunji instead of going to their constituencies, to help to organize their people into constructive groups for self-development, then, Sir, they have run out of ideas and the public should know this. It is not that the Government will do everything that needs to be done, a lot of it can be done by the people themselves. What the people need is leadership, and that leadership must be constructive and practical. That, Sir, is what the Government wants of the Members and the leaders of this country.



**(Mr. Anyienl)**

Mr. Speaker, Sir, what I want to tell the hon. Member who is proposing that we continue, is that I would like to warn him that there is something, some fear in some quarters, fear that has been created by the actions of the very people who have the fear. What is the fear? Why do they not want this Motion to continue until tomorrow? Are they telling the world at large that if this Motion is not passed today, then tomorrow the President will not have the confidence of the people?

Mr. Areman: On a point of order, Mr. Speaker, Sir, may we know from the Speaker whether this Motion is not of national importance, so that it will enable us to speak until any time we desire to finish—

The Speaker (Mr. Slade): Order, Mr. Areman. That is no point of order. Will you continue, Mr. Anyienl.

Mr. Anyienl: Mr. Speaker, Sir, I hear my colleague in the Front Bench saying that he wants to oppose me, although he was my colleague yesterday, because he has been made an Assistant Minister he now wants to oppose me. Mr. Speaker, Sir, the reason why we would like this Motion to be continued tomorrow is because there was a contradiction, and according to a ruling we agreed to listen to the Mover. Now, Mr. Speaker, Sir, the hon. Mr. Achieng-Onoko told us that he had seen the President, but that the President had not told him that he had given specific instructions to the hon. Tom Mboya to move this Motion—

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): On a point of order, Mr. Speaker, Sir, I selected the words which I used at that time and therefore, Sir, I do not want words to be put in my mouth. I am going to speak on this Motion and I think that the hon. Member is misrepresenting me.

Mr. Anyienl: Mr. Speaker, Sir, maybe I misquoted what the hon. Member said, but I have been made to understand what hon. Minister said, without him coming to tell me specifically what he said. Mr. Speaker, Sir, as I have said before that we would like to be given a chance in order that we can prepare some facts so that when we come back to this House we can speak on this Motion.

Mr. Speaker, Sir, another thing which I would like to point out to the House is this. I feel that it must be known that we were surprised by the introduction of this Motion. I believe also, Mr. Speaker, Sir, that the Minister, group or whoever it was who decided to bring this Motion never

wanted to stage any coup. I think we should wait until tomorrow before we discuss this Motion and finally pass it.

With those few words, Mr. Speaker, Sir, I believe that we should continue, but those who have fear and do fear will die very many deaths.

Mr. Ekitella: On a point of order, Mr. Speaker, Sir, My point of order is this, Mr. Speaker, Sir, I feel, Sir, that in this House there is no such thing as time.

The Speaker (Mr. Slade): Order!

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

Mr. Anyienl: On a point of order, Mr. Speaker, Sir, that is an example of us sitting late.

The Assistant Minister for Education (Mr. Mutiso): Thank you very much, Mr. Speaker, Sir. I rise to support the Motion before the House at present.

Mr. Speaker, Sir, in supporting this Motion, I would like to inform my hon. friend who has just sat down that I was not implying, when I said that I was going to oppose him, that I was not his friend, and the fact that I have been made an Assistant Minister does not mean that I am not his friend. Mr. Speaker, Sir, I think it is time the people of Kenya were made to understand the factions which exist among the leaders of this country. I think, Sir, it would be fitting for the House to be given sufficient time to debate these groupings which have already been indicated in this House, and if those who oppose the continuation of this House have nothing to fear, then I do not see any reason why we should not continue until, if it is necessary, midnight, or until we finish this very important business.

Mr. Speaker, Sir, the Motion before us asks that Order No. 6A be exempted from other business of the House with the effect that we will continue until we have finished and accomplished our business. I think, Mr. Speaker, Sir, that this is going to give us time then to know those people who speak with two tongues, because already in this House, as you have often heard, some Members call other Members duplicitous and all sorts of names. Therefore, Sir, I think it is important that we know what—

Mr. Jahazi: On a point of order, Mr. Speaker, Sir, may I move that the Mover be now called upon to reply?

The Speaker (Mr. Slade): On this Motion I do not think that there is any right to reply, and so I will just put the question that the question be now put.

*(Question, that the question be now put, put and agreed to)*

*(Question put and agreed to)*

That means that we go on until midnight, if necessary, to complete this debate, and that being so I do not think we can possibly entertain the adjournment motion of half an hour which Mr. Pandya was to have had today. We will have to put that over, I think, until next Tuesday.

Mr. Kase: On a point of order, Mr. Speaker, Sir, in view of the fact that the Motion being moved by the Minister for Economic Planning and Development is a very serious one which might result in something, what percentage according to the Constitution, would be required to pass or reject this Motion?

### CONSIDERED RULING

#### CONSTITUTIONAL SIGNIFICANCE OF CONFIDENCE MOTION

The Speaker (Mr. Slade): I think it would be opportune, in view of the point of order raised by Mr. Kase, to explain the exact constitutional significance of this debate.

The decision on this debate will not have any automatic constitutional effect. What section 65 (2) (a) of the Constitution provides — that is the Constitution as amended in 1964 — is that if the House of Representatives passes a resolution which is supported by the votes of a majority of all the Members of that House, that is not merely the majority present but the majority of all of Members (it would be sixty-five Members) and of which not less than seven days' notice has been given in accordance with the procedure of this House, declaring that it has no confidence in the Government of Kenya, and the President does not within three days after the passing of that resolution either resign from his office or dissolve Parliament, Parliament shall stand dissolved on the fourth day following the day on which that resolution was passed.

So there is a procedure whereby dissolution can be forced, but it has to be a vote of no confidence, not actually negating a vote of confidence, and it has to be after at least seven days' notice. So if this Motion is negated, it does not have the automatic effect of dissolving this House, though it might well be, as I think Mr. Mboya has indicated, that in view of the failure to secure a vote of confidence, the President would feel it appropriate to exercise his power, as he always has, of dissolving Parliament, but it would not be an automatic constitutional result.

Mr. Gitchoya: Mr. Speaker, Sir, that is the procedure of a no-confidence Motion or a confidence Motion, as far as the Constitution is concerned, but certain things are necessary for a certain Motion to be debated here. Can we know from what the hon. Minister has stated that there would be a General Election if this Motion is not passed by the House?

The Speaker (Mr. Slade): I suppose I have to explain again. Do please listen carefully when I explain these things.

The Minister has said the Government are treating this as such a serious question of confidence and that if the Motion is lost, the President, I understand, will dissolve the Parliament. That is stating the President's intention, and there you have it. But what I am telling you is that it is not an automatic dissolution of Parliament flowing from the Constitution, unless it is a vote of no confidence after seven days' notice, which this is not.

*(Resumption of debate)*

Mr. Ochwada: On a point of order, Mr. Speaker, following your earlier ruling that you would, Mr. Speaker, prefer to give almost all Members an opportunity to air their views on this Motion, and the latest ruling which you have made that we would only sit up to twelve midnight, supposing by midnight only 50 per cent of the Members have aired their views, what will be the position?

The Speaker (Mr. Slade): We will have to see.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I would like to resume from where I left off, and I would not have still been speaking if there were not as many interruptions.

*(The Speaker (Mr. Slade) left the Chair)*

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

Mr. Deputy Speaker, it is easy for some leaders or even some Members to try and make capital out of the miseries or problems of certain people in our country and to try to lay the blame for the existence of these problems on the President, the Ministers and the Government. There is nothing easier than doing this. It does not require courage or effort, nor does it require much intelligence or thinking. It is merely an emotional approach to the problem — I will refrain from using that word "agitation" — but, Mr. Deputy Speaker, when all is said and done, we must come back to the facts, and the facts in this particular case will, no doubt,

**[The Minister for Economic Planning and Development]**

Sir, the greatest task in our country today is that of development. We inherited certain grave difficulties in our economy. We inherited serious unemployment problems, problems of poverty, inadequacy of education, problems of training and of man-power development; and potentially explosive problems of racial relations, tribal relations and regional jealousies. The first task of this Government, therefore, has been, and continues to be, how best to handle these problems, how best to foster a spirit of co-operation, so that development may take place. The task of this Government has been to explain to the people the nature of these problems so that they understand them and also the efforts that are being made.

The problems that must be faced in this effort of development are of great magnitude and no Member of this House can pretend that he does not appreciate this elementary point. We are not the only undeveloped or developing country in the world; there are others who gained their independence long before us, and who are still struggling to reach even the point that we have achieved. There are others who have even greater problems, less manpower, fewer resources, a smaller capacity for development. But they know, as we do, that, in the final analysis, the only answer to our problem is to work out a programme for accelerated development. This, Sir, I submit to the House, is a full-time job, it is not a part-time one. We cannot do it in an atmosphere of fear, or uncertainty and of suspicion. We cannot do it in an atmosphere where people write as they do here and some people echo their views even in this House, disturbing the peace of mind of the people of this country and distracting them from the most important job before us, that of development.

Perhaps, Mr. Speaker, I should stop for a few minutes so that we can move the procedural Motion:

**MOTION****EXEMPTION OF BUSINESS FROM STANDING ORDER 11: HOURS OF MEETING**

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, owing to the seriousness of the Motion before the House, I beg to move that the business under Order 6A be exempted from Standing Order 11, in so far as it is necessary to complete that business today.

The Assistant Minister for Labour (Mr. Odero-Jowi) seconded.

(Question proposed)

The Speaker (Mr. Slade): This means we go on until the debate is concluded.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, some of us do not, from time to time, read Standing Orders and I am sure you will help me in understanding fully what we are attempting to do. My understanding is that we are continuing with the debate. Does this mean, Sir, that we must carry on debating this Motion until we have taken a resolution on it and we have ended, regardless of whether it might go as far as I am?

The Speaker (Mr. Slade): Order! I think, since the terms of the Motion are to enable us to complete the business today, it would lapse after midnight when we get into tomorrow anyhow.

Mr. Ngala-Abok: Mr. Speaker, Sir, that being the case, and since the Government is so much concerned with this Motion, would it not be in order, therefore, to ask that all Members be present in this House and all Members, particularly those known to be either claiming to be either progressives or—

The Speaker (Mr. Slade): Order! Now, Mr. Ngala-Abok, you are inventing new Standing Orders.

**POINT OF ORDER****MOTIONS FOR LIMITATION OF DEBATE CANNOT BE MOVED IN COURSE OF DEBATE**

Mr. Gichoya: On a point of order, Mr. Speaker, I did ask earlier whether there could be a limitation of time, and you suggested that so long as we could go on, even until tomorrow, there was no question of limitation. But now I understand, Sir, that the Minister has moved that we by-pass our own Standing Orders in order to finish this business today. May we then limit the time for each speaker so that as many people as possible can express their views on this very important Motion?

The Speaker (Mr. Slade): No, I thought I had explained that, under Standing Order 71, a Motion for limitation of debate or times of speeches cannot be moved actually in the course of debate. It can only be moved before a debate starts or after it has been adjourned and before it is resumed. There may be some misunderstanding. When I said that this resolution, if it is passed, will lapse as midnight, I did not mean that the debate would necessarily end at midnight. It is only that then we should have to adjourn the House, I think, until the ordinary time tomorrow, and conclude the debate then, if we need more than another six hours.

Mr. Ngala-Abok: Point of order, Mr. Speaker.

The Speaker (Mr. Slade): Yes, well, do not invent Standing Orders this time.

Mr. Ngala-Abok: No, this is a genuine point of order, Mr. Speaker. When I was making my last point of order, you ruled that I did not listen point of order, you ruled that I did not listen to how you ruled, but you understand also what this Motion implies, Sir. Is there any clause in our Standing Orders guiding you as to how you make sure that all these people concerned in this Motion will be given a chance to speak?

The Speaker (Mr. Slade): No, order! Hon. Members must keep to the point. The question before the House now is whether we continue with this debate today, instead of interrupting business. The ordering of the debate really is getting outside that, who is to speak and when and for how long, etc. The question before the House, which I have proposed, is that we exempt this business from Standing Orders so that the debate continue straight on, till midnight, if necessary.

Mr. Anyieni: Mr. Speaker, while you are allowing me to speak, I hear one hon. Member saying, "Put the question". It seems as if some of my friends, the hon. Members, feel that, after they have agreed on something, it should be steam-rolled through. I do not see any big reason for saying that the Members of this House should be made to sit in this House any longer than the usual time. If there was something that was happening, which the Members did not know about, and which, if the House sat for a long time, say, till midnight, the Members might be able to avert, then I would be one of the first to support our continuing; I would say, "Let us be locked up till we finish, and then let us get out."

But if there is not any particular reason why this Motion must be finished today, then I feel that there is some fear, in some quarters, that if this Motion is prolonged until tomorrow, maybe some more facts will be given to this House and, as a result, the intention of bringing this Motion may be defeated.

Mr. Speaker, I believe that those of us who are very anxious to express confidence in the President will be able to express confidence in him today, tomorrow or any other day. But if there is a fear that if we go over until tomorrow then we shall not be able to express confidence in the President, then I agree that we should continue so that we do not land in such a situation. However, what I believe is that this Motion, as has been said before, was brought up very hurriedly; a special Order had to be made for it, special notice had to be given, as if there was something which the Minister, who is almost finishing has not told us. Now, if it is a question

of this magazine for which we must continue up to midnight, then, Mr. Speaker, Sir, I would like to say that this magazine has been in the country for a long time. The Government only started acting on this paper when somebody decided to bring this matter up in the Senate. So, Mr. Speaker, Sir, I do not see the hurry. If the point is to refuse those who want to get some material in order to speak effectively and expose those who want to think that they can monopolize everything and even monopolize the President and all the people of Kenya, then I believe that we should be given time. Some of us want to be given material which we want to use to expose truly the majority of the Members of this House. We would like the world to know, because we do not want anybody to speak for us, we want to speak for ourselves, every Member would like to speak for himself.

Mr. Speaker, Sir, there is a fear here that perhaps the hon. Mover may want to tire the Members, make the Members sit here until they are tired and want to sleep. Then, when they are tired they want to go home. We do not want this.

In addition, the other day when we wanted to extend the sitting of the House until 12 o'clock we did not even go as far as 12 o'clock, Sir. You remember what happened that day? Some of the Members went to drink outside because they were tired and when they came back, Sir, you gave them a chance to speak. It was then that you thought it would be better that we adjourn the House because the House was getting out of order. Now, Mr. Speaker, Sir, we do not want this House to get out of order, we do not want that the Members should be made to become tired. If there is any particular reason, if there is any good reason, if there is something very bad coming which we must know, then I agree we should be locked up here until we have heard what this is, and then tomorrow we can come back here feeling free. However, if this is a question of passing a Motion of confidence in the President, I think we must agree, and the Government must agree, that this Motion will go through tonight, it can go through tomorrow morning, it could have gone through yesterday.

For the reasons given, Sir, I think it is in order to give hon. Members, when they go home to sleep, an opportunity to digest everything that has been said by the Mover in order that they may come here tomorrow and be able to agree or disagree. I agree that this Motion should end at the normal time of 6.30 p.m. However, Sir, that time has now passed, so I think we can continue with this Motion only until 7 o'clock.

**[The Minister for Economic Planning and Development]**

some so-called progressive elements internationally. This country deserves to know whether we are going to sing to the tune of some people who have taken it upon themselves to determine what the image of Kenya is going to be, and we want to know whether in this House or even in the Government there is a Member who believes that Kenya's reputation and image is going to be determined by somebody in London, in Washington, in Peking or in Moscow. I would even go further and say that our membership of the Organization for African Unity, our relations with any African State, preclude the right of the Organization for African Unity, the right of any State to determine the destiny of the people of this country.

If this is not so, then we are not independent, and let us say so. We will contribute to African unity, but not on the terms of some other person. We will do so in the interests of all countries and our people because we believe it is right, but not because someone threatens us, that we must fall in line in order to be angels of Africa or the angels of international groups.

Mr. Speaker, when these same words are repeated by some Members in this House and outside, when some of our public and people are being told that the Government is losing touch, that the Government is no longer being supported by other African States or by progressive elements in the world, then, Sir, this House and this Government have a right to know what mandate these self-appointed spokesmen have for us. One reason why we fought for independence, one reason why we are prepared to make sacrifices for the maintenance of our independence and sovereignty is because we want to be our own spokesmen, because Kenya's policy must be truly Kenya's policy and not merely an image or an echo of some other country, wherever that country may be.

Mr. Speaker, may I now make one point on this article. We heard rumours, murmurings amongst some Members on the corridors of this House, "Oh, Mr. Gichuru has made a terrible statement." Mr. Speaker, when we had an adjournment debate in the Senate, I listened carefully to those who felt strongly about this article. Mr. Speaker, the only thing that they felt strongly about, the only thing that they have raised in this House and in that House has been, did Mr. Gichuru say this or not? But, Mr. Speaker, what seems to have escaped the—deliberately or otherwise, I am not prepared to say—is that this article has something more important than what Gichuru

may or may not have said. It challenges the very concept, the very existence of our independence. It goes even further than that: it is a deliberate, provocative interference in the right of our country to determine what policy we are going to pursue. Mr. Speaker, what is even more, it calls upon some unnamed people in this country, whose identity perhaps the writer of the article must know, and with whom he may be in contact, and tells them that the time has come for action, do not sit any longer on the fence, get up and act.

Mr. Speaker, if there be a man in this House, an hon. gentleman in this House who believes in these things, who belongs to this progressive group, here is his chance to get off the fence and act. Mr. Speaker, they have been told by whoever this person may be that they must now act. This has as custodians—

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Speaker, while I do not wish to disagree with my friend and colleague, the Minister for Economic Planning and Development, I think that he is a little bit out of order on the Motion. He is discussing an article from a certain newspaper. The merits of this article in this paper which has been banned and which cannot answer for itself, surely this is irrelevant and is quite a different thing from the substance of the Motion?

The Speaker (Mr. Slade): Yes. The hon. Member is referring to this article at length as being, according to him, a symptom of certain conditions which call for this vote of confidence. He is entitled to do that and it is quite relevant.

Mr. Oduya: On a point of order, Mr. Speaker, ..... (Inaudible) to bring unity and to get confidence, but now he has gone further to complain about the ..... (Inaudible) paper there. What help can the House have if the Member is going to ..... (Inaudible) on the fact that he is picking up from the paper and not what he wanted, the confidence ..... (Inaudible) this paper now?

The Speaker (Mr. Slade): Order! I have already stated that it is relevant. If hon. Members read the Motion again, they will see that it is referred to in the Motion and, as regards making a whole speech on an article, I think Mr. Oduya had better wait and see the full length of the speech to see what proportion this article takes.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I do not want to exchange words with the hon.

**[The Minister for Economic Planning and Development]**

Member for Teso, and some of the things he says when he is in his seat are just the sort of things that can be said by persons who want to do the thing he accuses me of trying to do.

Mr. Speaker, I submit to this House that anybody—anybody—who was genuinely worried about this magazine and this article, and who read it intelligently, could not have escaped the serious implications of this article. And, as I have said, when these sort of things are being brushed aside on the pretext that we are only concerned with what some people allege Mr. Gichuru said, we are merely trying to whitewash the affair and to fool the public.

Mr. Speaker, reference has been made in this House to unity. Of course, we want unity, and we do not just want it; we have worked for it. No man in this country has worked for unity more than the President of this Republic. He has toured and gone about the country, to bring to all the peoples in the different parts of this country a feeling of belonging, of participation, of togetherness. I can equally say, without any fear of contradiction, that all Ministers in this Government have emulated the fine example set by the President. They have toured, they have visited, they have discussed, they have listened to all manner of expression of opinion, to try to weld together a Kenya nation out of this sovereign State.

Mr. Speaker, many parts of this country which, for seventy years of British rule, had never heard of an effort by a Minister of the Government or by the Government itself to bring them closer to policy, to consult them and to see and listen to their problems, have, in the past three years, had that opportunity. Efforts have been made towards unity and this Parliament, as it sits here today, is part of the testimony of the success that these efforts have brought, for, in June 1963, we were divided, not into two but into more factions and groups.

Mr. Speaker, unity does not imply uniformity, and I do not expect that all of us shall be the same height, the same width, the same weight, the same complexion, or even the same tribe or the same race. But I do expect—and certainly our people demand—that unity shall mean that we stand by certain broad declarations of policy, that we support our Government, and that we represent to our people the proper state of affairs, without efforts or attempts to mislead or confuse them in issues about which they must be feeling very strongly.

However, Sir, the tenor of this article is that, in fact, the time for unity has passed and what we must now do is to come off the fence and be whatever we have been, benign only to this person and this paper. I am told that this Motion can lead to greater disunity. I question that I do not believe in unity where people fear to speak to each other frankly; I do not believe in friendship based on flattery; I believe in unity and friendship based on free and frank exchange, and I believe that the future of this country lies in that kind of unity, not in the other. Or, Mr. Speaker, are we being told that we should not raise these issues now because we might upset the apple-cart for some one?

If so, we are entitled to know and the public is entitled to know.

In this paper the writer of this article goes out of his way, in every paragraph, to sow the seeds of disunity, to create conflict and division. I will quote from one paragraph, although the whole article is very interesting reading. Speaking in this paper, they have chosen to give labels to some leaders in this country and in this Government; and yet we were being told only this afternoon that this is the only paper that is friendly to the Africans. This paper is so friendly to the Africans that it refers to Mr. Gichuru as a "stooge", who will discredit the Kenya people; it is so friendly to the Africans that it chooses to refer to the hon. Vice-President and the hon. Minister for Information as the left-wingers in the Government. In other words, Mr. Speaker, someone sitting in London has the cool impudence to decide that he is going to decide for the Kenya people, who are the leaders who are good, who are the leaders who are stooges, who are the leaders who are left-wingers, who are the reactionaries, and who are the progressives.

I think that I have said enough about this paper and this article. But there are other articles in this paper which I would commend to the hon. Members who have been so interested in it, who could not even afford to keep it in their pockets long enough, because it was burning their pockets every time it was put there. There are many articles here; and if anyone would like to tell me that they are intended to generate a feeling of unity in Africa, leave alone Kenya, then that man has a completely different understanding from mine.

Mr. Speaker, I have referred to this newspaper in the Motion because I feel that we must expose some of these things and we must discuss them fully and openly.

**[The Minister for Economic Planning and Development]**

So, Mr. Speaker, it is necessary to clarify, when some people speak of their next Government do they mean a next Government with different policies and programmes, or do they mean their personal, secret personal ambitions and aspirations to power? Because those are two different things. It is very possible that the hon. Member for Teso might lead it. I do not. I would like to assure the hon. Member for Teso that if he is leading a Government with the right policies, based on the declared democracy of this country, and with the support of the will of this people, he might find that all of us might support him. But, Mr. Speaker, if he intends to lead a different kind of Government, with different policies, we want to know and we want to tell him here and now that we shall not accept it.

Mr. Speaker, I am assuming for the time being, that the hon. Members' policies are similar to those that this Government supports, but I also hope that, when he speaks, he will enlighten us on what his policies are.

Mr. Speaker, since last week, and this is why perhaps we have seen fit at this point to bring this Motion in the House, since last week, there have been a lot of goings on, including in these Houses of Assembly, about this magazine, and the article contained in it. The title of the article is this "Kenya, is the price of unity too high", and the end of the article, before I come to the body of it, is this and in capital letters—

**POINT OF ORDER****LAYING OF DOCUMENTS ON THE TABLE**

Mr. Gichoya: On a point of order, Mr. Speaker, I understand that that paper has been banned in Kenya. How could it be referred to here whereas we cannot read it ourselves?

The Speaker (Mr. Slade): I did deal with that point of order earlier today, when I said that it was not a thing on which I could rule as a matter of order, though the Attorney-General might be interested in the presence of the paper, but I do think as a matter of order—in fact, it is so—any paper to which an hon. Member refers in the course of debate must be laid on the Table and made available to hon. Members to see, even if it is illegal.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I am willing to lay the paper on the Table at—

Mr. Anyieni: On a point of order, Mr. Speaker, is that not going to create a very difficult problem because if the paper is banned, Mr. Speaker, and

the Minister lays it here, then Anyieni wants to take it home to read it, somebody will follow me up? Is this not creating a problem, Mr. Speaker? Can we lay papers on the Table which we cannot take outside with us?

The Speaker (Mr. Slade): I think we will have to ask the Attorney-General to resolve this problem for us outside.

The Minister for Economic Planning and Development (Mr. Mboya): But, Mr. Speaker, with respect to the Member for Bassi-Majoge, papers laid on the Table are not supposed to be taken outside.

Mr. Shikuku: On a point of order, Mr. Speaker, I am seeking your guidance on this question of the paper. The hon. Member has just said that papers laid on the Table are not supposed to be taken out of this House. I was assuming, Mr. Speaker, that any paper laid on the Table becomes a legal paper and it is in order for anybody to take it out. After laying the said paper on the Table, shall we allowed if we find another copy of the same paper, to take it home with us?

The Speaker (Mr. Slade): All that I can require is that the particular copy that he has referred to is laid on the Table and made available in the library for Members to see. I cannot require other copies to be made available.

Mr. Shikuku: On a point of order, Sir, you did not understand my point, Sir. What I am trying to put is this. The hon. Member has a copy of a paper which is already banned and which is illegal. If he lays it on this Table, it becomes illegal. Shall I be entitled to go and get a copy from the library, and take it home with me to read, because if so, what is going to happen is that if I am found with it I shall be prosecuted?

The Speaker (Mr. Slade): I think I have your point, but all I can say is that you will be entitled to have this copy, this particular copy, made available in the library, and to look at it there. I cannot say whether you will be entitled to buy other copies; you will have to ask the Attorney-General about that.

**POINT OF ORDER****GOVERNMENT PAPERS LAID ON THE TABLE**

Mr. Anyieni: On a point of order, Mr. Speaker, normally, when the Ministers lay papers on the Table, they also tell us that we will find these papers in our pigeon-holes, and any material supplied to us in our pigeon-holes we can take with us. How is it that there is now a special standing that this paper can only be read in the library, in view of the fact that—

The Speaker (Mr. Slade): No, no, Mr. Anyieni, you are confusing papers which are laid by Government formally on the Table representing Government policy, with papers which are referred to in the course of debate by a particular Member. Papers laid by Government as a matter of Government policy are, of course, distributed by way of copy to all Members. When a Member is required—as he quite often is required—to lay on the Table a document to which he has referred in the course of debate, there is no practice of making copies of that document for every Member; it goes into the library for Members to see.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, am I in order to assume that the hon. Minister was substantiating something by producing this paper and that he was not laying it on the Table, because if he is reading extracts from this, this can be found in our HANSARD?

The Speaker (Mr. Slade): No, you are wrong on that. Mr. Osogo, it was not a case of substantiating; the Minister was referring to a document for the purpose of debate and Members are not required to restrict themselves to reading the extracts which he has read and which are reported in HANSARD. Very rightly, they are entitled to see the whole context. That is the reason for requiring the paper to be laid on the Table.

Mr. Oduya: On a point of order, Mr. Speaker, in view of the fact that Minister speaking is, not speaking just as Mr. Mboya but as Government, am I right to say that the House will be treating that paper which he is going to lay on the Table, as a paper which has been laid on the Table as a Government paper and not as a private document?

The Speaker (Mr. Slade): No, if you did not understand the distinction which I described just now, I am sorry.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir—

Mr. Gichoya: On a point of order, Mr. Speaker, there is one part which you have not made clear to me. If this copy is in the library, Mr. Speaker, and it will be accessible to every Member, suppose a Member borrows it from the library, this very copy—

The Speaker (Mr. Slade): He must not. He will not be allowed to.

I think before you resume, Mr. Mboya, let us make quite sure there are not any more points of order for a bit, otherwise let us have them now and get rid of them.

I think you are in the clear for a little bit now, Mr. Mboya.

**(Resumption of debate)**

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, the relevant paragraph that I was going to read in this article reads as follows, and I would like to quote—

An hon. Member: In capital letters.

The Minister for Economic Planning and Development (Mr. Mboya): Before I come to the capital letters.

"We have felt that the question—that is, the publishers of this—"of national unity has been paramount in Kenya. Most Kenyans have taken the same view. They have felt respect for Mzee Kenyatta's great nation-building efforts, but one is entitled to ask to what end is the unity being built." Then he goes on: "If Kenya is not to be brought into increasing disrepute, those in its Government and outside—"those in its Government and outside—"who hold progressive views must speak out at once." Then, Mr. Speaker, in capital letters, "They"—that is, those holding the progressive views—"must no longer hold a discreet silence. They must proclaim their own position clearly and uncompromisingly. The continent of Africa is in a condition of revolutionary crisis. How that crisis is resolved is of importance to the whole of mankind. Progressive-minded people are entitled to know who are their friends and who are their enemies in Kenya. The time has passed for sitting on the fence."

Mr. Speaker, that is the end of the quotation.

Mr. Speaker, the relevance of this article to my Motion is as follows. In the first paragraph I have quoted, we see the same pattern of, on the one hand, praising Mzee Kenyatta and, on the other, running down his Government and his country, the same pattern that we have been witnessing in some statements and speeches.

Then, Sir, in the second paragraph that I have quoted, we are told that Kenya is going to be brought to international disrepute and yet, Sir, those are the same words that we have even heard from some hon. Members in this House, and even today, that we shall see internationally. What shall we see internationally? This country and this House deserves to be told who are these internationalists who shall make us see, and what it is we shall see. We want to know if there are any back-seat drivers of the affairs of our country, trying to influence it, trying to dominate it and trying to direct it from outside this country. We want to know whether the people of this country elected us, so that we can serve the wishes of

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Deputy Speaker, Sir, is the Minister in order to ridicule Kisumu which has produced him.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, Sir, with the greatest respect to the hon. Member—

Mr. Anyien: On a point of order, Mr. Deputy Speaker, when a point of order is made, why do you not make the ruling, why do you allow the person who is speaking to make the ruling?

The Deputy Speaker (Dr. De Souza): There is no question about my making a ruling. I am grateful to Mr. Okelo-Odongo to having raised a point of order, but I did not think it was a point of order which in fact needed a ruling.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, the only comment I can make is that with the greatest respect to my friend the hon. Member, the Assistant Minister for Finance, if he knows anything about biology Kisumu can never produce me.

The Assistant Minister for Finance (Mr. Okelo-Odongo): On a point of order, Mr. Deputy Speaker, is the Minister in order to exhibit his ignorance of the fact that there exists something called geography?

The Deputy Speaker (Dr. De Souza): Order! Order!

I appreciate that there are asides in any debate and that Members like to be a little humorous, but I do not think it is necessary for us to exhibit our knowledge of either biology or geography or anything else. I think we had better continue the debate.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, Sir, I do not want to continue this exchange except to say that I may hail from Kisumu but perhaps the problem here is when you try to interpret Luo into English.

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

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

Mr. Speaker, on the more serious side of what I was saying, I have made the point and I do not think that I ought to repeat it except to emphasize it. That democratically we were elected and we hope democratically to stay in power. If in between an election there occurs a change of mind and if in between an election the Government is deemed to be ineffective, if in between an election the Government appears

to veer from the policies and mandate upon which it was returned to power, then we provide in the Constitution that this House must have the right to pronounce on the matter and the country must have the right to declare its preference afresh.

We do not believe that we should hang on to power purely for personal ambitions and prestige and land our country into some of the miseries that we have seen elsewhere. If, today, we are not wanted to govern then let someone else do so. Maybe tomorrow we could come back to govern. Mr. Speaker, the issue is as simple as that. This House has to express itself for or against the Government. Mr. Speaker, I want immediately to make this point, that paying lip service to the President as a person is not good enough. The President, under our Constitution is the Head of the Government, and the Constitution clearly states that his position is indivisible from that of his Government and Ministers. But lately, there have been occasions when some people have tried to suggest that "Oh, they like the President," but they single out certain Ministers that they do not like them, also, Mr. Speaker, some people say "Oh, they like the President, but the Government they do not like". Mr. Speaker, you cannot like the President and not like his Government, unless you underestimate his intelligence. This is cheap, and this is illogical, and that is why we offer the opportunity for a free, frank and public, I repeat the word public, discussion, because we on our part feel that we have nothing to hide.

#### POINT OF ORDER

##### RULING ON LIMITATION OF DEBATE AND CLOSURE

Mr. Anyien: On a point of order, Mr. Speaker, I see that it is about a quarter to six, being a quarter to six. Mr. Speaker, I want to know as to whether, in view of the fact that the Minister who is now speaking, seems to plan to speak for a long, long time, does this mean, Mr. Speaker, that when it comes to 6.30 p.m., the whole Motion will have to end, and if that is the case, Mr. Speaker, shall we agree that this matter can continue to be debated tomorrow? It would be unfair to the other Members who may want to speak.

The Speaker (Mr. Slade): Order! Order! There is no time limit fixed for this debate at present, either by Standing Orders or by resolution of the House, and so it will continue this evening, and if necessary, tomorrow, provided it is put on the Order Paper tomorrow, and continuously until the House resolves on the closure.

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, if it is the wish of the House that this Motion should be disposed tonight, even if it means we stay here, is there a provision in the Standing Orders whereby we can resolve to continue with this Motion until it is finally resolved?

The Speaker (Mr. Slade): Order! Order! As I explained to the House, there is no limit at present for this debate, it will continue until it is ended or the closure is successfully moved. It could be limited by a Motion under Standing Order 71, whereby the House fixes a time limit for the debate. That Motion can only be moved either before the debate begins, or after an adjournment. Presuming that we do not finish the debate today, at the start of tomorrow's business a Motion for limitation of the time for the continuation of the debate could be moved and carried. Of course, an hon. Member could move the closure of this debate before 6.30 p.m. this evening, but I doubt if I would feel in the position to allow it to be put.

Mr. Gichoya: On a point of order, Mr. Speaker, you have stated that we can continue even up to tomorrow, but we already see, Mr. Speaker, that there is an intention to close the debate before most of the people could air their views.

In the light of this, Mr. Speaker, Sir, could we then limit the time for each speaker, so that as many people can express their views on this confidence or non-confidence Motion, on the part of the Government?

The Speaker (Mr. Slade): Standing Order 71 applies both the limitation of the period of the debate and the limitation of the time allowed to each speaker. So the Motion, as I say, could be moved tomorrow before the debate is resumed, it could limit the time for each speaker as well as the time for the debate, but I do not think that any hon. Member ought to anticipate premature closure of the debate, because as hon. Members know, the Speaker has the last word as to when he will allow the closure to be put.

#### POINT OF ORDER

##### RULING ON EXEMPTION OF BUSINESS FROM STANDING ORDERS

Mr. Kagga: On a point of order, Mr. Speaker, supposing the House resolves that after the end of the time, that is after 6.30 p.m., we want an extension of time, can we extend it in this House?

The Speaker (Mr. Slade): Yes. Order! A Minister can move that almost anything be exempted from the provisions of the Standing Orders, and the Minister could move at 6.30 p.m. today or

even earlier, that this particular business be exempted from the Standing Order which requires us to rise at 6.30 p.m. for a specified period. It has been done before. If the House so resolves, then we go on for the period that the House so resolves.

#### (Resumption of debate)

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I would like to give the House a complete assurance that the Government is interested that every Member should have an opportunity to speak, and further that we do not intend to introduce a time limit, and lastly, that before 6.30 p.m. we intend to move the suspension of the Standing Orders.

Mr. Speaker, I am afraid that some of these interruptions make it necessary, for me, perhaps, to go back on one or two things, but I will try and avoid repetition. As I was saying before the interruption took place, the issue in this Motion, and if Members will read it, and read it without any prejudice and without any prejudged positions, they will note that all it does is to bring into this House what every honest Member in this House knows, has at one point or another, been either said, implied or stated, and there should be no fear, therefore, in getting all these matters brought here, aired fully, so that all of us, those who may have been having things on their chests, can cough them out and let them be free of the imprisonment of some of the figments, or some of the ideas, some very fantastic ideas, that some people have been going about with in the country. I think such a freeing of consciences will also help to free the public itself from some of the tensions and confusion which they tend to get into when they hear too many contradictory statements and too many allegations made about this Government and about its future. There have been cases where people have said, and some of it has been reported or referred to in this House, that "Oh, you do not worry, do not worry about this Government, we will wait for the next one", or "we shall have another one, everything will happen properly when the next Government comes into being".

Mr. Speaker, I know there will be another Government, I am not as naive as not to know that. But, one question is, whether this Government is pursuing the policies that are generally accepted by the people of this country. Whether we will have another Government in 1968 is not the question, the question is that as a democratic society the people of this country, must only have a Government of which they approve, and a Government whose policies they generally approve. That is the question.

**The Minister for Economic Planning and Development (Mr. Mboya):** The correction is correct.

Mr. Deputy Speaker, Sir, I would like to state at once that I fully understand the gravity of the Motion that is now before the House, and I would like to state quite categorically that it is not going to help explain the situation by mere heckling or shouting back at me as a person. Whether I am in the Government or not in the Government the most important thing is that Kenya should be free of the confusion. I am surprised, Mr. Speaker, Sir, I am free from the confusion that exists even today.

I am surprised to note that Members who now heckle me so loudly are the ones who not more than once, less, so many times here and elsewhere in cases, have in fact stated that the Government was divided, that there was confusion, and this Motion, Mr. Deputy Speaker, seeks to give the Members in this House an opportunity frankly, freely and publicly to state what it is that has been bothering them, what it is they feel is short, what it is that they feel is weakening the Government and to state quite categorically their views. Too often members of the public have been treated to doses of this or that statement or allegation against the Government and it is right that the Parliament, in the case of a democratic society such as ours, should have an opportunity to state quite categorically what it feels.

Mr. Deputy Speaker, looking at the HANSARD and at our newspapers and other publications, one comes across a persistence of very extravagant and reckless and even loose talking about the Government and about its future, including the future of this country. The people of this country and the public of this country need to know what it is that causes such loose, reckless and extravagant talk and statements. If we in the Government because we wish to hold on to Ministries, were to refuse a free ventilation of these issues, then, Sir, we would be denying the people and we would be denying this House its democratic rights. The Member for Gichugu has said, "Let us go to the country". Mr. Deputy Speaker, let me state quite categorically and let the public of this country know it, that at this time and hour and in this place and on this day the Government is offering the opportunity to go to the country, to dissolve this House. If this Motion—

**The Deputy Speaker (Dr. De Souza):** There is a point of order, Mr. Mboya.

**The Minister for Information and Broadcasting (Mr. Achieng-Otienko):** On a point of order, Mr. Deputy Speaker, in view of that statement can

we resolve here and now without even going ahead that, that is what we will do: go to the country?

**The Deputy Speaker (Dr. De Souza):** Order! I am afraid we are discussing one Motion. If there is a question of another Motion I am sure it will be taken in its due time.

**The Minister for Economic Planning and Development (Mr. Mboya):** But, Mr. Deputy Speaker, I would have thought that the Minister for Information is well conversant with the Constitution of this country, but that is precisely what the Motion is asking for. Under the Constitution of this country a vote of confidence means that if this House resolves to reject this Motion that it has no confidence in the Government, then the President will dissolve this House as laid down in the Constitution and every Member will have to go back to his constituency and be re-elected.

**The Assistant Minister for Finance (Mr. Mr. Okelo-Odongo):** Mr. Deputy Speaker, Sir, is the hon. Minister in order, or is he being accurate by reducing this big Motion, which has really two parts in it, that is of condemning a group which I think is in his own imagination, by reducing it merely to a Motion on the confidence of the President?

**The Deputy Speaker (Dr. De Souza):** Order! A Minister or any Member moving a Motion can say anything he wants provided it is relevant and I certainly cannot say that he has said is not relevant.

**Mr. Kamau:** On a point of order, Mr. Deputy Speaker, Sir, is it in order for such a Government Motion, for both Ministers of the Cabinet to start to throw mud at each other?

**The Deputy Speaker (Dr. De Souza):** Mr. Kamau, that is possibly a matter of comment, but I do not think it is a matter of order at the moment.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Deputy Speaker, Sir, I will deal with the points as I see them. In these past months there have been instances when some people have suggested that the Government had failed in its policies, in its programme and in its activities. There have been instances when some people have suggested that Kenya—

#### POINT OF ORDER

NO TAKING OF NOTES IN THE HOUSE EXCEPT BY THE PRESS

**Mr. Shikuku:** On a point of order, Mr. Deputy Speaker, Sir, I thought it was provided in the Standing Order that we have strangers, Pressmen

**[Mr. Shikuku]**  
and so forth and also diplomatic personnel in this building and the Press gallery is for reporters but anybody in the diplomatic corps cubicles allowed to go on taking notes, unless he is a Pressman?

**The Deputy Speaker (Dr. De Souza):** No, no, I am afraid that nobody else is allowed to take notes except members of the Press and the Serjeant-at-Arms will obviously look into it.

(Resumption of debate)

**The Vice-President (Mr. Odinga):** On a point of order, Mr. Deputy Speaker, the Minister moving the Motion has actually raised two very important questions, that this Motion is a vote of no confidence in the Government or a vote of confidence in the Government, which I said, and I have maintained, that he has no mandate of the Government to move that on behalf of the Government.

**The Deputy Speaker (Dr. De Souza):** Order! Order!

**The Vice-President (Mr. Odinga):** If that is what his intention is, because I took it to be a simple Motion that he was moving himself, but if it is on behalf of the Government I am afraid I cannot be a party to it and I will not sit and listen to it.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Deputy Speaker, Sir, I will continue with what I was saying. It has become the practice—

Hon. Members: Shame, shame.

**The Deputy Speaker (Dr. De Souza):** Order! Order! This is a serious Motion and I would ask hon. Members to treat it with seriousness.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Deputy Speaker, Sir, the people in this country knew me long before they knew the hon. Member for Bassi-Majaga.

The hon. Member has yet to produce a record of service in this country, except a record of words.

**The Deputy Speaker (Dr. De Souza):** Order! Order!

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Deputy Speaker, Sir, I will not be diverted from my speech by the hon. Member for Bassi-Majaga.

**Mr. Deputy Speaker,** it is fair to the Government, it is fair to the House, it is fair to the country and it is fair to the people that we

should have a reasonable degree of stability in this country. That there should be complete security in the minds of the people, that they should feel that the Government they have elected and the Parliament they have elected to look after their destiny and interests, is carrying out its responsibility as required, if at any time that stability, that security or that responsibility appears to be undermined or covered with a spate of confusion, and arising sometimes from those charged with carrying out that responsibility themselves, then the country is entitled to an explanation as to what exactly is going on. And today we are giving the opportunity for those Members who have been saying or those persons who have been trying to plant the seed of doubt and the seed of confusion, to come out as men and state what it is they are worried about, and state what it is they feel has not been done which should be done. If, Mr. Deputy Speaker, we were to take the public of this country for granted or to take this House for granted, we would be making a serious mistake. We would be abusing the responsibility entrusted to us by the mandate of the people. It is quite all right for those who are not Ministers to feel that every time they rise in this House they can abuse, ridicule Ministers and the Government and themselves build the image that they do not share at all in the collective responsibility of this House to the people of this country. We are getting tired of just taking abuse after abuse, ridicule after ridicule and it is far better that we know here and now how we stand with this House and how we stand with the people of this country.

If, Mr. Deputy Speaker, we are in power by force and we are insubordinating any person or any group of persons, we wish to know this, if in fact we are in power as a small clique that, as somebody has said a few minutes ago, has lost touch, has lost influence and has lost the support of the people, then we should be told so and democratically, because we wish to preserve the democracy and constitution of this country.

Let us be told so in broad daylight. Not at night and not by discussions of coups, because, Mr. Deputy Speaker, the freedom of this country was won through the efforts, the unity and the suffering and even the bloodshed of many of our countrymen. Many of them did not live to see it or to enjoy it and we have no right, none of us has any right, to think, including myself, and including the hon. Member for Kisumu or whatever it is.

**The Deputy Speaker (Dr. De Souza):** Order! Order!

The Speaker (Mr. Slade): Order! Do please keep quiet, Mr. Anyieni, you have been at it non-stop.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I really thank the men who advised our hon. President, His Excellency, Jomo Kenyatta, to ask any one Minister, no matter what his number is in the line, to move this Motion today. The country is waiting this very minute to hear from the hon. Members who really do represent the country, to say and state clearly and categorically whether they support the Mzee or whether they support another group. Mr. Speaker, Sir, anybody should be ashamed to stand in this hon. Assembly and try to oppose this Motion which says that this Assembly, this House—

The Speaker (Mr. Slade): Order! If hon. Members persist in being so disorderly I shall send out those who continue to make trouble. I was just going to remind Mr. Mwendwa that the debate we are on now is not the merits of the Motion, but whether we should adjourn the House.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I thank you, Sir. I think I have made my point very clearly, and I really oppose the adjournment of the House.

Mr. Balala: On a point of order, Mr. Speaker, Sir, is the Minister in order to imply that there are people opposing the Motion, when in actual fact the Motion is for the adjournment of the House?

The Speaker (Mr. Slade): Order! That is why I called him to order, and referred him back to the question before the House.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I have made my point, therefore, Sir, I beg to oppose the adjournment of the House.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I stand to oppose the Motion for adjournment. I think we have talked so much about a lot of things that require clarification, and this is a golden opportunity to give us that chance so that we can speak and speak freely.

I therefore, Sir, oppose the Motion and hope that hon. Members will also oppose it.

Mr. Kaggin: Mr. Speaker, Sir, I rise to support the Motion very strongly, and I would like, Mr. Speaker, Sir, to say, from the outset, that we

have confidence in the President, all of us, and there is no question about that. But, Mr. Speaker, Sir, I must make it very clear that we shall not allow, and you should not allow it, Sir, for some Ministers who know very well that they have no confidence in this country to come and cover and carry on. Mr. Speaker, Sir—

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): On a point of order, Mr. Speaker, Sir, is the hon. Member right in implying that there are some hon. Ministers who have no confidence in this country?

The Speaker (Mr. Slade): No, it is quite out of order to say anything like that, and quite irrelevant I think, to this adjournment debate.

Mr. Kaggin: All right, Sir, I will withdraw. Mr. Speaker, Sir, what I was going to say is that I support the Motion for adjournment very strongly, because this Motion was brought here in a hurry without notice even to yourself. The Minister told us that this was a Motion of the Government, that it was so important and asked the House to debate it today. We have heard in this House, Sir, Ministers of the same Government contradicting each other, some saying that this is not a Government Motion and others saying that it is a Government Motion. That, Sir, is why I say that we should not allow a group of Ministers or some Ministers to try to seek a mandate from this House as a cover in the name of the Government and the name of the President. I am sure, Sir, that the President has no doubt that this country has confidence in him. If he has any doubt, then he could have come here today and moved the Motion himself. But it is for these Ministers who might have doubted their confidence who should come here and bring their own Motion and seek a mandate for themselves, then we shall see whether they get it.

Mr. Speaker, Sir, as some of the Members have said here, this is not a straightforward Motion. If it was a straightforward Motion just demanding a mandate of the Government, we should not need any time to discuss it, but if you read it, Mr. Speaker, Sir, you will see that it is very involved. It includes all the groups there and it shows that some kind of small group met last night, and drafted this Motion and brought it to the House today. We are not going to allow our President and Government to become involved in this small night group. It is for this reason, Mr. Speaker, that we would like some time to discuss and have the consent of the President as to whether this is a Government Motion.

[Mr. Kaggin]

Mr. Speaker, Sir, we have already had an example of this, I think it was last session, when one of these small groups which met at night drafted out a Motion saying that there were arms being brought into the country. It was brought here as a very important Motion, Mr. Speaker—

The Speaker (Mr. Slade): Order! Now please keep to the point of the adjournment of the House today, Mr. Kaggin. I think you are getting well away from it.

Mr. Kaggin: Yes, Mr. Speaker, Sir, but I was just giving an example. Mr. Speaker, Sir, I feel that this is a peculiar Motion and we need time in which to discuss it. Mr. Speaker, Sir, before I sit down, I would also like to say that the demonstrations which we have had in this House this afternoon are very confusing and it has revealed to us the whole confusion and muddle existing in the Cabinet, and we should therefore have the time to sort this out before we discuss this Motion.

Therefore, Mr. Speaker, Sir, I would ask the Speaker to ask the President to confirm whether this is a Government Motion before we debate it tomorrow. I beg to support.

Mr. arap Bly: On a point of order, Mr. Speaker, Sir, I beg to move that the Mover be called upon to reply.

The Speaker (Mr. Slade): No, I think I am right in saying that on this particular procedural Motion, there is not any reply, but it is reasonable to consider the closure. I will put the question.

(Question, that the question be now put, put and agreed to)

(Question put and negatived)

## MOTION

### CONFIDENCE IN THE PRESIDENT AND HIS GOVERNMENT

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to move:—

THAT WHEREAS the Government of the Republic of Kenya under the leadership of Mzee Jomo Kenyatta, has carried out faithfully its mandate as approved by the people at the General Election in 1963;

AND WHEREAS all the Government's activities and policies have been based on a faithful interpretation of the democratic will of the people, as expressed in the Constitution of the

Republic, the Kanu Manifesto and the Sessional Paper No. 10—African Socialism and its application to planning in Kenya;

AND WHEREAS the President of the Republic and his Government have spared no effort in securing the unity of the people of Kenya under Kanu so as to create the political stability needed for the effective and rapid development of the country;

NOTING THAT in these past months some leaders and even Members of Parliament have used words or made statements implying lack of confidence in the Government, its activities and its policies;

NOTING ALSO that there have been those who call themselves Socialist Group and Progressive Group—including the recent exhortation by a monthly magazine, *Africa and the World* (for the Progressive Leaders) in this country to act now instead of sitting on the fence;

THIS House, having regard to all these matters—and being convinced that those who do not support Government policy should be free from any responsibility in the Government's actions and, further, that such people should declare publicly their intentions—expresses full confidence in the President and his Government and condemns those dissident and confused groups.

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

I would like, Mr. Deputy Speaker, Sir, in the first place to ask that—

Mr. Makokha: On a point of order, Mr. Deputy Speaker, Sir—

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Deputy Speaker, there is a correction to be made on the Paper that has been circulated, and that is that the word "diffident" should be "dissident" and that the words, "and his Government" be added after the word, "President" in the last line. These are typographical errors. I believe that is what the hon. Member was going to raise.

Mr. Makokha: On a point of order, Mr. Deputy Speaker, Sir, that is not the point of order, I wanted to raise, the point is this. On the copy I have it merely reads, "confidence in the President and condemns . . ." May I know if the words, "and his Government" are included in this paper?

The Deputy Speaker (Dr. De Souza): Yes, I think Mr. Mboya has explained this, and notice of this was given to the Speaker earlier, that these words were missed out in the typing and that they are typographical errors.

The Speaker (Mr. Slade): Order! Mr. Odinga is on a point of order.

The Vice-President (Mr. Odinga): Mr. Speaker, I feel that, since this Motion is what it is, and in view of what it is trying to bring about, this can only be done if the House is adjourned and which will give us a chance to check it actually with the President, to see if this is a Government Motion. But this would be a queer way, because it is not the President who usually gives the House the Government business; it is from me that you always get Government business.

The Speaker (Mr. Slade): You would not be able to move the adjournment of the debate. Mr. Odinga, until the question had actually been proposed; that is to say, after we had heard the Mover and seconder and I had proposed the question. Then it would belong to the House, and any hon. Member who was on his feet in the course of the debate could move the adjournment of the debate. Alternatively, you could move now, as a point of order, the adjournment of the House. You are entitled to do that. This would mean that we do not more business today.

#### MOTION FOR THE ADJOURNMENT

##### ADJOURNMENT OF THE HOUSE (UNDER S.O. 31 (b))

The Vice-President (Mr. Odinga): On a point of order, Mr. Speaker, I hope the hon. gentlemen will wait for me to speak, because when it becomes hot I always become alive.

Now, Sir, in the light of the heat that I feel, I beg to move that the House do adjourn now, in order to consider some very important questions which I have already mentioned.

The Speaker (Mr. Slade): Are you seconding.

Mr. Khalif: Yes, I am seconding, Sir, I beg to second the Motion that the House do now adjourn, in view of the fact that we today see the Vice-President of Kenya at loggerheads with a Minister in this Chamber, and a Minister at loggerheads with the Vice-President. As far as I am concerned, Sir, I have always thought that, in the order of supremacy, the President, the hon. Mzee Jomo Kenyatta, comes first, the hon. Oginga Odinga, next, as the Vice-President of Kenya, and T. J. Mboya is only one Minister.

The Speaker (Mr. Slade): Order!

Mr. Khalif: Mr. Speaker, the hon. T. J. Mboya is only a Minister. I am saying, Sir, that—

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Sir, I do not know whether you allow such remarks. It has been indicated that this Motion is a Government Motion, and

now a Member is alleging that this Motion belongs to a Private Member. Is this not out of order completely?

The Speaker (Mr. Slade): Yes, I think it is at the present stage. You must accept the position that, at the moment, this stands as a Government Motion.

Mr. Khalif: Sir, I have never said that this is not a Government Motion. What I said was that a Minister brings a Motion and indicates that it is a Government Motion, and then we have the Vice-President saying that this is not a Government Motion. And if you did not understand, Sir, why Mr. Odinga moved the adjournment of the House, his reason was that the hon. Oginga Odinga moved the adjournment because he said that he never knew about this Motion before. And he knows all Government Motions which are brought to this House by all the Ministers. Yet the fact that he indicated that this never went through him, the fact that the Minister for Information indicated that one hour ago the President did not give the impression that this was a Government Motion, this alone, Sir, should make hon. Members understand, realize, agree, that this House should adjourn now until the President is consulted.

As far as I am concerned, Sir, I know that a Motion never does become a Government Motion unless it goes through the President. I am not challenging anyone; I am saying that as far as I know no Motion becomes a Government Motion unless it has the consent of the President. Now we have the Speaker of this House saying that he never up to now had the opportunity to know whether this Motion was going to be moved with the assent of the President or not. We are left, therefore, in doubt as to whether this is a Government Motion. This is, by itself, an argument to adjourn the House. We must consult the President. The President is supreme, the President is the only person who can either consent to this Motion and say it is a Government one, or who can refrain from saying that it is a Government Motion. It is not for the hon. Odinga, it is not for the hon. T. J. Mboya to do this. As far as the House is concerned, although they are Ministers, compared with the President, they are nothing. We want the President to rule on this. We want the President to say that this is a Government Motion, and we can go ahead and discuss it; or else we want the President to say that this is not a Government Motion, and we will say, "Hon. Mboya, you have indulged in untrue statement in Parliament", and we are going to see what we are going to do to him. But we want the President to rule on this; it is for the President

[Mr. Khalif]

of Kenya, the hon. Jomo Kenyatta, to say that this is a Government Motion or this is not a Government Motion. It is not for the hon. T. J. Mboya or the hon. Odinga to say that this is or is not a Government Motion.

Sir, this House has been put in a very embarrassing position. For the first time in history, since Kenya attained independence, we have two Government Ministers at odds, and yet we are told that the Government of Kenya has unity and the members of the Cabinet are united. Yet we have two Government Ministers opposing themselves in this Chamber, one saying that this is a Government Motion—

The Speaker (Mr. Slade): Order! Order! Please do not say everything six times, Mr. Khalif.

Mr. Khalif: Mr. Speaker, Sir, I beg your pardon, if I was getting heated.

The Speaker (Mr. Slade): Keep off repetition, you may have some more points to make. Marshal your thoughts a little.

Mr. Khalif: Sir, I would like to say this, that in view of the fact that for the first time in history since Kenya attained its independence we have two Ministers at loggerheads and this House should agree—the Members should be patient if they want to hear what I have to say. But, Sir, I feel that this House should agree with the hon. Vice-President in that we should resolve here and now that this House should adjourn until the word of the President is obtained.

#### (Question proposed)

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I am surprised, and I also hope that the people who are listening to us here are also surprised. Mr. Speaker, Sir, it takes no time at all for me to decide whether I love or hate somebody. I do not need to be given any time to think. Even during my sleep, if somebody wakes me up and say, "Do you like Kenyatta?", I do not need any time to think—

#### MOTION

##### WITHDRAWAL OF STRANGERS

Mr. Maisori-Itumbo: On a point of order, Mr. Speaker, Sir, in view of the seriousness of this Motion, and I feel that I can speak freely, therefore, Sir, would I be in order to ask you to declare that the strangers in the House withdrew from the Chamber?

The Speaker (Mr. Slade): Order! If any hon. Member supports the proposition that strangers be ordered to withdraw, I immediately put the question and take the feeling of the House.

Mr. Omari: Mr. Speaker, Sir, I beg to second the proposition put forward by Mr. Maisori-Itumbo.

#### (Question proposed)

#### (Question put and negatived)

#### (Resumption of Debate on Motion for Adjournment of the House)

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I was saying, when I was interrupted, that if anybody wakes me up during the night and asks me, "Do you have confidence in Kenyatta", I do not need to give this question any time at all to tell them the answer, also if I am asked if I have confidence in the Kenya Government, I do not need any time to tell them the answer which is yes. Yes, Sir, I have confidence in the Kenya Government. Mr. Speaker, Sir, what is this Motion asking us to do? It is asking us to show here today, without wasting time, that we have confidence in the very President we are talking about or whether we have confidence in the Government which we support. Therefore, Sir, I do not see the reason why—

Mr. Kamau: On a point of order, Mr. Speaker, Sir, could the hon. Minister address His Excellency as the hon. President, Mzee Kenyatta, instead of calling him just Kenyatta?

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): I am sorry, Mr. Speaker, Sir, if I did not say our hon. President. Mr. Speaker, Sir, all that I am saying in the opposition of the adjournment of the House is that—

Mr. Kase: On a point of order, Mr. Speaker, Sir, I wonder whether it would be in order for the hon. Minister to declare whether he is speaking as a Member representing a constituency or whether he is speaking as a Minister?

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I do not need to declare myself here, I am—

The Speaker (Mr. Slade): Order! In any debate, even a debate on procedure, the Members do like to know in which capacity a Member is speaking, whether it is a Minister or otherwise.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I am not one of those people who when they want to commit a crime they say, I speak as a Member, I am always a Minister. I am proud of it, and any time I commit a crime, then let me be taken as a Minister. Mr. Speaker, Sir, all that I am saying is that—



[Mr. Kaggia] from the Minister for Information whether he has seen this film or not? If so is it not fair for us to see this film—

The Speaker (Mr. Slade): Order! Order! It is nothing to do with order, this. You will have a perfectly good opportunity of making this sort of suggestion during the debate, but not as a point of order. Now can we get on with the business?

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Speaker, Sir, in view of the fact that part of the Motion, the last paragraph reads "This House, having regard to all these matters—and being convinced that those who do not support Government policy should be free from any responsibility in the Government's actions and, further, that such people should declare publicly their intentions—expresses full confidence in the President and condemns these diffident and confused groups", in view that this is part of the Motion, why should this House not be allowed, Mr. Speaker, to debate the whole Motion?

The Speaker (Mr. Slade): Order! Really, Mr. Bomett, it is quite superfluous for you to get up on a point of order and argue that this Motion should go ahead, when I am only too anxious for it to go ahead, if hon. Members will only give it a chance.

#### POINT OF ORDER

##### MOTION TO BE REFERRED BACK TO GOVERNMENT

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, with, I think, all due respect, to the views expressed by you, I would have said that since this Motion is being argued, as to whether it is a Government Motion or not, I am actually taking it that it is not a Government Motion. And if it is a Government Motion, I would like it to be referred back to the Government and let us consider it.

Furthermore, the Motion asks for the unity and the harmony of the people, and if that is the real intention of the Motion, then the only line we can take is to refer the Motion back.

The Speaker (Mr. Slade): There may be some sense—I am sure there always is some sense—in what Mr. Odinga suggests, but I cannot rule on that as a matter of order. It would be open to him, in discussion with Mr. Mboya or others, to propose the adjournment of the debate at any time, once we get started on this. Again, it is a matter of the internal organization of Government, which I cannot direct from the Chair.

Mr. G. G. Karuki: On a point of order, Mr. Speaker, in view of the fact that you have ruled

that this Motion is a Government Motion, why do we waste time? Could we not continue now?

The Speaker (Mr. Slade): A very good idea, Mr. Karuki.

Mr. Khalif: On a point of order, Sir, now that you, as the hon. Speaker, have admitted that you had no previous consultation with the Government as to whether this was a Government Motion or not, and now that we have the Vice-President of Kenya at loggerheads with a Minister—

The Speaker (Mr. Slade): You are going over and over the same thing. Sit down. I will not have hon. Members going over and over the same ground by way of points of order. You are deliberately wasting the time of the House.

#### POINT OF ORDER

##### WHETHER POINTS OF ORDER CAN BE RAISED AFTER HOUSE HAS DECIDED TO PROCEED WITH MOTION

Mr. Gatuguta: On a point of order, Mr. Speaker, it looks very interesting, that points of order should be raised as to whether this Motion is a Government one or not a Government one, when we know, Sir, that when this Motion was moved the House agreed that it should be taken as Order 6A. Sir, I am seeking your guidance on this matter. After the House agreed that the Motion should be debated, is it in order that Members should then raise questions as to whether it should be debated or not?

The Speaker (Mr. Slade): There was no formal resolution that it should be debated, it was merely that I sounded the feeling of the House as to whether it should go on the Order Paper today or wait until tomorrow; and I sensed the very strongest feeling that it should go on the Order Paper today. That was not a resolution of the House and, therefore, these points of order, questioning the authority for the Motion and so on, are not out of order. But they have been disposed of, and I am not going to have them repeated.

#### POINT OF ORDER

##### RULING ON CHALLENGING THE CHAIR'S RULINGS

Mr. Oduya: Mr. Speaker, on a point of order, I just seek your guidance on this—

The Speaker (Mr. Slade): Get on with it, please.

Mr. Oduya: Sir, I come to seek your guidance, possibly you may help the House—

The Speaker (Mr. Slade): Yes, will you make your point of order? This preamble is quite unnecessary.

Mr. Oduya: I am going to make it. Can the Chair inform this House how the Members, or some of the Members, would be able to put things right, if they find, for example, that the Chair might be biased or influenced—

The Speaker (Mr. Slade): Order! Will you sit down, please, Mr. Oduya? I think, Mr. Oduya, this is the third occasion on which you have sought to challenge the impartiality of the Chair by a purported point of order, seeking guidance. You have had the answer three times: that it is contrary to Standing Orders to criticize the conduct of the Speaker without a substantive Motion for that purpose, a Motion which goes to the vote and shows you the resolution of the House. If again you try to use this method of criticizing the Chair, I am afraid I will have to send you out of the House.

The Vice-President (Mr. Odinga): On a point of order, Mr. Speaker, I am sorry to come back to this, but I want to know about this. If the Members would like to debate this particular Motion, I am not worried about it. If they want to debate it as a Private Member's Motion, I do not mind; but if it is a Government Motion, this is what I am worried about. Government Motions are normally decided by us in Sessional Committee and then we bring them here; we do not normally bring them abruptly like this. I do not think any Minister would just bring a Motion abruptly like this.

The Speaker (Mr. Slade): Mr. Odinga, this is a most unfortunate situation and, from what you tell me, I do sympathize with your position, but I do not think I can add anything from the Chair, on a point of order, to what I have said already. I am of the opinion that we have to accept this as a Government Motion, if it has been directed, as Mr. Mboya says, by the President, and we will proceed with it now.

The Vice-President (Mr. Odinga): That actually shows me, Mr. Speaker, that you disbelieve what I am saying. You believe Mr. Mboya and you disbelieve me. That is another question, and I must take it so, because I also have a responsibility in this House.

The Speaker (Mr. Slade): I am very sorry you should say that, Mr. Odinga. It is quite incorrect that I have disbelieved you. I have accepted everything you said as true. It does not alter the position, as I see it, as regards the order of this House. I have given a ruling, to the best of my ability, hearing what you say and what Mr. Mboya says; and I cannot go any further. I am very sorry if you think I have disbelieved you. It is not so.

Mr. Anyleni: On a point of order, Mr. Speaker, I am happy that you are being patient about this, because this is an important matter. Now the point of order I want to raise is this: When you have received information from one Minister, telling you that such and such a Motion is a Government Motion, then a Minister from that same Cabinet tells you that this is not a Government Motion, would it not be proper for you to seek—

The Speaker (Mr. Slade): Order, Mr. Anyleni! Will you sit down? You are trying to go round and round on the same point, and I will not have it. If anybody wants to raise a point of order, it must be a new one; and I do not think there are any more new ones on this.

The Minister for Information and Broadcasting (Mr. Achieng-Onekko): On a point of order, Mr. Speaker, am I in order to be heard if I give my impression when I saw the President about an hour ago, on this particular Motion?

The Speaker (Mr. Slade): No. We cannot possibly entertain, on the Floor of this House, disagreements and conflicts between Ministers of the same Government. All we can do is when a Minister gets up and says, "I do something by the authority of the President", believe that it is so until it is repudiated by the President. I cannot see any other way.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, in this case, when the situation is as it is today, would it then be proper for this House to seek the consent of the President or ask him to appear?

The Speaker (Mr. Slade): No. I think Government has to decide this, what they do about it. The position, as far as this House is concerned, stands as I have described it half a dozen times.

The Minister for Information and Broadcasting (Mr. Achieng-Onekko): On a point of order, Mr. Speaker, I would like to say that when I saw the President an hour ago he did not impress on me that this was a Government Motion.

The Speaker (Mr. Slade): No, no more points of order from you, Mr. Khalif; I am afraid you are too repetitive.

#### POINT OF ORDER

##### RULING ON ADJOURNMENT OF DEBATE

The Vice-President (Mr. Odinga): Mr. Speaker, can I move that, in view of all the opinions that have been expressed, this Motion be adjourned until we consult—

Several hon. Members: No.

**[The Speaker]**

but notice was given earlier, and there should have been a copy in every Member's pigeon-hole by now. If any Member wishes to see a copy and has not got it he should go to his pigeon-hole.

**POINT OF ORDER****PRINCIPLES USED BY SPEAKER ON DECIDING TO APPROVE NOTICES OF MOTION**

**Mr. Khalif:** On a point of order, Mr. Speaker, I should like to know whether this Motion by the hon. Minister is to be considered as a Private Members' Motion, in which case it will be given only one and a half hours or whether it is going to be considered as a Government Motion, whereby more time is going to be given to it.

**The Speaker (Mr. Slade):** No, I understand that it is a Government Motion. In fact, that is the only reason I can see for it having been taken in Government time. So I have no doubt Mr. Mboya will confirm that he is speaking for Government in moving this Motion.

**The Assistant Minister for Finance (Mr. Okelo-Odongo):** On a point of order, Mr. Speaker, I do not know whether from your answer you are not quite definite whether this is a Government Motion or not. I would like us to be quite clear about this.

**The Speaker (Mr. Slade):** We were going to hear from Mr. Mboya.

Just a moment's patience, and I think you will hear.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Speaker, Sir, I beg to move—

**The Speaker (Mr. Slade):** I am sorry, Mr. Mboya, we would like confirmation that it is a Government Motion.

**The Assistant Minister for Finance (Mr. Okelo-Odongo):** On a point of order, Mr. Speaker—

**This Speaker (Mr. Slade):** Mr. Mboya has confirmed that it is a Government Order.

**The Vice-President (Mr. Odinga):** I would object to that, Mr. Speaker, because I did not know of the Motion.

**The Assistant Minister for Finance (Mr. Okelo-Odongo):** Mr. Speaker, if I understand that this is a Government Motion, what is your practice all the time that when a Motion is brought to you, you decide whether the Motion should come in or not? I believe that you are using certain principles, and I would appreciate it very much, Mr. Speaker, if you would tell this House some of these principles, because I see words included in this Motion which are really fiction, like—

**The Speaker (Mr. Slade):** What is your point of order, Mr. Okelo-Odongo?

**The Assistant Minister for Finance (Mr. Okelo-Odongo):** My point of order is, would it be in order for you to address the House somewhat with regard to the principles you use in deciding when a Motion should be brought here or not, because this Motion would seem to be intended to create disunity.

**The Speaker (Mr. Slade):** Yes, but this cannot be an opportunity for your discussing the merits of the Motion, Mr. Okelo-Odongo. I think hon. Members are very well acquainted with the very simple principles that guide the Speaker in approving a Notice of Motion. He has to approve any Notice of Motion which is not contrary to Standing Orders; that is to say, it does not raise a matter that has already been resolved by the House within the last six months; or does not anticipate some other matter which is already coming along, or does not raise a matter which is *sub judice*. A very, very limited range of things the Speaker has to disallow. Otherwise, he has to allow a Motion, whatever he thinks of it himself, though some times he may take it on himself to try and persuade the Mover to change the language or even the form, or discourage it altogether. That is a matter for persuasion, it is not a matter of the power of the Speaker.

**POINT OF ORDER****GOVERNMENT MOTIONS: APPROVAL OF PRESIDENT**

**The Minister for Economic Planning and Development (Mr. Mboya):** On a point of order, Mr. Speaker, I would like to confirm that this Motion is a Government Motion and that I will speak for the Government on what I want to say to the House and that consultations which are normally necessary for introducing a Government Motion took place. It is not for anyone, as an individual, or for any single Minister, as an individual, to claim that a Motion is not a Government Motion because he personally does not agree with it, or does not wish to introduce it.

**The Speaker (Mr. Slade):** Order! It is certainly rather embarrassing for the House if they hear from two Ministers two conflicting views as to whether a Motion is a Government Motion or not a Government Motion. I think the only test is whether it is authorized or directed by the President. If Mr. Mboya says that the President has directed him to move this Motion, it is a Government Motion.

**The Vice-President (Mr. Odinga):** Mr. Speaker, as the man responsible for the Government business in this House, I must say categorically that I have just learned of this Motion in this House when I came in. I was not aware of it at all before this.

**The Speaker (Mr. Slade):** As I say, this state of affairs is regrettable—Order!—but we are concerned at the moment as far as the order of the House goes, with whether this is or not a Government Motion. We have to take it, I think, that the Minister who purports to move it as a Government Motion, and tells the House that it is directed by the President, has, in fact, done it by the direction of the President. The rest is a matter internally for Government outside the House.

**The Vice-President (Mr. Odinga):** Can I take it, Mr. Speaker, as being the person responsible for the business here, you would expect that I would know it in the first place.

**The Speaker (Mr. Slade):** I did acknowledge that it was embarrassing, Mr. Odinga.

**Mr. Khalif:** On a point of order, Mr. Speaker, before the hon. Mr. Oginga Odinga rose on a point of order, he indicated that this was not a Government Motion, and now we have the hon. Mboya stating that it is a Government Motion. In view of the fact that the hon. Vice-President is the most senior Minister in this House—

**The Speaker (Mr. Slade):** Order! Order! Mr. Khalif you are seeking to reopen a matter of which I have disposed.

**POINT OF ORDER****GOVERNMENT MINISTERS: COLLECTIVE RESPONSIBILITY**

**Mr. Anyieni:** On a point of order, Mr. Speaker, I would like you to inform us of your usual principles which guide you in deciding. This is in connexion, Mr. Speaker, with the fact that you, as the Speaker of this House, do recognize the fact that, according to the ruling of the President, the Vice-President is in charge of this House. When a Minister of the same Cabinet brought a Motion to you which was, I think, of special importance, to be debated at an abrupt moment without prior notice to this House, would it not have been in order, Mr. Speaker, and would it not have been proper for you to inform the Leader of this House before, and in view of the fact, Mr. Speaker, that you say you did not, do you not think, Mr. Speaker—

**The Speaker (Mr. Slade):** Order! Order! No, the sort of thing Mr. Anyieni is suggesting is quite contrary to any conception of collective responsibility.

**Mr. Oduya:** On a point of order, Mr. Speaker, since the Vice-President, who is second in command—let us accept the fact—and also who is responsible for the National Assembly, has said that this is not a Government Motion and the public are here and the Press is here, now the Minister for Economic Planning also says that this is a Government Motion, according to your own ruling, how many Governments are there?

**The Speaker (Mr. Slade):** If you want me to answer a point, give me a chance to hear it, please.

**Mr. Oduya:** Would you inform us whether this is the normal practice. If it is the normal practice, we would like to know on what basis are we going to accept this Motion and has the Minister for Economic Planning got documents from the President or not, since the Minister who is responsible for the National Assembly is denying that it is a Government Motion. Is the country going to understand this confusion?

**The Speaker (Mr. Slade):** Order! Order!

If hon. Members cannot keep quiet when the Speaker is on his feet, they will have to leave the Chamber, it is a fundamental principle of order. Now, hon. Members are trying to pursue this all over the place, where they cannot go. The principles are very simple. Our Government is based on the conception that hon. Members hear over and over again the conception of collective responsibility; that means that any Minister who speaks as a Minister, is believed and assumed to speak with the authority of Government, and any Minister who comes near the Speaker for any parliamentary business is accepted by the Speaker on the face of it as speaking for Government. It is the first time in my experience, I think, that in this House I have heard two Ministers contradict each other as to whether a matter is or is not authorized by Government. I have never had occasion to inquire before. I have never thought of inquiring. Since it has arisen, there is only one test, as I say, and that is, has this been authorized by the President? Mr. Mboya assures us that it has. If he is wrong, I am sure there will be very quick reaction and repudiation from the President himself. We must accept what Mr. Mboya says and now proceed with this Motion.

**Mr. Kagga:** On a point of order, Mr. Speaker, as it appears this Motion was motivated by this report which was contained in the paper, *Africa and the World*, and in view of the fact that we hear that this film has already arrived in the country, is it not fair for this House to hear

**[The Assistant Minister for Defence]**

documents offered here. They are hanging there, they have been hanging there for days, sometimes for years, without our having looked at them, but one day will not debar us from debating what we have had in our hands for nearly twenty-three days. It will be the Second Reading, Mr. Speaker, when it comes here, and when the Second Reading of the Constitutional Amendment Bill comes, I think they may speak until—as usually they do—Kingdom come or ad infinitum.

Mr. Speaker, Sir, there is one further point which I must stress here before I resume my seat. There are certain hon. Members, and they may be quite right, who have a reasoning that perhaps we want to give certain powers and vested powers, but that will be discussed when it comes. There are certain sections on which certain people have certain misgivings, but let that day come and you speak for as long as you like, but on this occasion, Mr. Speaker, Sir, I beg this House, because we have already had the reading of this thing for twenty-one days, to let us debate it for twenty-one years. Thank you, Mr. Speaker.

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo):** Thank you, Mr. Speaker, for giving me this chance. I think I should clarify a few misgivings that the hon. Mover of the amendment and a few of his supporters are trying to give to this House. It is a pity that if our electors knew exactly what we are trying to talk about here, they would be surprised. Mr. Speaker, here is a document that has been lying with us since 21st January 1966. In the new one, the Attorney-General has told us very, very plainly that it necessitated him deleting a section, section 127. That has saved us from reading more and, here again, we are asked that we should be given more time to read what we have been reading for over twenty-one days, as the hon. Assistant Minister for Internal Security has said.

Those hon. Members who are amending this Motion have not asked in their speeches what amendments might have occurred. In fact, they have not seen the new Bill. They have not seen it because they have not gone to their pigeon-holes, Mr. Speaker. This is a pity. The only words which have been added are "six months"; those are the new words that will be read. Otherwise, the work has been simplified by deleting a full section. The rest of the wording is the same, word for word, from the beginning to the end, except the deletion and the addition of "six months" in another section. If we cannot

see the words "six months", Mr. Speaker, so that we should need seven days to see the words, then we should be told here—

**Mr. Anyieni:** On a point of order, Mr. Speaker, is the hon. Member who is now speaking not, in fact, discussing the Constitution instead of this amendment, because he is trying to bring what has been changed in the Constitution. In which case, Mr. Speaker, we should have been allowed to discuss why in that Constitution, we demand seven days. He is telling us now how good it is that it is shortened and he is discussing the Constitution.

**The Speaker (Mr. Slade):** No, he is not. He is not. He is pointing out, as directly relevant to your amendment, the fact that this is the same Bill that the House has already had published for many days, with one deletion, and one addition of the words "six months". That is directly relevant, I would have said, to whether you need seven days or one day to look at the new publication.

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo):** Mr. Speaker, I thank you very much for your wisdom.

I was only telling my friends that if they cared to hold the two documents in their hands they would not have moved this amendment because they would have been ashamed of it. They would be ashamed in that the words are the same except for a deletion, and this has been clearly expressed here by the Attorney-General who stated that he could not amend the Constitution in the Committee stage as it is not allowed. He had to withdraw the whole Bill so that he could delete this section and add a small thing. This is what has actually happened. If we leave this House, Mr. Speaker, I would call upon our voters to see how much we are trying to waste their time by asking for more time to read something we have already read over and over, and still ask for more time here. Mr. Speaker, I would appeal to hon. Members to go out and go to their pigeon-holes and go through their papers. I have noticed that some of the pigeon-holes are full up. It will take them quite a time to get this Bill, but I would ask them to go out and get the Bill so that they can compare it with what has been amended without coming here.

**Mr. Speaker,** with due respect to the Mover I think I will ask the House to support the original Motion and not the amendment. Thank you, Mr. Speaker.

**Mr. Ngala-Abok:** On a point of order, Mr. Speaker, may I move that the question of the amendment be now put because, in fact, it seems

**[Mr. Ngala-Abok]**

that there is no more material except repetition, in support either of seven days or in opposition to seven days. So I suggest that the question of the amendment be now put.

**The Speaker (Mr. Slade):** That is a reasonable proposition. I will put the question.

*(Question, that the question of the amendment be now put, put and agreed to)*

*(Question of the first part of the amendment, that the words to be left out, be left out, put and negatived)*

*(Debate on the original Motion resumed)*

**Mr. Khalif:** On a point of order, Mr. Speaker, is it not in order for somebody who has either had an amendment or seconded an amendment to speak on the original Motion?

**The Speaker (Mr. Slade):** No, any Member moving or seconding an amendment has an opportunity to speak on the main question at that time, as well as putting forward his amendment. Then, when you debate the amendment, if debate is confined to the amendment itself, any Member speaking on that debate is free to speak on the main question afterwards, but not the Mover or the Seconder of the amendment. They have had their turn.

**Mr. Warithi:** Mr. Speaker, I will be very brief. I stand to support this Motion. The reasons why I support this Motion, Mr. Speaker, are that the purpose of the period of publication, if Members are aware, is to enable Members to study the Bill. If a Bill is hardly a page and a half, I do not think that it would require a period of fourteen days. I also believe, Mr. Speaker, that our Standing Orders are for our own convenience. If we have Standing Orders we pass them ourselves in this House, we can amend them at any time for our own convenience. I do not believe that we should be slaves to Standing Orders if they are in the way of what we want to do. Therefore, Mr. Speaker, the question of this publication from fourteen days to one day is simple—the main argument is that the Bill was published a long time ago, we have seen it, we have studied it and we are quite aware of the contents. If the Members were willing to study it, and to refer to the amendments, there was ample time to do it.

So, Mr. Speaker, there have been suggestions that some Members in the Government were trying to ignore the Constitution. There is no intention, Mr. Speaker, for anybody in this House to show that the Constitution is not important. We all believe that it is important and we all believe that it should be given the due time

required. If we have not yet studied it, we can study it and see what is intended. I do not see why we should oppose this Motion.

With these words I beg to support.

**Mr. Ngala-Abok:** Mr. Speaker, Sir—

**Mr. Khalif:** On a point of order, Mr. Speaker, is it therefore now not in order, Sir, that the Mover should be called upon to reply?

**The Speaker (Mr. Slade):** It is a reasonable proposition, but I do not allow it to be proposed by some hon. Member who has had his turn and wants to debar another.

**The Minister of State, President's Office (Mr. Nyamweya):** Then, Mr. Speaker, I suggest that the Mover be called upon to reply.

*(Question put and agreed to)*

**The Vice-President (Mr. Odunga):** Mr. Speaker, Sir, I thank the hon. Members for taking keen interest in this Constitutional question and I thank the hon. Members, particularly the Assistant Minister for Agriculture, for having made it very clear to the Members what our intentions were. They were not evil at all, and I hope that when we come to debate this Constitutional question we shall all face it squarely and with open hearts.

I beg to move.

*(Question put and agreed to)*

**CONSIDERED RULINGS****TIME FOR DEBATE ON SUPPLEMENTARY ESTIMATES**

**The Speaker (Mr. Slade):** Before we come to the next Order, I would point out to hon. Members that although it was directed by the Order Paper that the next Order, Committee of Supply should begin not later than 3.30 p.m., it is now nearly 4.30 p.m., that is of no real significance now that the House has resolved that the next Order may continue for two days. As I explained earlier, it will be open, if the House so desires, to resolve again tomorrow or the next day that we should continue for a further day.

I will ask hon. Members to disregard that note on the Order Paper, "not later than 3.30 p.m."

**COPIES OF MR. MBOYA'S MOTION FOR MEMBERS**

**The Speaker (Mr. Slade):** Before calling Mr. Mboya I would like to make sure that hon. Members have in their possession a copy of the actual Motion here; the Supplementary Order Paper only gave a general warning of the Motion.

[Mr. Gichoya]

mere rubber-stamp of the country as a whole. Now, Mr. Speaker, when you get these piecemeal things you are bound to be confused at one stage or the other, because we are not lawyers, Mr. Speaker, and we do not know how to connect this clause and the original clause and the other clause to give us this meaning. So we would like, as part of our home-work, to have the whole document, the first amendment, the second amendment and this amendment combined, then we would know that this was amended, now after amending this we are amending this one and the implications would be thus.

Mr. Speaker, one day means a people rushing. I do not know where the people are going to. We have been assigned a duty, Mr. Speaker, by our own constituents to come and make a law peacefully and very carefully, but what the Vice-President is suggesting, along with the Attorney-General here, is that we must act like children in a school who are told by their masters "Do this" and immediately say "Sir, yes, we do it". Here we are mature leaders and as mature leaders, I understand Mr. Speaker, that previously it used not to be fourteen days during the colonial period. It used to be forty days for a Bill, but if it is a matter of progress, I see also that progress is being discussed here, well and good. If a revolutionary approach is to be made it should be taken into account and I believe also that it must be calculated revolutionary.

The Attorney-General says that we are now a revolutionary people and we are to rush, and instead of having forty days we must have one day. Mr. Speaker, if we do that, what is going to happen is that the whole world will laugh at this Parliament and say that we have never come across such a foolish Parliament as the Parliament of Kenya, which does not consider the implications of a Bill. Mr. Speaker, I feel that it is wrong on the part of the Government to come and rush things here in this House and later, when we come to realize the implications, we start repenting. When we start repenting, there will be no solution.

If, Mr. Speaker, we can take the past experience, we said one day that the Constitution we amended first was based on certain interests and we made it very clear that we wanted to have our Father of the Nation as the President of this Republic. Consequently, we never cared whether that particular approval of the Constitution meant certain implications, dangerous ones or otherwise. Mr. Speaker—

The Speaker (Mr. Slade): Mr. Gichoya, you are wandering pretty far. You say it ought to be

fourteen days, or seven days? Have you any further argument for making it seven days instead of one day?

Mr. Gichoya: Yes, Mr. Speaker, seven days instead of one day. I agree that we need also to be speedy. That is well and good, that is a progressive outlook, a progressive mind, that people are looking ahead. If that is the case, Mr. Speaker, seven days would definitely be reasonable for everyone to scrutinize the document and air some views. The intention, Mr. Speaker, of seven days is simple: that we are to explain our own views here express our misgivings on the Constitution which exists and suggest also further amendments to the future Constitution. I say here, Mr. Speaker, the confusion that exists in this country is based on the kind of Constitution we have.

At one stage of time, Mr. Speaker—if I may say so—I found it very difficult to challenge the Head of the Government, because he is the Head of State, and, furthermore, he is the Father of the Nation, although there are certain things which I am entitled, as a citizen of this country, to say are wrong. If I say so, I am not touching the Government, I am touching the personality of the President which, in principle, is wrong. I would have even gone to the extent of saying that the new Constitution must give a place for a Prime Minister who we can abuse in this House—

The Speaker (Mr. Slade): Mr. Gichoya, do keep to the point, please.

Mr. Gichoya: Yes, Mr. Speaker. I was trying to explain the reasons as to why more days are necessary than one—

The Speaker (Mr. Slade): Oh, no, you were not, you were going far beyond it.

Mr. Gichoya: Mr. Speaker, ending my short speech on this, I would say, let us accept seven days and reject this one day.

Mr. Kase: Mr. Speaker, Sir, hon. Members are as much touched with the amendment of the Constitution as I am, and the country as such.

However, Mr. Speaker, I am wondering whether on the reason given by the Vice-President and the Attorney-General, hon. Members have tried to think a little. All the Vice-President has said and the Attorney-General has said is that they are moving a simple clause of the main Bill that is all; it is being removed, but the rest is remaining as it was. Mr. Speaker, we are not here to pass Bills for some certain interests which might destroy other people. I remember in this House, Mr. Speaker, when we debated that lengthy Bill on the Constitution, it was reduced from fourteen days to one, and it was this House which did reduce it.

[Mr. Kase]

Mr. Speaker, the question of reducing it to one day does not stop hon. Members from opposing it. Mr. Speaker, I do not want to declare my interest on that one; I mean, I have my own views on that Bill. Whether I will accept it or not is a different matter. Whether hon. Members will be debating this Bill one day or two days is their business. I do not see the reasoning of just refusing the Motion as it stands and amending it to seven days, Mr. Speaker, if the Bill is the same as it was, except for removing a clause from the Bill. If this is discovered not to be true, and that clause is still there, then we shall not trust the Vice-President or the Attorney-General, but if that clause is going to be removed altogether, I do not think we have anything to quarrel about since we have had almost a month to study that constitutional Bill.

Mr. Speaker, Government should know whether it comes today or tomorrow hon. Members are going to oppose it, there is no doubt about that. So, whether hon. Members want to postpone it for the next two years, whether they want to postpone it for the next five years, the situation will come to the same thing. Mr. Speaker, I do not think I have really much to say except to appeal to hon. Members that we should accept the one day, and whether we shall accept the Bill as such will be at our own discretion.

Therefore, we should not really spend much more time of the House. I beg to oppose the amendment.

Mr. Kamani: Mr. Speaker, Sir, I will speak very briefly on this amendment.

I will warn the House that the Constitution we have is the one we knew before our independence took our Government to remain in London for a long time. Today, we know very well, Mr. Speaker, Sir, that we have failed to make some progress in this country because of this Constitution.

Here is a very interesting clause, Mr. Speaker. I want to refer to what it says, which is very important. If we look at the first one, it reduces it from fourteen days to eight days, but when it comes to the very important question of the Constitution, it is reduced from fourteen days to one day. Mr. Speaker, Sir, I want this House to look very carefully at this. If we cannot give free education to this country because this Constitution will not allow us, and if we come only for one day and say that we pass the Bill, that we agree to amend the Constitution on the following day, I do not want anybody to try to convince me here that it is only one word in the Constitution.

I am not a lawyer, but I could say with my experience that if we have suffered, we have suffered in order to have a Constitution in this country. If we are now enjoying any fruits, we are enjoying them through the Constitution. Therefore, the Constitution should be given time. I must speak my mind frankly, that seven days is more appropriate than one day.

I know, Mr. Speaker, some people who are making these amendments—some people may shake their heads any way they like, but I am expressing my own opinion that if we are to make anything effective in this House, we shall not play about with the Constitution, passing it in a day.

Without labouring much on this, Mr. Speaker, if the Powers and Privileges should have eight days—the word "Privileges" should make us happy—the most important thing, amendment of the Constitution, should have more than one day. I really fail to understand, Mr. Speaker, how these hon. Members could be honoured throughout the world if they could overlook the importance of the Constitution of this country.

With this, Mr. Speaker, Sir, I would very strongly oppose one day for passing a Constitutional Bill, and I support the amendment.

The Assistant Minister for Defence (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I thank you very much for this opportunity.

First of all, I take this particular opportunity to congratulate my friend, the Vice-President, for moving the Motion and for sticking to the one day. In the first place, Sir, I wish to say this. Some people appear and wish to show the world, as they call it, that they are the guardians of the Constitution. It is not the privilege of those particular folk, either, as I know them. I remember, Mr. Speaker, Sir, way back in 1964 I spoke very scathingly against the amendments to the Constitution, and I am no believer in written constitutions, but the situation we have here today is a completely different one. The Constitution, as an hon. Member said here, should be of such a nature that it will be understandable to the ordinary person. In my view, that should be expedited, and it was one of the stern warnings I gave the Attorney-General, that the people who drafted that clumsy and cumbersome Constitution should be sacked. I still do say so because I know what you people desire is to get a simple Constitution, and you are going to have it.

Therefore, let us have the one day, but that one day means only this, Mr. Speaker, I must deplore that we have a lot of paper work; they are one of the guilty ones. We do not read the

[Mr. Anyieni]

Mr. Speaker, Sir, I am saying this because if we say more days, then the House might have to adjourn before such a Motion is discussed. Mr. Speaker, Sir, I believe that if this were to be published and seven days given, then very many Members would be able to study so that when we went to our constituencies we will not have amended a Constitution which may mean the penalizing of our people without our knowledge.

With those few remarks, I beg to move that amendment.

Mr. Khalif: Mr. Speaker, Sir—

Mr. Kall: On a point of order, Mr. Speaker, I see that the Vice-President is asking for eight days but in the Minutes of the Sessional Committee it is nine days. I do not know which is which.

The Speaker (Mr. Slade): I cannot help that. It cannot be raised as a point of order, I am afraid. It can be raised in debate possibly.

Mr. Khalif: Mr. Speaker, Sir, I thought that amongst all the Bills that we have raised in this House the Kenya Constitution (Amendment) Bill is the most important. Sir, I do not see why the publication of the Kenya Constitution (Amendment) Bill should be reduced from fourteen to one, which is the least. Sir, we can interfere with Members sitting but we can never interfere with the Kenya Constitution (Amendment) Bill just because we cannot afford to adjourn the House and call Members of Parliament again. The Kenya Constitution is the most paramount of our laws, of our Bills, the one of the most paramount importance and without the Kenya Constitution this country is not even worth mentioning. The Kenya Constitution (Amendment) Bill should be given fourteen days, all the time that is needed and that is specified in our Standing Orders. There is no reason, Sir, why we should minimize the publication of our Constitution amendment from fourteen to one day, that is, so far as I am concerned, Sir, ridiculous.

Sir, I should think that Members of Parliament should be given chance to figure out what part of the Constitution the Government wants to amend and in so doing it is only logical to say that the Government should give Members of Parliament more than one day as far as the publication of the Kenya Constitution (Amendment) Bill is concerned. There is no question, Sir, of us minimizing the importance of the Kenya Constitution amendment. I do not see any reason and I do not think there is anyone in this House, even a Minister or even an Assistant Minister, who should minimize the importance of the

Kenya Constitution. We, Sir, have here an amendment of the Constitution of Kenya and we want this amendment—I am not saying that the amendment is bad or good—all that I am saying is that the amendment should be given all consideration, and should be given all the time that the Members of Parliament need to think about it. The publication, in so far as the Kenya Constitution (Amendment) Bill, 1966, is concerned, should be given all the time, in respect of publication, as are the First, Second and Third Readings. This is the most important Bill in Kenya. We had one in 1964 and it was the most important for that year, it is the most important for this year and it will always be the most important for the coming years the Constitutional (Amendment) Bill. We will not allow, and I hope that Members of the Chamber will bear me out, Members of the Government coming into this Chamber and trying to minimize the importance of the Kenya Constitution. The Kenya Constitution is paramount and is most important and I hope that Members will bear me out that we shall not allow Members of the Government to come to this Chamber and try to minimize the importance of the Kenya Constitution. If we are going to have an amendment to the Kenya Constitution it is going to be an historical event, it will go into our history, and we will not allow what is going into our history, such an historical event, to be minimized, We cannot allow that.

Mr. Kase: On a point of order, Mr. Speaker, with due respect to the hon. Member for Wejir North, I thought he was repeating far too much the word minimize, minimize. I feel he has already made his point.

The Speaker (Mr. Slade): Order! No, the hon. Member was not out of order. He may have been exaggerating what would be the normal opinion of this Motion, but that can be answered of course by a representative of the Government as to what the intention is. You cannot call him to order on this.

Mr. Khalif: Sir, forgetting the interference of the hon. Mr. Kase, I would like to ask all hon. Members that they should not consider the Kenya Constitution (Amendment) Bill as any other Bill, it is the most paramount and for this reason, Sir, I would like to urge all hon. Members not to reduce forthwith the publication of this Bill from fourteen to one day, instead I would urge all hon. Members to agree with the amendment in which it is suggested that the days of publication be reduced from fourteen to seven, this is logical argument, but reducing it from fourteen to one is just ridiculous and I ask all hon. Members to understand. I beg to support.

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

The Speaker (Mr. Slade): We will confine debate to this particular amendment, and not the rest of the Motion.

Mr. Malinda: Thank you, Mr. Speaker, on a point of order, I would like to know can I speak generally on the— I was trying to find out if I could speak generally on the Motion.

The Speaker (Mr. Slade): No, I have just said "No", when I proposed the question.

Mr. Malinda: Then, Mr. Speaker, Sir, I would like to speak on the general Motion.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I rise to oppose the amendment because I think it is due to misunderstanding. Mr. Speaker, the main Bill which the Vice-President has just moved, was in fact published on 21st January this year and in fact it had ripened for debate in this House, but as hon. Members will remember, the Minister for Finance was urged to move a Motion which in fact moved an amendment to a Finance Bill which was also contained in this Constitution. Now that amendment was agreed and as a result of that I had to withdraw the Bill because, unlike other Bills, the Constitution Bill cannot be amended in the Committee stage. Now what we have in fact done is merely to take out what was amended in the Finance Bill and, therefore, Mr. Speaker, Members have had enough opportunity—as I have said this Bill was published on the 21st January—and there is nothing substantial which has been added to this Bill, in fact what I have done is to take out that section which is necessitated by the amendment which the Minister for Finance introduced. Therefore, Mr. Speaker, I beg to oppose.

Mr. Seroney: Mr. Speaker, Sir, I have never heard such a poor excuse for seeking to reduce the period of publication in respect of these two Bills as that advanced by the Vice-President.

The only reason given, Mr. Speaker, is that if we do not have these two Bills, then we cannot keep Members here in Parliament. Well, Mr. Speaker, if we have no other work to do, but these two Bills have to be cooked and presented prematurely to Members, then I am sorry I begin to wonder what we are here for. Mr. Speaker, Sir, no reason has been given whatsoever—

The Speaker (Mr. Slade): The Vice-President is inviting you to give way, Mr. Seroney.

The Vice-President (Mr. Odiga): On a point of information, Mr. Speaker, I thank the hon. Member for giving way, but he is misquoting

because I gave the whole reason, but I gave the reason which has actually been confirmed by the Attorney-General and which I gave very, very strongly indeed and which I never normally make at all in my statements.

Mr. Seroney: Mr. Speaker, Sir, the reason referred to by the hon. Member applies to the second Bill, but certainly does not apply to the first one.

Now, Mr. Speaker, there appears to be a tendency—

The Speaker (Mr. Slade): We are only debating the proposed amendment from fourteen to seven days at the moment.

Mr. Seroney: Mr. Speaker, Sir, does that mean when we come back to the original I can refer to the first one?

The Speaker (Mr. Slade): Yes, when we have disposed of this amendment.

Mr. Seroney: Mr. Speaker, Sir, I am sorry I did not accept either the original Motion or the amendment.

Mr. Speaker, Sir, as I have said we appear to have the tendency where we have no Constitution except pieces of schedule which are being amended piecemeal every time, so that I do not really know whether the Members know what Constitution they are supposed to be amending.

Mr. Speaker, I would like the Minister concerned to produce to this House, for the information of those who do not know how these things are worked, to produce the Constitution of this country in one whole document, instead of constantly—

The Speaker (Mr. Slade): Yes, but Mr. Seroney unless you suggest that he is going to do it within these fourteen days, it is not relevant to this question.

Mr. Seroney: I reserve my comments, Mr. Speaker.

Mr. Gichoya: I rise, Mr. Speaker, Sir, to support the amendment which states that this must be more than one day. I have reasons for saying that. In the first place, we have thrice now amended this Constitution, this is the third time of amending the Constitution and as the hon. Member here has put it, we badly need a comprehensive document to see the connexions between the first and the present one. Today, Mr. Speaker, if you go to the library you can never get all the amendments kept in the library, that is a comprehensive document which means a new Constitution for Kenya. What we are getting today is another method of—without our knowledge perhaps—of possibly landing ourselves in a situation whereby this House would just be a

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, am I allowed to speak?

The Speaker (Mr. Slade): Yes, Mr. Ngala-Abok, you can speak. But there is not an amendment for you to support.

Mr. Ngala-Abok: Thank you very much, Mr. Speaker, Sir—

Mr. Oduya: On a point of order, Mr. Speaker, Sir, is it in order for hon. Members to remain unacquainted with our Standing Orders?

The Speaker (Mr. Slade): It is most regrettable that the hon. Members are not yet acquainted with Standing Orders.

Mr. Ngala-Abok: Mr. Speaker, Sir, I think your clarification of what this Standing Order means and says has cleared quite a lot of the doubts of the Members as far as the intention of the Motion is concerned. I can only say, Sir, that in future the Minister when introducing such an Estimate should not fix a day because our Standing Order, which you have just pointed out to us, is so flexible, but that it should be put that it must be more than one day, so that we do not find ourselves having to come to an end at a time when the Members still wish to speak or when some points are not clear, when discussing such Estimates.

Mr. Speaker, Sir, I support this idea of extending the day, but I wish that in future the Minister will not fix a day, but just say for more than one day, which means more than the days that the Standing Order says. Thank you very much, Mr. Speaker, Sir.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, Sir, since this is a Procedural Motion, could we now call upon the Mover to reply? Mr. Speaker, Sir, the notice of the Motion was on the Order Paper long before we came to the House, and if someone wanted an amendment under the Standing Orders, then, as you have rightly pointed out, they should have submitted it. We should not just be asked by the Member for Bassi-Majioge to delay other business in order to suit his purpose.

Therefore, Mr. Speaker, Sir, I was moving, on a point of order, that since this is a Procedural Motion the Mover should be called upon to reply.

The Speaker (Mr. Slade): I do not think the House would suffer by entertaining that Motion. I will put the question that the Mover be called upon to reply.

(Question put and agreed to)

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

(Question put and agreed to)

## MOTION

### REDUCTION OF BILL PUBLICATION PERIOD: THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) (AMENDMENT) BILL

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I beg to move:—

THAT this House agrees that the period of the publication of the National Assembly (Powers and Privileges) (Amendment) Bill be reduced from fourteen to eight days; and of the Constitution of Kenya (Amendment) Bill be reduced from fourteen days to one day.

Mr. Speaker, Sir, I hope the hon. Members are, especially the hon. Member behind me, patient for a little while, and then they will understand the reasons which are accompanying the Motion. I should say, Mr. Speaker, Sir, that the National Assembly (Powers and Privileges) (Amendment) Bill is a very straightforward and simple Bill indeed as the hon. Members have seen. The Sessional Committee have very carefully considered this and found that we could not adjourn the House while we have so much business pending and some of which we can dispose very quickly, instead of having to wait for another week. Therefore, Sir, the Sessional Committee, very kindly, requested the House to accept and endorse that we relieve the usual procedure of fourteen days and have only eight days. Surely the hon. Members have already started that Bill, so that when they come here they will find it very easy for them to go through.

Now, Sir, we come to the Constitution of Kenya (Amendment) Bill. Mr. Speaker, Sir, the Bill itself had already matured, but because of the amendments which we had last week, there were certain consequential amendments which were necessary to be embodied into the Bill. As you know, according to our Constitution, you cannot make any amendments in the Committee stage in this House. If it is something which has to be amended it has to go back to be reprinted and the whole game restarted. It is only that we were given fourteen days again after the fourteen days which had lapsed, and in that fourteen days, we did not consider that there was anything which needed to be added than what the hon. Members had studied in the Bill. If the hon. Members would agree, the Bill stands just as it was with only a few minor amendments, and if we could waive now the other fourteen days and continue with the work of debating it, I hope the Members will get the business which they can continue with during this week and perhaps the next week, or if they are quick enough, then we could finish it this week.

### [The Vice-President]

Now, Mr. Speaker, Sir, this is necessary, because we have actually gone through all the business that we had. We did not want to interrupt the continuation of the sittings by just adjourning the House and then within a fortnight call you back again. We thought that would be a great bother, therefore we wanted a continuation so that we could get on with this Bill. I am sure, Sir, that the hon. Members will see reason as to this request which the Sessional Committee has put before the House, approve it and therefore let us continue forthwith.

Mr. Speaker, Sir, I beg to move.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

Mr. Anyieni: Mr. Speaker, I wish to support the first section of this Motion, which deals with the National Assembly (Powers and Privileges) (Amendment) Bill asking us to reduce the time from fourteen days to eight days. I think, Mr. Speaker, Sir, that eight days is enough for any Member to study and say what he wants to say on this Bill. But, Mr. Speaker, Sir, I find it my duty to reject and introduce an amendment to the second section of this Motion, which deals with the Constitution of Kenya (Amendment) Bill.

Mr. Speaker, Sir, I find that a matter which has to do with the Constitution of our country is a matter of fundamental importance. That is, Sir, the foundation of our nation. Therefore, Sir, I see no reason why, when in those days, the colonial days fourteen days was thought to be sufficient time in order to let the Members look at a Bill, but, Sir, why today, when we are independent, when an amendment to the Constitution is being proposed, that instead of allowing the Members to have it and go over it for many days, it should be published for one day and then raised in debate. Mr. Speaker, Sir, I do not understand why this has become necessary. Is it the fear that if the Members are given sufficient opportunity to look into the Bill, that the Members will see the danger involved in the Bill; that the Members will see the interests of their constituencies interfered with; that the Members will be able to see the rights given in the Constitution being played about with in that amendment? Is this, Mr. Speaker, Sir, intended to make sure that things will be done, like things are being done today, for instance, Motions being given and then rushed through?

Mr. Speaker, Sir, we believe that the Constitution of Kenya and for that matter the constitution of any other country, is the basis of that

country. The absence of a constitution results in the absence of that country; the absence of that country as a union, institution and government. Mr. Speaker, Sir, the Vice-President has not told us why he thinks that the Constitution of our country should be hurried up.

Now, Mr. Speaker, Sir, the hon. Vice-President has just said that he did not want to interrupt the sitting of the House. I see how necessary that is, because I see that we have a lot of business, as I see a lot of Motions being brought by the hon. Members. Furthermore, Sir, the business of our Constitution is being hurried up in one day, and I do not see that this is necessary. Mr. Speaker, Sir, maybe some Members think that if we allow this it will be all right, but, Sir, I must warn the hon. Members that they will be creating a very dangerous precedent because tomorrow morning a very dangerous amendment Bill can be published and within a day or two of that publication the Members will be asked to approve. This, Mr. Speaker, Sir, I feel is very dangerous. I suspect that the reason why this Motion is being brought is because of the fact that for the last two or three weeks there has been on the Order Paper an amendment Bill to the Constitution. When the Government tried to find out what the majority of the Members felt about it, then I am sure that the majority of the Members would reject this Motion, because it was going to affect the Members and the country as a whole, and maybe that is why this procedural Motion is being brought to this House. Mr. Speaker, Sir, I see that the Attorney-General is shaking his head, but if he can assure me that this is not the reason, and also what the Vice-President said is not the reason, then that is all right, but, Sir, I still feel that you cannot hurry up the Constitution of a nation, because you do not want to interrupt the House. If it is necessary then you allow the Members to go out for one or two weeks, and then call them back. They are there at your disposal.

Now, Mr. Speaker, Sir, I believe that what should be done is that if the Government wants to do something quickly, in order to make the arrangements for the sitting of this House, but we know that according to the arrangements of the sittings for this House we are going to sit until March, therefore, Sir, we do not want to delay too much, and I believe that seven days will be enough. Therefore, Sir, as I have already notified you, I am proposing to amend this Motion by deleting all the words after the word,

"to" in the last line, and inserting in place thereof the words "seven days", so that the Motion now reads, "... from fourteen days to seven days."

Mr. Obok: Secondly, Sir, would the Minister not agree with me that *Africa and the World* is the only African news magazine—

Several hon. Members: Shame! Question!

The Speaker (Mr. Slade): Order! Order! I am calling for order, and if I am not heard the hon. Members who do not hear me will have to leave.

Mr. Obok: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister not agree with me that *Africa and the World* is the only news magazine that has sympathy for the African and projects the African point of view?

The Speaker (Mr. Slade): Order! That is quite irrelevant to this question.

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, and in view of the fact that hon. Members here have, possibly, different information, do I understand, therefore, that the Minister for Information has separate information or has possibly seen the film? If so, could he assure this House that in the near future he will display the film?

An hon. Member: From Russia with Love.

Mr. Gichuru: I think the House has every opportunity, when we come to debate the Motion which has just been tabled, to bring these questions up; then everyone could take part freely. This is just a question and I am responsible for it.

The Speaker (Mr. Slade): Yes, I am inclined to agree with the hon. Minister that since we have a full-scale substantive Motion related to this subject coming on this afternoon, it would be better for hon. Members to pursue this question then and meanwhile we will proceed with other Orders.

Mr. Anyieni: On a point of order, Mr. Speaker, in view of the fact that the Minister has now replied to the effect that, because there is an impending Motion in connection with this question, some of the things the Members are now asking should be brought up at the time of discussion of this Motion, what guarantee has the House that some individuals or some hon. Members will not introduce Motions in this House abruptly, Motions which have been prepared in advance and thereby take advantage of the other Members who have not had time to prepare for such a Motion?

The Speaker (Mr. Slade): I cannot quite understand what the hon. Member is complaining of. I pointed out to the House the ordinary practice with regard to notice of Motion and the time for taking a Motion, of which notice is given, when the notice of this Motion was given to this

House. I sounded the feeling of the House as to whether there was a preference for taking this Motion today, rather than tomorrow; and there seemed to be an overwhelming preference for taking the Motion today. That is the view of the House, not mine, nor indeed of the hon. Member who gave notice of the Motion. And if there is a Motion coming on, what is the objection to postponing any further questioning until that Motion is debated? I really do not quite see what the hon. Member complains of.

The Assistant Minister for Finance (Mr. Okelo-Odongo): Mr. Speaker, Sir, on a point of order, is it in order to have in this House a magazine which has been banned by the Government?

The Speaker (Mr. Slade): Order! I do not think I can rule on that as a matter of order, though the Attorney-General may be interested!

Mr. Shikuku: On a point of order, Mr. Speaker, since you have declared that it is beyond your jurisdiction to rule on that, is it not in order for us to ask the Attorney-General to give us his ruling as to whether the hon. Minister would be subjected to arrest after this House rises?

The Speaker (Mr. Slade): No, if it is not a matter of order, it cannot be raised as a point of order.

We will go on to the next Order.

## MOTION

### BUSINESS OF THE HOUSE: SUPPLEMENTARY ESTIMATES

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move:—

THAT, under the provisions of Standing Order 145 (3), this House orders that the business of supply for Supplementary Estimate No. 1 (Recurrent) of 1965/66 and Development Supplementary Estimate No. 1 of 1965/66 shall continue for two days if necessary.

Mr. Speaker, Sir, the Motion is self-explanatory, if read with Standing Order 145 (3). The Sessional Committee last week felt that the House should have the opportunity of extending its examination of the Supplementary Estimates over two days instead of one, should it desire to do so, and this Motion allows the Committee of Supply to report progress and ask leave to sit again tomorrow at the time for interruption, instead of having to apply the gullotine at 6 o'clock, which otherwise would have been necessary.

Sir, I beg to move.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

(Question proposed)

Mr. Seroney: Mr. Speaker, Sir, this Motion, just like the next one, appeared to be innocent, but, Sir, our Standing Orders, like any law or any constitution, for that matter, are designed to serve a specific purpose, and we are standing to prejudice our position in this House if we are going to set aside our Standing Orders before we have had explained to us why it is necessary that we should do so. I would rather that we get down to the business and, if it is necessary, I have no doubt that we have sufficient control over our own Standing Orders to stretch them, if necessary, once we know why these Supplementary Estimates have been introduced today.

Mr. Speaker, I oppose this.

The Speaker (Mr. Slade): I think I should explain to hon. Members, both on this Motion and on the next one, that neither Motion here is actually proposing a suspension or exemption from Standing Orders. In each case the Standing Order says the such-and-such a thing shall happen unless the House otherwise orders. So that Standing Order itself contemplates that the House may, on certain occasions, wish for a longer time for Supplementary Estimates or for a shorter time for the publication of a Bill. The House is almost invited by Standing Orders to entertain a Motion of this kind from time to time.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, perhaps at this time, I can point out to the hon. Member for Nandi North that if he had looked at the Supplementary Estimate No. 1, then he would have thanked the Minister for Finance and the Government for having brought this Motion to the House, because he will notice that it is quite a thick pamphlet which would not possibly take one day, and I think that is the reason why the Motion, was brought by the Minister for Finance, because he wanted the Members of this House to have ample time in order that they may examine thoroughly the Supplementary Estimate No. 1. So, Mr. Speaker, Sir, I would like to point this out to the hon. Members, that this is an indication that the Minister for Finance wants us to discuss this Supplementary Estimate No. 1 thoroughly.

Thank you, Mr. Speaker, Sir.

The Speaker (Mr. Slade): Any other hon. Member wishing to speak?

Mr. Anyieni: Mr. Speaker, Sir, since this Motion deals with Standing Orders, would I be in order to ask you to remind us of the Standing Orders in connexion with such Motions, because I feel that this would help the Members decide. For example, if the Standing Orders say that this should be taken, discussed and debated in one

day, then we must thank the Minister for having made it two days, so that we can have more time, but, Sir, if the Standing Order says that such shall be discussed for more days, then it will also help us to decide whether we want more days or not.

The Speaker (Mr. Slade): The position is precisely as Mr. Anyieni stated in the first alternative. I do not think I need worry the hon. Member by reading the Standing Orders, because they are rather long. Actually our Standing Order originally provided that any Supplementary Estimate had to be finished in one day. We overlooked it for some time, and Supplementary Estimates did actually continue for two days or more. When we did notice it, then we amended, only recently, our Standing Orders, Standing Order 143, to say that, although that is the position, that normally a Supplementary Estimate has to be finished in one day, yet the House can order that it shall continue for two or more days, and so that is an extension for the benefit of the Members.

Mr. Anyieni: In that respect then, Mr. Speaker, Sir, I would like to make one amendment to the Motion, and that is that I would like to add the words, "or more" after the word, "two" in the last line, so that the Motion now reads, " . . . shall continue for two or more days if necessary" . . .

The Speaker (Mr. Slade): I have to have the amendment in writing you know, and I do not have it.

Mr. Anyieni: Mr. Speaker, Sir, all I am asking you to do is to add the two words, "or more", after the word, "two", and that is all.

The Speaker (Mr. Slade): I am sorry. We have to stand by Standing Orders on these things.

Mr. Ngala-Aboki: Mr. Speaker, I am just rising to support the amendment—

The Speaker (Mr. Slade): You cannot support it until I have it in writing, I am afraid.

Mr. Ngala-Aboki: Mr. Speaker, Sir, I am speaking in favour of that one.

The Speaker (Mr. Slade): But, Mr. Ngala-Aboki, it is not before me. I am sorry, but I am going to hold the hon. Members to the rule.

I have warned hon. Members of the Standing Order several times, and I am going to hold the House to it, that no amendment will be entertained unless it is given in writing to the Speaker before it is moved. I would point out, incidentally, on this particular thing that it is quite open to the House any time during the second day to resolve on a further extension, it might be convenient to leave it at that.

**[The Speaker]**

I would remind hon. Members that on the adjournment today at 6.30 or at the earlier conclusion of business, Mr. Pandya is to raise the matter noted on the Order Paper.

**QUESTION BY PRIVATE NOTICE****MINISTER FOR FINANCE'S ALLEGED STATEMENT IN LAGOS**

**The Speaker (Mr. Slade):** There is a question by private notice which I overlooked. Mr. Muliro?

**Mr. Muliro:** Mr. Speaker, Sir, I beg to ask a question by private notice.

**The Speaker (Mr. Slade):** Actually, you should read it out, Mr. Muliro, although it is on the Order Paper.

**Mr. Muliro:** Mr. Speaker, Sir, could the Minister confirm or deny the statement attributed to him in Lagos and published in *Africa and the World*, Vol. 2, No. 17, of February, 1966: "Mr. James Gichuru, the Finance Minister, expressed his view that Rhodesia was not yet ready for majority rule".

If the answer is in the affirmative, is this Kenya Government's view?

**The Speaker (Mr. Slade):** Mr. Gichuru?

**Mr. Shikuku:** On a point of order, Mr. Speaker, since the hon. Member has not mentioned to whom that question was addressed, was it addressed to Mr. Gichuru who is also mentioned in the question?

**The Speaker (Mr. Slade):** Yes, the question is asked of Mr. Gichuru and you will see that he is about to answer it.

**Mr. Gatiguta:** On a point of order, Mr. Speaker, we know that this matter was raised in the Senate, that this took place there, and we read the reply of the Minister. Is it in order for us to raise this matter again in this House?

**The Speaker (Mr. Slade):** It would be a terrible thing if the proceedings of the Senate, debarred this House from considering anything.

**Mr. Oduya:** On a point of order, Mr. Speaker, would it not be in order to ask the Minister in charge of Foreign Affairs to answer instead of asking the Minister who is the subject of the question?

**The Speaker (Mr. Slade):** Order! Hon. Members have been told times and again that Government decides who shall answer questions.

**Mr. G. G. Karuki:** On a point of order, Mr. Speaker, in view of the fact that we are now going to debate the same thing which appears here, having been moved by the hon. Mr. Mboya, are we not wasting time in having this question?

**The Speaker (Mr. Slade):** It rests entirely with the discretion of the Government how far they answer this question separately and how far they refer hon. Members to what will happen in the impending debate.

**Mr. Khalif:** On a point of order, Sir, you and I know that Mr. Gichuru is involved in this, and in view of the fact that the Government has to choose someone to answer this question—

**The Speaker (Mr. Slade):** Order! I am sorry, Mr. Khalif, you cannot question my rulings, I am afraid, especially when they are rulings of long standing.

Now let us get on.

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I feel that it is only right and fair that I should answer this question.

An hon. Member: You are involved.

**Mr. Gichuru:** That is why I should answer it. Sir, I am supposed to have expressed the view that Rhodesia was not yet ready for majority rule. This is nonsense. All I said, when I was questioned on a point that appeared in the communique that came out as a result of the conference, as to whether I agreed with the view that it was true that the Rhodesian people should be given plenty of opportunity to go to school so that the majority of them, who have no chance of going to university—Britain offered the money. Who am I to say that they should not get it? If anybody has any interest in the Rhodesian Africans in his heart, definitely he would support such a move, that as much money as possible be made available. Not from any African State, not the African States that contribute to this paper, a paper which is trying to create a rift in this House. But certainly Britain has offered to make money available so that, as soon as the Smith régime collapses, money will be available for the Rhodesian Africans to avail themselves of higher education so that they can fill the higher posts, as we do here today.

Therefore, the question as it stands here is just nonsense. I never said anything like that.

**The Speaker (Mr. Slade):** Order! I do not think you meant to say that, Mr. Gichuru. The question itself is not nonsense; the alleged statement to which the question refers is nonsense, I think you mean, do you not?

**Mr. Gichuru:** I apologize, Mr. Speaker. But the insinuation contained in this article is nonsense.

**The Speaker (Mr. Slade):** Order!

**Mr. Gichuru:** I have apologized.

**The Speaker (Mr. Slade):** Yes, order! Since you have apologized, it is quite all right.

**Mr. Muliro:** On a point of order, Mr. Speaker, is it proper for the Minister, when questioned on the authenticity of the statement, to use the word "insinuation"? I never made any insinuation at all. Will the Minister withdraw that, because, as far as I was concerned I wanted to find out whether the sentence was true or not. That was all.

**Mr. Gichuru:** Mr. Speaker, Sir, I felt that I should make this point very clear, because the question itself does not only refer to me personally; it goes still further and asks whether, if the answer is in the affirmative, this is the Kenya Government's view. That is why I say there is a certain amount of insinuation.

**The Speaker (Mr. Slade):** Order! No, Mr. Gichuru. I do not understand what insinuation you are objecting to, but this is a perfectly proper question, whether you said something you are alleged to have said and whether, if so, you were speaking for the Government. I think you must withdraw the suggestion that there is a bad insinuation here; you must not say that, Mr. Gichuru. You must make clear that you do not hold anything against Mr. Muliro for asking this question.

**Mr. Gichuru:** Nothing whatsoever, Sir. I think it is fair and proper that he should have asked this question, because this was made known to him through a newspaper like this, which is trying to bring in a lot of discontent among ourselves.

**The Speaker (Mr. Slade):** Order! In fact, your quarrel is with the newspaper and not with Mr. Muliro.

**Mr. Oduya:** Mr. Speaker, I only rise to query one or two things, and I will put my first question. Is it true that we hear that the film which the Minister for Finance is alleged to have taken part in, when interviewed on television in Lagos is already in Kenya and that certain Government forces are trying to suppress it, because it might have serious repercussions?

**The Speaker (Mr. Slade):** No, one question at a time, I am afraid.

**Mr. Oduya:** Perhaps I may be allowed a second one.

**The Speaker (Mr. Slade):** Perhaps.

**Mr. Gichuru:** Mr. Speaker, I do not quite know what the source of the hon. Member's information is. If he does know—because I do not—he should tell the House.

**Mr. Anyieni:** Mr. Speaker, Sir, in view of the fact that the Minister for Finance has very strongly denied the reporting of this paper, and in order that the country may be able to believe Mr. Gichuru and refuse to believe this paper, would the Minister agree, would the Government promise, here that the film should be brought to Kenya to be shown to the Kenya public in order to refute the allegations?

**Mr. Gichuru:** This does not come within my portfolio, Sir.

**Mr. Anyieni:** Mr. Speaker, Sir, in view of the collective responsibility of the Government, and in view of the fact that the reason why the hon. Minister for Finance is answering this question is because Government has to agree on who is going to answer and he is answering for all Ministers, could I ask the Minister to consult his colleague, who is responsible for this, and ask him to bring us this film? May I ask him to agree with me that if the film is not brought here, he would not be a proper representative of his people?

**Mr. Gichuru:** The point is this, Mr. Speaker. I have said my bit. If the hon. Member knows where the film is, let him bring it here and play it through.

**Mr. Shikuku:** Mr. Speaker, Sir, arising from the Minister's denial, could he follow up—let him be honest, I understand he is a Christian—the Minister for Information's speech in the Senate, where he promised to bring the film? Does he still agree with me that this film should be brought here, failing which the people of this country will be left with no alternative, other than to believe that malicious paper?

**Mr. Gichuru:** I say again that this has nothing to do with me personally.

**Mr. Obok:** Mr. Speaker, Sir, arising from the Minister's reply, why did the Minister have to wait until this matter was raised in the Senate? Why did he not himself call a Press conference, as usual, and make a denial of the said allegation, published in *Africa and the World*? And, secondly, would the Minister not agree with me—

**The Speaker (Mr. Slade):** One question at a time.

**Mr. Gichuru:** Mr. Speaker, I had not seen the paper and therefore I could not have known its contents. But as soon as I knew the contents of the paper, I did make an appearance in the Senate to clear myself.



## Question No. 264

## REVISION OF STATISTICAL ABSTRACT FOR 1965

Mr. Murrill on behalf of Mr. Bala asked the Minister for Economic Planning and Development if he would amend or print a revised statistical abstract for the year 1965, stating district populations in Western Province, instead of including North Nyanza as one of the districts in Nyanza.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. The Statistical Abstract 1965 does include estimates of the 1963 district populations of Western Province on the basis of the administrative boundaries which came into effect in 1963. These estimates are set out in Table 13.

The abstract does explain, however, in the notes to this section on page 6, that the 1962 census of population was carried out before the present boundaries became effective and, as a result, more detailed statistics, such as are set out in Table 12, to which I think the hon. Member refers, are set out on the basis of the old boundaries. I appreciate that this is an unfortunate drawback in using the statistics and the Government itself would like to have more reliable figures on the basis of the present boundaries. This will, however, not be possible until a new census of the population is taken. Since a census is a very expensive and complicated undertaking, I do not—

Mr. Matson-Imbibo: On a point of order, Mr. Speaker, is it in order to have a second meeting in the Parliament? Can we be told about this conspiracy?

The Speaker (Mr. Slade): Order! It is quite in order for hon. Members to have their own private conversations, so long as they do not make so much noise as to interfere with the business of the House. There is no interference that I noticed.

Mr. Mboya: Mr. Speaker, I will repeat the last paragraph.

I appreciate that this is an unfortunate drawback in using the statistics and the Government itself would like to have more reliable figures on the basis of the present boundaries. This will, however, not be possible until a new census of the population is taken. Since a census is a very expensive and complicated undertaking, I do not expect this to occur for another few years.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply where he refers to the question of a census being an expensive undertaking, does he not agree with me that it is

necessary for the people in the areas concerned to be included in the right place, and, since there are some disputes on the border, these should be rectified by having a new census to find out how many people belong to North Nyanza and how many to Central Nyanza?

Mr. Mboya: I do.

Mr. Mnsinde: Mr. Speaker, Sir, arising from the Minister's reply, could the Minister assure this House that in view of the fact now that we have the Electoral Commission sitting and they always consider the size of the population as such, that the question will therefore be dealt with properly so that North Nyanza, or the Kakamega District, will not be deprived of actual representation in this House, because of the population being counted in the Nyanza Province.

Mr. Mboya: I do, Sir.

Mr. Shikuku: Mr. Speaker, Sir, arising from the repeated "I do" from the Minister, if he does so agree, does he not consider it now necessary and compulsory that immediate action should be taken before the decision of the commission is made?

Mr. Mboya: I do, yes.

Mr. Murrill: Mr. Speaker, Sir, in view of the importance of statistics of the population, does the Minister not think it fit to do the census as soon as possible?

Mr. Mboya: Mr. Speaker, the only reason I did not feel like making another lengthy statement, is because the questions being asked are in fact fully covered in my original reply. In my reply I have stated, first, that in the 1962 census the population was counted according to the original districts, in publishing them in 1963, although the regional constitution had come into effect, the reflection could only be on the basis of the original districts. In reproducing these figures in the statistical abstract, in a note on page 12, we have drawn attention to this error or drawback and tried to reflect what the situation might be on the basis of the new district boundaries. We recognize that this is not the most ideal situation and, therefore, I have stated that, as soon as the new census can be organized, we will do so and when that is done, it will be on the basis of the new districts and not the old ones. In the case of the Electoral Commission, this information is available to them and they will, in their deliberations, take into account the note that appears in the abstract.

Mr. Gichoya: Arising from the Minister's reply that he appreciates the need for re-assessing the new set-up and also that the commission—the

[Mr. Gichoya] new districts that have come in and the population that has already been increased—is the Minister prepared to introduce a census in between this year and the next year, so that members who appear before the commission will have all the facts established by a correct method of counting the people in the country?

Mr. Mboya: I did not follow the question.

Mr. Gichoya: Mr. Speaker, the Minister says he appreciates that there is a need for maintaining abstracts based on the present boundaries of the districts and also he says that the commission is being given information in relation to the population so that its work becomes easier. Is the Minister prepared equally, too, to facilitate matters for the members who might appear before the commission by giving them the latest information through carrying on a census in this year or between this year and next year?

Mr. Mboya: Mr. Speaker, the question is so complicated, I still do not follow it.

The Speaker (Mr. Slade): We can only have one more try, I think, Mr. Gichoya. I think if you made it very short it might be easier to follow.

Mr. Gichoya: Is the Minister prepared to introduce a census between 1966/67, let me put it, financial year, so that members of the public will have information at their disposal in the way that the commission would have it, so that they can appear before the commission and put their own case across based on facts?

Mr. Mboya: Mr. Speaker, Sir, I hope I have understood the question. The position is that these figures are published and having been published they are available to members of the public, just as they are available to members of the Electoral Commission, so there is no information which is not now available to members of the public. I am not, at the moment, able to agree to commit the Government to a census between the 1966 and 1967 financial year. As I have said, this is a very expensive programme and it is not necessary to have a census every year. We feel that for the next few years we can do other things that are of greater importance.

## Question No. 260

## CO-EDUCATION KABIANGA SECONDARY SCHOOL

Mr. arap Sol on behalf of Mr. Kerich asked the Minister for Education whether the Government intended to start co-education in Kabianga Secondary School.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. As Kabianga was constructed as a men's teacher-training college and not as a mixed institution, and as it does not lend itself readily as a secondary school to co-education, it is not the intention of the Government to convert this institution into a co-educational one.

Mr. arap Sol: Mr. Speaker, Sir, if the Government does not intend to introduce co-education at Kabianga, would the Ministry consider building a separate place for girls around the area?

The Assistant Minister for Education (Mr. Mutiso): No, Sir.

Mr. Shikuku: Arising from the Minister's "No", would he tell the House what he intends to do, if he is not prepared to accept co-education. Are the girls in this area to be neglected and is that the way we build the nation?

The Assistant Minister for Education (Mr. Mutiso): The girls in this area are not neglected and I would like to inform the hon. Member, Sir, that by comparison, say with the Rift Valley Province as a whole, there are nineteen boys' boarding streams to eight girls' boarding streams, and six boys' day streams to two girls' day streams.

Mr. arap Bly: Mr. Speaker, Sir, is the Assistant Minister aware that when Kabianga was being used as a training college, both men and women were being trained in the same place and, therefore, when this school has been converted into a secondary school it could have been made into a co-educational school?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, there is a difference between a training college and an ordinary school.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could the Assistant Minister tell the House the distance between the nearest school for girls in Kabianga where he intends the girls of this area to go to if it is to be a day school?

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, although I would rather have notice to that question, I would like to inform the hon. Member that in the Kipsigis District, there are the following schools, and I am sure the hon. Member knows their location: Cheptenye, Kabianga, Kaplong, Kericho, Kipsigis and Tenwek, I am sure the hon. Member knows the distance of these areas.

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

[Mr. Malsori-Itumbo] worked in his Ministry, he attended the Egerton College for three years and after that he failed in only one subject, can he tell the House what happened to such a dignified person, when they are not given any employment within the Ministry?

Mr. Osogo: Mr. Speaker, Sir, I do not know whether the hon. Member is trying to ask why we failed the Kuria chap—he calls him chap—at the Egerton College, but what happened to him is that he failed the examinations.

Mr. Agar: Mr. Speaker, Sir, would the Assistant Minister agree that the desire of this House is to give those areas which were neglected by the former Colonial Government a kind of priority and concession in qualifications so that their men will also participate in building the country?

Mr. Osogo: Mr. Speaker, Sir, I agree to that, and the policy of my Ministry is to try and assist those tribes who have not come on, into either the agricultural and veterinary services so that they are trained, but, Sir, they must apply. We are not going to hunt for them in their tribes and make them go to the training colleges.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, can he tell the House how many agricultural assistants are men from my constituency in Migori or anywhere else in South Nyanza?

Mr. Osogo: Mr. Speaker, Sir, we have one veterinary assistant, Kuria, working in South Nyanza and four agricultural assistants.

#### Question No. 222

##### LEGISLATION TO PUNISH IDLENESS

Mr. Godia asked the Minister for Labour whether the Minister, in consultation with the police would consider introducing a Bill to provide that all people who were idle and who did not work on their farms were given some form of punishment.

The Assistant Minister for Labour (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to reply. Mr. Speaker, Sir, we do not think it is consistent with conventions of the International Labour Organization to put into jail or to penalize those people who are unemployed, and so we are not willing to take the action suggested in the question.

Mr. Godia: Mr. Speaker, Sir, arising from the Assistant Minister's reply, does he consider it necessary to do something to encourage most of the idle men to work on their farms?

Mr. Odero-Jowi: Mr. Speaker, Sir, it is not only the responsibility of my Ministry to encourage the idle people to work. This is a national duty which should be done by every good citizen of the country, including hon. Members.

Mr. Ochwada: Mr. Speaker, Sir, would the Assistant Minister agree with me that no intelligent, live person would afford to remain idle knowing that he has something to do and especially when he has land to till?

Mr. Odero-Jowi: Mr. Speaker, Sir, there was too much noise, I did not get the question.

The Speaker (Mr. Slade): Yes, will hon. Members please keep quiet. Speak up again, Mr. Ochwada.

Mr. Ochwada: Mr. Speaker, Sir, would the Assistant Minister agree with me that no intelligent, live person would stand idle knowing very well that he has a piece of land which he can work on?

Mr. Odero-Jowi: Mr. Speaker, Sir, I do not understand the implication of the question. On the face of it, I agree with him.

Mr. Gatuguta: Mr. Speaker, Sir, in view of the fact that there are a number of people who have farms and yet they go about the country looking for jobs, is the Government not prepared to enforce these people to go back to their farms, by some means and to look after them so that we do not have the problem of unemployment in the city?

Mr. Odero-Jowi: Mr. Speaker, Sir, that is a question which sounds very attractive, but we do not want to infringe upon the fundamental rights of the citizens of the country.

Mr. Odunya: Mr. Speaker, Sir, in view of the fact that the question has been brought here by my hon. colleague, Mr. Godia, the Member for Hamisi, would the Assistant Minister agree with me that this sort of punishment that the Member has asked should be given to the people in his own constituency?

Mr. Odero-Jowi: Mr. Speaker, Sir, again, that is a very attractive suggestion, but I am not going to concede to it.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reference to the conventions of the International Labour Organization, is he aware that people with land who do nothing but drink from morning to night do not work on their farms, do increase the problem in Kenya of unemployment, because they go on producing and therefore it is necessary for the Ministry to consider how best they could make these people work on their farms, and if necessary, by force?

Mr. Odero-Jowi: Mr. Speaker, Sir, I quite agree that people who drink from morning to evening without doing any job are a big liability to the country, but, Mr. Speaker, Sir, we are not going to institute forced labour just in order to deal with drunkards.

Mr. Masinde: Mr. Speaker, Sir, would the Assistant Minister agree with me that those people—with due respect to my hon. colleague, the questioner—who drink from morning for, say, twenty-four hours, and they have money to drink, and they live on their own, whether their land is touched or untouched, do not cause unemployment in this country; they give employment to the people in the breweries?

Mr. Odero-Jowi: Mr. Speaker, Sir, that question is so involved, could he ask it again?

The Speaker (Mr. Slade): Would you like to repeat your question, Mr. Masinde? It was more an argument than a question, actually, was it not? How about making a question?

Mr. Masinde: May I put it very simply, Mr. Speaker? Would the Assistant Minister agree with me that those people who do not work on their farms and have something to live on could still be allowed to do so, and they are not causing unemployment in this country? Could they not be allowed to live as such?

Mr. Odero-Jowi: Mr. Speaker, Sir, it is difficult to imagine in this country people who do not do any job and yet they have an income to live on. These must be mythical people who come from Lurambi only.

#### Question No. 223

##### LEGISLATION FOR PETTY OFFENCES

Mr. Godia asked the Minister for Home Affairs if he would consider the possibility of amending the present laws, so as to provide that criminals with minor offences could be penalized by working on local self-help projects within their districts, while staying at their homes.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. There is no need to amend the present laws, as the Prison Act, Cap. 90, Part XII, does provide that in any declared area male petty offenders sentenced to imprisonment or detention to six months or under or committed to imprisonment for non-payment of any fine, costs or other sum adjudged to be paid under any written law who are physically fit, can, at the discretion of the court, be ordered to perform public work outside a

prison or detention camp for the period of such imprisonment or detention. Such persons live at home, except in cases where they have no fixed abode or live too far away from their place of work, when they are accommodated in a labour camp.

Mr. Murrill: Mr. Speaker, Sir, would the Minister not agree with me that if such laws were introduced, people would think of work on local self-help projects as a form of punishment?

Mr. arap Moi: I do not think we need anything that the Member has indicated, Mr. Speaker.

Mr. Masinde: Mr. Speaker, Sir, would the Minister agree with me that it would be very out of order to get the criminals to work with the people who volunteer themselves on self-help projects and, for that matter, criminals should be dealt with as criminals in separate areas in a more severe way?

Mr. arap Moi: I seem to agree substantially, Sir, with the ideas of the hon. Members, in that our laws are flexible and we feel that the people should help themselves in self-help projects and we should not rely on offenders and criminals.

Mr. Mate: Mr. Speaker, Sir, while appreciating the help that these people could give to the community, would the Minister, or whoever is responsible, make sure that the district officers and the district commissioners concerned do direct this kind of labour and do not just leave it to chance?

Mr. arap Moi: Mr. Speaker, Sir, if any Member wishes to make use of these petty offenders, I may consider asking in some of the areas where this law could be applied. Normally, the district commissioners or district officers always take action according to the directions given.

Mr. Gatuguta: Mr. Speaker, Sir, while I appreciate the feelings of the Minister, that the criminals cannot be employed to work on self-help projects, and so on, will the Minister also assure this House that these criminals will not be used to work for the district administrators and that they should be used only to do anything which has anything to do with the public good?

Mr. arap Moi: Mr. Speaker, Sir, for the interest of the hon. Member, most areas in Kenya are gazetted as declared areas in which extra-mural penal employment schemes can be operated and, today, there are, in round figures, 1,100 persons serving their sentences extra-murally.

Tuesday, 15th February 1966

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:—  
Sessional Paper No. 2 of 1965-1966. Amendments to the Pensions Regulations for approval by the National Assembly in accordance with the Provisions of the proviso to Section 3 (3) of the Pensions Act (Cap. 189).

(By the Minister for Finance (Mr. Gichuru))

Coffee Research Foundation Annual Report and Accounts 1964/65.

(By the Minister for Finance (Mr. Gichuru) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

Mombasa Pipeline Board Report and Accounts for Financial year ended 30th June 1965.

(By the Minister for Finance (Mr. Gichuru) on behalf of the Minister for Natural Resources and Tourism (Mr. Ayodo))

#### NOTICES OF MOTIONS

SESSIONAL PAPER No. 2 of 1965-66: AMENDMENTS TO PENSIONS REGULATIONS

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

THAT this House approves the proposed amendments to the Pensions Regulations as set out in Sessional Paper No. 2 of 1965-1966.

CONFIDENCE IN THE PRESIDENT AND HIS GOVERNMENT

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

WHEREAS the Government of the Republic of Kenya under the leadership of the President, Mzee Jomo Kenyatta, has carried out faithfully its mandate as approved by the people at the General Election in 1963;

AND WHEREAS all the Government's activities and policies have been based on a faithful interpretation of the democratic will of the people, as expressed in the Constitution of the Republic, the Kanu Manifesto and Sessional

Paper No. 10—African Socialism and its application to planning in Kenya;

AND WHEREAS the President of the Republic and his Government have spared no effort in securing the unity of all the people of Kenya under Kanu so as to create the political stability needed for the effective and rapid development of the country;

NOTING that in these past months some leaders and even Members of Parliament have used words or made statements implying lack of confidence in the Government, its activities and its policies;

NOTING ALSO that there have been those who call themselves Socialist Group and Progressive Group—including the recent exhortation by a monthly magazine "Africa in the World (for the Progressive Leaders)" in this country to act now instead of sitting on the fence;

THIS HOUSE, having regard to all these matters—and being convinced that those who do not support Government policy should be free from any responsibility in the Government's actions and, further, that such people should declare publicly their intentions—expresses full confidence in the President and his Government and condemns those dissident and confused groups.

The Speaker (Mr. Slade): Hon. Members, you have heard that Notice of Motion; it is, of course, a very important Motion. There is nothing in our Standing Orders which precludes our taking on the same day as the Notice the actual Motion which the Notice proposes, provided that the warning of it is given to Members on the Order Paper.

Now this Notice of Motion came in very late this morning but, in the belief that hon. Members might like to take this Motion today, particularly as it is related to a question by private notice which we have today, we have put on the Order Paper, on a Supplementary Order Paper—which hon. Member should have in their possession now, though it was only issued about twenty minutes ago—preliminary notice of this Motion.

What I want to inquire is whether there is any strong objection on the part of hon. Members to this Motion being taken as Order No. 64 today, that would be immediately after the two Procedural Motions, Orders 5 and 6.

If no group of hon. Members strongly objects, I believe it is the will of the House that this Motion be taken as Order No. 64 today.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 274

GOVERNMENT PROVINCIAL OFFICES FOR KISUMU

Mr. Odero-Sar asked the Minister of State if the Government had any plans for erecting Government provincial offices in Kisumu at one place instead of finding them scattered here and there.

The Speaker (Mr. Slade): Is the Minister of State ready to answer Question 274? Mr. Nyamweya?

The Minister of State, President's Office (Mr. Nyamweya): Sorry, Mr. Speaker, Sir, I did not—

An hon. Member: You are confused.

Mr. Nyamweya: I am not confused; you are.

Mr. Speaker, Sir, I beg to reply. The Provincial Commissioner, Nyanza, has included in his Provincial Development Plan an estimate of £20,000 for a new office block for provincial departments in Kisumu. This request will be considered by the Government in conjunction with other requests from other provinces.

I wish to add, Mr. Speaker, Sir—I am not going to be interrupted by careless interjections from the hon. Member for Lurambi—that the hon. Member for Ugenya might like to note that there is a provision in the revised Development Plan for administrative buildings in the provinces and districts; and the total amount for the planning period is £83,000. Among these buildings, there is also being considered an administrative building in Kisumu; this is included in this amount. This administrative building is under consideration; it would also accommodate the Fisheries Department and the Meteorological Department and other administrative offices.

Mr. Mate: Mr. Speaker, Sir, is the Minister aware that this applies to the Eastern Province?

The Speaker (Mr. Slade): That may be so, but it is not relevant.

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, would he assure this House that the provinces which had the facilities during the colonial days would not have preference over the provinces which were recently created by Kenya independence?

Mr. Nyamweya: Mr. Speaker, Sir, I know that the hon. Member for Lurambi has in mind the Provincial Headquarters of the Western Province. But, Mr. Speaker, Sir, the Government has it in mind more than the hon. Member for Lurambi.

Mr. Masinde: Mr. Speaker, Sir, can I therefore believe that the Western Province and some other provinces, as the Minister is aware, will be considered first before any other province?

The Speaker (Mr. Slade): Are we still on the subject of Kisumu?

##### Question No. 270

NO HIGH-RANKING KURIA IN MINISTRY OF AGRICULTURE

Mr. Malsori-Itumbo asked the Minister for Agriculture and Animal Husbandry if he would tell the House why there were no Kuria in his Ministry holding a high rank, despite the fact that there were educated Kuria workers.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. It is true that there is no Kuria holding a high post in my Ministry.

The hon. Member should note that the employment and promotion of any officer in my, and indeed any, Ministry to a high ranking post is done purely on merit and qualifications, and not on tribal basis.

But if the hon. Member for Kuria can submit to me names of qualified Kuria with Cambridge School Certificate who are now working with my Ministry, they could be considered for one of the various agricultural training institutions.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House what happened to one chap who was—

Mr. Masinde: Mr. Speaker, Sir, on a point of order, is the Member in order to say semi-Minister?

The Speaker (Mr. Slade): I think he said second Minister. I do not think he meant to give any offence.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, he can be anything.

The Assistant Minister for Home Affairs (Mr. Nyagah): On a point of order, Mr. Speaker, Sir, is the hon. Member for Kuria in order, when you give a ruling, to say that it can be semi or anything.

Mr. Malsori-Itumbo: I did not say anything like that.

The Speaker (Mr. Slade): Now, Mr. Malsori, will you get it right.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, my question is this. Can the Assistant Minister tell the House what happened to one chap who

[Mr. Odunya] and other places, celebrations have been held, but without having a statue. The statue here is enough.

What my friend should ask for in that particular area is the allocation of funds during the celebrations, so that the people of Kapenguria can be given some money—let us say, £500 or £1,000—so that they can also celebrate the day in that particular sector where the case was held. But I do not see how the Teso taxpayer will agree to this money being wasted on putting up statues to individuals.

This does not mean that I am personally opposed to the President's statue being put there. I am really loyal to the President but I do not think it is a wise idea because when we put up a statue of His Excellency, the President, because we know that that day was for all, these other comrades who were tried will also need the same treatment, because they also were involved in the crisis of those days. So people should not capitalize on simple things; they should not come to the House simply to popularize the name of someone who is already popular, by trying to create unnecessary things which will not help the development of Kenya. Teso today is short of many things for which such money could be used.

This statue outside the National Assembly, for example; if it was done by an individual that might be a different thing. But if it was done through our own pockets, that means the pocket of the Kenya Government, it must have cost not less than Sh. 200,000. What sort of a project could we carry out for that amount of money? Such a project, if sited in Teso, where we need a good deal of development, would have helped a lot. As far as I am concerned, I only respect the person who is leading the Government and I respect the machinery of the Government; but to go to the extent of creating unnecessary things like statues at this stage, Sir, is just a dream which I think even the people from my hon. friend's own area may not be happy about.

I know they are happy about the area being historical, and my friend, the Member for Embu South or North, has already stated that when he was there he saw that the people were really happy because of the historical associations of the place. But the people of Pokot can be happy because there is nothing else to make them think of other problems; they can just look forward to seeing the Member for that area bringing genuine cases here, for example, asking for the development of the area. I do not think they are eager to hear him asking for statues.

I think I have actually covered the content of this Motion and I do not see how the Kenya Government can act on this. Anyway we shall look at it with interest to see if it is approved. And if it is approved, where will the money come from? As far as the erection of a statue is concerned, will the money come from the taxpayers or from individuals? If it is a special collection, then we will be happy about it; but if it is going to involve the taxpayer, then I will oppose it anywhere. I cannot allow individuals to be boosted up for no reason, when we have already boosted them and that is enough. What we require of the President of Kenya is to do something at his retiring age for us. We do not want Members dreaming and asking for extra expenditure, just because they are looking for a glass of milk. I do not think my friend will even one day qualify to meet the President and ask for anything.

Thank you, Mr. Speaker, for allowing me to make these few remarks.

Mr. Lorema: On a point of order, Mr. Speaker, is it in order for the Member for Teso, Odunya Oprong to insinuate that I am looking for a glass of milk by bringing this Motion here?

The Speaker (Mr. Slade): I am sorry, Mr. Lorema, I still cannot hear the most important part of your point, because somebody laughed. Just repeat the last few words.

Mr. Lorema: Mr. Speaker, I rose on a point of order to ask you whether it is in order for the Member for Teso to insinuate that by bringing this Motion I am looking for a glass of milk. Is that in order?

The Speaker (Mr. Slade): Looking for what?

Mr. Lorema: A glass of milk.

The Speaker (Mr. Slade): A glass of milk? I see no harm in that. If it were Nubian gin, it might be different!

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, as the hon. Mover has said, there is no real controversy involved in this Motion. It is a welcome thing that something like a statue should be erected at Chewoyet, and that Kapenguria should have Kenyatta Day celebrations. I think I should say, at once, that we accept the idea of holding these celebrations and arrangements will be made to try to hold them next time, that is, October this year.

As far as Chewoyet is concerned, again we would very much like to see the people of West Pokot doing something for themselves. The hon. Mr. Lorema will remember that the statue outside this House was put up by means of contributions, and I would invite the people of West

[The Assistant Minister Vice-President's Office] Pokot themselves to erect a statue of the President. This will put the hon. Mr. Odunya at ease; there is no question of expenditure of Government funds.

The Government wants to amend the Motion, Mr. Speaker, to read:

THAT in view of the fact that Kapenguria has some historical significance connected with the early life of our President, the Rt. Hon. Mzee Jomo Kenyatta, this House urges the West Pokot people to erect a statue at a place known as Chewoyet and further urges the Government to include Kapenguria as one of the chief centres for Kenyatta Day celebrations.

I have probably thrown the ball back into the hon. Mr. Lorema's court but I am quite sure that he would welcome that ball, since the people of West Pokot very much would like to see a statue. At this moment, it is difficult for us to devote funds to this particular project because there are so many more urgent matters connected with unemployment, famine and the rest of it. I do not consider that there is so much urgency that the Government has to go to West Pokot and erect a mere statue at this time. As the people, on the other hand, might like to do a little self-help work, this might easily be one of those projects that they could contribute to very happily.

So, Mr. Speaker, the Government would accept the amended Motion.

The Minister for Economic Planning and Development (Mr. Mboya) seconded.

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

The Speaker (Mr. Slade): I think in this case we should confine debate on the amendment to the amendment itself and not get it mixed up with the rest of the question, because this is rather pin-pointing the main subject. So hon. Members can speak on this particular amendment, and if we continue the debate, with or without amendment, they can speak again on the general merits afterwards.

Mr. Mboya, would you like to speak for one or two minutes?

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the question be now put.

The Speaker (Mr. Slade): Yes, I think that is reasonable.

(Question, that the question of the first part of the amendment be now put, 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)

The Speaker (Mr. Slade): I now have to propose the second part of the amendment, which is that there be inserted the words "the West Pokot people". I think the House really wishes me to put that question also.

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

(Question of the second part of the amendment, that the words to be inserted be inserted, put and agreed to)

(Question of the Motion as amended proposed)

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, would it not be possible to call on the Mover to reply if he is not going to take too long, and dispose of this Motion?

The Speaker (Mr. Slade): Yes, I have a limited discretion to allow time to run on a little bit. If the House wanted the closure now, I think it would be convenient for the Mover to reply now.

(Question, that the Mover be now called on to reply, put and negatived)

#### ADJOURNMENT

The Speaker (Mr. Slade): In that case, we had better adjourn now. It is time for the interruption of business. The House is now adjourned until Tuesday, 15th February, at 2.30 p.m.

The House rose at thirty minutes past Twelve o'clock.

[Mr. Lorema] to include Kapenguria as one of the chief centres for Kenyatta Day Celebrations: i.e. 20th October.

Mr. Speaker, Sir, this Motion, as it is here, is not controversial at all. It is a straightforward Motion.

Now, Mr. Speaker, Sir, as everybody in Kenya knows Kapenguria is a place where the trial of our President and five other nationalists took place and, therefore, I feel that the Government should do something in order to remind the people of this country what took place during that time. I know, Mr. Speaker, Sir, that people can always forget, but then, history will always remind us of something. Then, as we go along we should not forget whatever has taken place. This was the turning point as far as the history of Kenya is concerned. This was a very long case which everybody in the world heard of. But up to now the Government has completely forgotten this place and is going according to the saying, "We must forget the past". But we cannot forget such a major incident of this nature. This is why it is my intention that the Government should be reminded of this again.

Mr. Speaker, Sir, it is very well known, if there is any place today in Kenya where a major incident of this nature takes place—Mr. Speaker, Sir, the idea of *Uhuru* was conceived in Kapenguria and born in Nairobi. However, when we forget this I know the Rt. Hon. the President cannot try to build a statue of himself, to remind us of what happened, without the support of the Government. He must get somebody to do it because he is connected with this matter. These are the people who fought for the people of Kenya. Who can forget today, who can think that there was no place in Kapenguria? Who can forget today that the Rt. Hon. the President was condemned by the imperialists in Kapenguria? However, until today neither the President nor the Government have tried to visit Kapenguria.

As I say, Mr. Speaker, Sir, this Motion does nothing but asks the Government to erect a statue of the President in Kapenguria. There are many tourists who normally visit this area, and before they do anything else in West Pokot they first inquire where is Kapenguria and the place known as Chewoyet. I know that the Ministers have not been to this area, they only read books. However, the tourists come to the very classroom where the President was tried. It is a very small classroom, but the fact remains that this is the very place from which our independence was born. I have observed with great sorrow that when celebrations take place, Kenyatta Day Celebrations,

on the 20th October, there is no regard at all given to Kapenguria. I am surprised to see what Kenyatta Day' can mean without the inclusion of Kapenguria. It is meaningless. If at all the celebrations are to be held in places like Nairobi—because it is a big city—and in places like Nakuru, Mombasa—where all facilities are available—this does not do away with the fact that Kapenguria should be the first place to be considered; and if possible all the Government Ministers, or at least one representative, should be sent there. Sir, I have often raised this matter but because my area happens to be a place which comes under the category of the less developed areas it is just neglected and left like that. But the fact remains, Mr. Speaker, that history cannot be forgotten just like that. History has its own formula, and that is that history always takes into consideration what incident took place when and where. If we take account of the "where", then Kagenguria is also included.

Merely to celebrate this day in Nairobi does not do justice to Kapenguria. I know very well that if such a thing had taken place in Kiambu or in Kisumu or in Mombasa, for that matter, there would have been wonderful celebrations.

I hear the Minister is saying, "*Wacha maneno yayo*", but then he knows me.

Now I do not see the reason why the Government has gone on strike on this matter. This is a plain issue, a plain matter; and it does not quarrel with anybody at any time. So at least there must be something indicating that Kapenguria has a certain historical importance. If the Government wants to do this, it can do it just by building a statue to remind the tourists, when they come—as I have said before, the tourists come and see exactly where things happened; they roam around, trying to find where Kapenguria is, and doubting very much whether this is Kapenguria or not. I know very well that it is a remote place, as some of the papers and books say, but it is not all that remote, because if it had been all that remote, the case could not have been held there.

The residents of that area are very proud and very eager to see that this place, at least, is remembered by the Government. But if the Government constantly forgets this place, without doing anything for it, then I do not know how it is going to be.

There is also the question of the school. The school was the place where the courtroom was, a very famous court; and now it is a secondary school. It is just a single-stream school but, despite that fact, the boys there who sit for their school

[Mr. Lorema] Certificate do very well and have always done very well in this examination. They pass the examination well and it has been the wish of the people of Pokot that this school should be made a double-stream school—

The Speaker (Mr. Slade): Mr. Lorema, I think you are outside the terms of your Motion now. You have been relevant so far, but not now.

Mr. Lorema: Sorry, Mr. Speaker. Mr. Speaker, Sir, as I think this Motion does not require much discussion, it is just a matter of yes or no, I beg to move.

The Speaker (Mr. Slade): Are you seconding, Mr. Oduya? Who seconds?

Mr. Khalif: I second, Mr. Speaker, but I wish to reserve my right to speak later.

The Speaker (Mr. Slade): Yes. I would warn hon. Members that when they second formally and reserve their right to speak, it does not necessarily imply a guarantee that they will get the opportunity of speaking. It only means that they have not lost their right to speak by seconding. Sometimes there is no opportunity for the seconder to be heard in subsequent debate.

(Question proposed)

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, speaking personally, as a person who has visited Kapenguria recently, I beg to support the hon. Member very strongly. Not only would I consider Kapenguria alone; I feel that consideration should be given, as a matter of priority, to Lodwar, Lokitaung and Maralal.

However, Sir, confining myself to the relevant matter of Kapenguria, I would like to say that when I last visited the place, about three months ago, I found the people there very appreciative of the part that Kapenguria did play at the peak of the political events or evolution in Kenya, when the hon. Father of our nation, Mzee Jomo Kenyatta, and his five colleagues, were detained and tried at Kapenguria. When a person visits Kapenguria, he is shown the little cell where the old man was first detained; when an attempt was made, as is alleged, on his life—and even the mark of the bullet on the wall of his cell is shown—he was moved to another set of cells where he was put right in the middle of the five cells. This place is pointed out as a matter of historical interest. The little prison, with the little wall round it, is still shown there and I think Sir, the people of that particular part of Kenya have a right to ask that this particular spot be honoured in Kenya's history.

A few miles from this spot, a visitor is taken to the school known as Chewoyet and one of the things one sees is the classroom which was used as a courtroom, where the decision to imprison the old man was first taken. I believe, Sir, that this school, among other things, should change its name and include the name of Kenyatta in it, as well as attracting more support from the Government for its expansion and also for its place of honour during the ceremonies of Kenyatta Day.

Without labouring the subject very much, Mr. Speaker, I would like to support very, very strongly what the hon. Member from that area has said, and urge the Government to do something, not only for Kapenguria, but for other places as well, where the honourable old man was detained and imprisoned.

Mr. Oduya: Mr. Speaker, Sir, I also rise to make a comment on the Motion which has been proposed by my hon. friend, Mr. Lorema. The Motion actually is very good. It touches on the historical significance of the area. But, although I think I support the views expressed, personally I have my own different comments on this.

First of all, when the question of a statue is being discussed, if it is approved by this House, it would mean that the Kenya Government would have to waste some money to put up a statue. I personally think that because we have some other pressing problems at the moment, we should not rush to put up a statue in that particular area at this stage; I think that my friend actually should have asked for something else which was better than a statue. By this, I mean something which would benefit the people of Pokot. I do not see how a statue is going to benefit the people of Pokot.

Take, for example, the one that is outside here. People come and see it and then they go away and they are still hungry. What do they get out of it? That is why I say that I also oppose any suggestion that the Government development will be involved in erecting statues at Lokitaung and what not, as one of my hon. friends here suggested. There is no need for such things at the present time.

I know Kapenguria is a historical place, that Mzee Jomo Kenyatta, and many of his colleagues were tried there; there is no doubt about that and the people of Kenya know this. But if it is a question of celebration, that could just be done as we do now at the present time. I know the celebrations started just a few years back and have been a success throughout the country. Even in Nairobi here, at Kamukunji, and many

**[The Minister for Home Affairs]**

In his own area—Boran—there are different tribes: the Rendille and other tribes. Internally, there might have been raids between the tribes, and all that. Mr. Speaker, Sir, I will be making a full statement in the House with regard to all these allegations, together with the number of stock thefts and others.

I would like to say that within the Marsabit area, security forces in 1965 killed thirty-four *Shifita*, wounded seventeen and captured one. Since November 1965, sixty-seven *Shifita* have been killed, forty-three wounded and three captured in the same district. Therefore, the security forces have been very active in the area. As I said before, Mr. Speaker, it must never be forgotten that these raids across the boundaries from Ethiopia are a traditional activity, and they take place in both directions. Ethiopians alone, therefore, are not to blame; the people of Marsabit must also accept some responsibility for this inter-tribal conflict. The Government has and always will take the necessary measures to protect people of Marsabit District, but the ultimate solution lies in the realization by both parties that the policy of good neighbourliness is more profitable than the one they pursue at the moment.

I would like to state here, Mr. Speaker, that the Samburu have lost thousands and thousands of cattle; many people have been killed. Turkana have lost many people and, on the other side of Ethiopia, many people have also been lost. People within the southern province of Ethiopia have been disarmed, but there are people who escape with some guns and, similarly, with the Turkana people. They have their troubles as well and we must continue to see that these people are disarmed, because our policy is not to arm people. I would like to make it clear that the Government is always reviewing all our problems within our borders.

Also, Mr. Speaker, I would like to state—before I close—because it is important for the information of the hon. Member, that we have been supplying famine relief to his own people. In the month of October, the people of Marsabit have received 185 bags of maize, twenty-four crates of milk, edible oil, four crates, and also forty-six pounds. In November, they received 100 bags of maize and sixty cartons of milk. Also, in December, 600 bags of maize meal were given to the district and eighty-eight crates of milk, six pounds each, were issued to them, and 802 of canned meat. In January, they received 345 maize bags, and in February, eight and 700, and ten bags of soup powder which would help the people of Marsabit.

Therefore, Mr. Speaker, I would like to state that the Government is doing everything possible to help the people of Marsabit. Also, the hon. Member ought to help the Government in getting the people to understand why we are trying to create peace in the area. So, Mr. Speaker, I would like to make it clear that the question of breaking off diplomatic relations with Ethiopia cannot be accepted by the Government.

**The Speaker (Mr. Slade):** It is time now for the Mover to reply. We must deal first with the amendment.

*(Question of the first part of the amendment, that the words to be left out be left out, put and negatived)*

*(Debate on the original Motion resumed)*

**Mr. E. D. Godana:** Mr. Speaker, I am grateful to the hon. Members who have spoken and have given me some useful information, although I am not so happy with the way Government has refused to accept my Motion as it was.

Mr. Speaker, Sir, I would like to make some corrections to the speeches which have been made by some hon. Members. Firstly, I will deal with that of hon. Mr. Nyagah, on which I raised a point of order, in which he said that I have advised my people not to pay taxes until they have been paid compensation. I fully oppose that allegation. I have always advised my people to pay their taxes and then, as their representative, I fight for their rights. I brought the Motion here in good faith, just to make our Government alert on the facts, and we are still persuading those, who have refused to pay their taxes, their Graduated Personal Tax and their school fees, to pay them, so that their day-to-day life continues in the spirit of *Harambee*.

Mr. Speaker, Sir, the Assistant Minister, Mr. Mutiso, said that we have many raiders who go to Ethiopia and raid the people there and that they might be Marsabit people. I will say that there were nil, because if this were to be published officially, all Ethiopian officials who are living along the border, whom we know, would have reported to us that so many Marsabit people from Kenya go to Ethiopia and along the border and raid the Ethiopian people, or steal cattle from them and take them away. I have not heard of this happening during the last two three years of my life as Member of this House.

However, Mr. Speaker, we have approached the Ethiopian Embassy in Kenya, in Nairobi, the Ambassador is our personal friend; we have given him letters to be sent to the Ministry of Foreign Affairs so that they could do something

**[Mr. E. D. Godana]** along the border of Kenya and Ethiopia; but nothing has been done. All the time we have been writing letters, sitting with the Ministers and Assistant Ministers, talking about this affair, nothing has been done. What steps, then, shall I take? There is no other way in which I can help my people. At least they should hear what I have done for them as their elected Member.

Another allegation which was made by Mr. Rurumban, the Member for Korossi, was that the Boran and the Rendille are *Shifita*. I want to refute this very, very strongly. None of these people are *Shifita*, but those who are *Shifita* were forced by those Somalis who came from across their borders to Kenya and forced these people to be their guides, to show them where the water points were, to show them where they should go and attack the towns, the police force, the administration centres, and all that.

So, Mr. Speaker, Sir, I would like to make it quite clear that none of the Boran or the Rendille are *Shifita*, but they were hounded by those who were fully armed and came from other countries, Ethiopia and Somalia. They were directed to go and hunt, to raid the *manyattas* and the villages, everywhere. They were not the Boran the people Kenya who went to Somalia. Those who are now the guides there are those who were forced at rifle point.

Mr. Speaker, Sir, I do not have much to say, but what I would like to mention is, if the Government could approach the Ethiopian Government on behalf of the Marsabit people and the Turkana people who have always been raided; men, women and children, innocent people who were looking for grazing land were butchered in cold blood. We, who live along this border, are tired of hearing that something will be done. We know that we have a good friendship with Ethiopia. Our people who live along the border of Kenya and Ethiopia always have to go without a pass or permit. Our relatives and people have been able to go into Ethiopia without a permit because they were sure that we had a good relationship. But it is said when we see that hundreds and thousands of people are being killed, butchered and raided. Their cattle are being taken away. So, unless something is done the Kenya Government should consider taking very drastic action. I am sure that in December I was told by the Minister for Internal Security and Defence, Njoroge Mungai, that he had approached the Ethiopian Government, but that so far no reply had been received. He said that no reply had been received since one or two years. Is this not disgraceful? No reply to a letter sent to

Ethiopia by our Government one or two years ago! Is that a real Government or a jungle Government?

So, Mr. Speaker, Sir, I would like in good faith—the Motion has been amended—

**The Minister for Home Affairs (Mr. arap Moi):** On a point of order, Mr. Speaker, Sir, is the hon. Member in order to describe a Government in those terms?

**The Speaker (Mr. Slade):** If he is alleging that the Ethiopian Government is in any way responsible for the raiders that come into Marsabit or he is unable to control them, then I think he is justified in using that phrase. It does not mean to say that the House believes him, but it is relevant to the Motion.

**Mr. E. D. Godana:** Thank you, Mr. Speaker, Sir, for correcting the Minister.

**The Speaker (Mr. Slade):** It was a reasonable point of order but, yes, you are in order.

**Mr. E. D. Godana:** I would like to see, as I suggested when I moved the Motion, that a commission is appointed by the Kenya Government to find out how many people have been killed since 1963 and how many livestock have been taken away from the people concerned in Marsabit District so that we shall be able to ask for compensation from the Ethiopian Government. Also, as I said, our people who are living along the Ethiopian border in *manyattas*, should be under the protection of the police so that there will not be much danger. This will not be an expense to the Government to employ police to be kept along the border. This is what I am suggesting to the Government. This is a solution that the Government could use for the Marsabit people and the Turkana.

I do not want to labour any further. What I have said is enough, and from what I have said, the Government and the Minister who is here should be called in and consider these suggestions in good faith. This is a political issue.

Mr. Speaker, Sir, I beg to move.

*(Question put and negatived)*

**MOTION****PRESIDENT'S STATUE AT CHEWOYET**

**Mr. Lorema:** Mr. Speaker, Sir, I beg to move:—  
THAT in view of the fact that Kapenguria has some historical significance connected with the early life of our President the Rt. Hon. Mzee Jomo Kenyatta this House urges the Government to erect his statue at a place known as Chewoyet and further urges the Government

Mr. E. D. Godana: On a point of information—

The Speaker (Mr. Slade): A point of information: I do not know if you will give way, Mr. Nyagah?

The Assistant Minister for Home Affairs (Mr. Nyagah): I have had enough information from the hon. Member, Mr. Speaker.

Mr. E. D. Godana: On a point of order, Mr. Speaker, I did not suggest that I was telling the people not to pay the tax, but the people of one part who are mostly concerned say that they will not pay tax until the compensation is paid.

The Speaker (Mr. Slade): Well, that is a very important difference, and you are justified in getting up and correcting the hon. Member if that is so. As I said only the day before yesterday, I think, it is completely out of order for hon. Members of a constitutional Parliament, bound by an Oath of Loyalty from the moment they enter this House, even to suggest that they will be party to illegal or unconstitutional action. But for an hon. Member to warn the House that unconstitutional action may be taken by others, if a certain situation is not remedied, is in order.

Yes, I think you must have misunderstood the hon. Member, Mr. Nyagah.

The Assistant Minister for Home Affairs (Mr. Nyagah): I am open to correction, Mr. Speaker, but I am glad that we have put it right, that the hon. Member is not going to advise his people to be a party to people who have threatened not to pay their tax unless the 30,000 goats, 10,000 head of cattle and 3,000 camels have been compensated for to the extent of Sh. 20 million. I am glad that this correction has been made.

Mr. Speaker, the hon. Member did suggest that famine relief should be given to the people in the area. What he has not told the House is that famine relief has already been given to the people in the area and the Government have gone to great lengths in trying to help the people, not only those who have lost their *nyombe* or camels, but even those who are suffering naturally.

I think this Motion, Mr. Speaker, is very much misguided, and I would like the hon. Mover in future to consult his supporters, so that they bring forward a Motion similar to the proposals by the hon. Member for Githunguri, which, if it had been the original Motion, would have been on a better line. I notice, Mr. Speaker, that the hon. Member who moved the Motion very carefully avoided telling the House the

activities of his people against the people who live to the west and south of Kenya: the Samburu, for instance. He suggests we should break off diplomatic relations with Ethiopia. If that is the only cure that he can suggest for stopping stock-theft, what suggestion does he have for curing the old-age problem of stock-theft between the Samburu and the Boran.

I suggest, Mr. Speaker, that this Motion is untimely, is misguided, and I find it very difficult to support it as it is. Mr. Speaker, Sir, these people in that area are my blood in so far as they are Kenyans and I am a Kenyan. I would suggest to the hon. Member, just as we did the other day with our friends in Masai and Kuria, that he should invite us as a Ministry to go with him and try and see on the spot whether we can find a solution which will be amicable, other than the four alternatives which he puts here and which I find it very difficult to support.

With these remarks, Mr. Speaker, I oppose both the amendment and the original Motion.

Mr. Khalif: Mr. Speaker, Sir, in so far as you have said, Sir, that we should combine the debate on both the amendment and the Motion, and I have been the Seconder of the Motion, I will now speak on both.

In so doing, I completely agree that we should accept the amendment and refrain from breaking off diplomatic relations with Ethiopia. Sir, the amendment as proposed by the hon. Waira Kamau indicates that a special mission should be sent to see the Emperor of Ethiopia, as an old friend, asking him to intervene to stop this raiding from Ethiopia. Sir, I do not see any reason for the Government to refuse this, because sending a good-will mission to the Emperor is just what we need now. I think suggesting that we should break off diplomatic relations with Ethiopia was a little extreme, but the question of sending a special good-will mission to our old friend, the Ethiopian Emperor is just what we need now, because if there has been anything bad going on in between Ethiopia and Kenya, and the two countries being friendly, then the only cure is to sit at a round table and discuss it. That is the way we can bring good relations, that is the way we can stop the raids between Ethiopia and Kenya.

This is very moderate, I think, because having accepted that we should not break off diplomatic relations with Ethiopia, now we see the Government opposing even sending a good-will mission to Ethiopia. Sir, if I understand well that Ethiopia is a very friendly country with us and that we have pacts with them, then why should we not sit at a round-table conference with our Mzee

[Mr. Khalif] Balo Taifa, Jomo Kenyatta, and the Mzee there. Emperor Haile Selassie, possibly in Gatundu or Addis Ababa? They could discuss these raids frankly, and that is the only possible way we could stop them.

Sir, we have been told by the Mover that from 22nd October 1963, to December 1965, more than 152 people were killed in these raids by people coming from Ethiopia. We have also been told that more than 32,000 cattle have been looted by these raiders from Ethiopia. Sir, this is very shocking in view of the fact that we have very good relations with Ethiopia. If this had happened in the north-eastern part of Kenya, it would not be very surprising because our relations with Somalia are not good. But we have very good relations with Ethiopia, and after admitting that we have very good relations with Ethiopia, to learn that more than 152 people were killed and more than 32,000 cattle were looted by Ethiopian raiders is just ridiculous.

Sir, people down there in Marsabit, particularly, are very much concerned at this state of affairs, not only the Boran, the Rendille but also the Turkana are affected. It was only the other day when we read in the papers about the massacre of eighty-eight Turkana in one raid. Now, Sir, these are lives that we are losing, and if we sit tight on our benches here and try to say that everything is all right, it is not going to work. Every Member has problems in his constituency and the paramount problem Mr. Godana has in his constituency is the continuous killing of his people. Let us face the facts: Just the same way as everyone—

An hon. Member: By whom?

Mr. Khalif: By Ethiopian raiders. This is the same way—

An hon. Member: And the Somalis.

Mr. Khalif: Yes, also the Somali raiders. Yes, I am not going to—yes, that is accepted; also the Somali raiders. But the same way that everybody has a problem, the same way that some Members here are concerned about the *Harambee* schools and they bring Motion after Motion, question after question about the Government taking over *Harambee* schools, so does Mr. Godana have a problem in his constituency relating to Ethiopian raiders.

For that matter, Sir, it is going to be very unwise to sit here and try to say that everything is all right. We have been told, time and again, by various Members through Motions and questions that people are being killed, that there are massacres up there, that at one time eighty-eight

Turkana have been killed. It is no use for the Government to sit and try to oppose the amendment as proposed by hon. Waira Kamau because the amendment only asks for a good-will mission to be sent to Ethiopia to confer with the Emperor of Ethiopia, so that these raids are stopped, and that is that. The Government would be evading its responsibility by refusing to accept this amendment, because it is the Government's duty to see that its loyal citizens—I am not speaking about the disloyal ones—are looked after and their lives preserved. The only way to do that, in so far as this Motion is concerned, is to accept this amendment of the hon. Waira Kamau.

With these few words, Sir, I beg to support the amendment.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I—

The Speaker (Mr. Slade): You only have five minutes, I am afraid.

The Minister for Home Affairs (Mr. arap Moi): I am very sorry indeed.

Mr. Speaker, Sir, I stand to oppose the Motion and the amendment, for the simple reason that the amended Motion still allows people to be armed in the area. The hon. Member did not give true facts in his Motion. First of all, Mr. Speaker, allegations have been made by the hon. Member, and I should like to draw your attention, Sir, to the fact that there is a section in the Standing Orders whereby, if a Member makes a serious allegation in the House, there is a committee which will judge why that allegation has been made; but I do not want to enter into that one, Mr. Speaker.

However, I would like to say in this House that Kenya and Ethiopia have been friendly countries and we shall continue to be so, and we shall not accept breaking off diplomatic relations with them. There is already a committee on the border between us and Ethiopia. This has been set up and we will continue to review conditions along the border as we have done with other States. Secondly, Mr. Speaker, if it is merely a question of breaking off diplomatic relations because of traditional activity between the borders, then I should like to state that there have been raids between us and Uganda; there have been raids between ourselves and the people of Tanzania, merely traditional raids. Mr. Speaker, the hon. Member pins down the problem to the Ethiopia Government and yet the Motion says Ethiopia and Somalia. Now, he did not say how many cattle were taken to Ethiopia and how many were taken to Somalia. Nothing was put before the House.

[Mr. Kemau]

that it is up to the Government to know exactly the sincerity of anyone who speaks on behalf of the Government.

With these few remarks, Mr. Speaker, Sir, I propose the amendment.

### CONSIDERED RULING

#### CRITICISM OF INTERNAL AFFAIRS OF ANOTHER COUNTRY

The Speaker (Mr. Slade): Before we continue the debate, I would like to clear up a point of order which arose while the Deputy Speaker was in the Chair. It is quite an important point. As hon. Members know, there cannot be criticism of a friendly Government except by way of substantive Motion for that purpose. Now here is a substantive Motion, directly criticising the Ethiopian Government as being responsible for the activities of armed raiders, and therefore proposing the breaking-off of diplomatic relationship. Anything relevant to that is, therefore, permissible.

But the question arose as to whether it was in order for hon. Members to criticize the internal affairs of Ethiopia in this Motion; and quite definitely, no, it is not relevant to this Motion, and it is criticism of a friendly country on a subject to which this Motion is not directed, so it is definitely out of order.

Now it was said to the Deputy Speaker, to his embarrassment, after he had ruled to that effect, that I had allowed the Mover to comment on the internal affairs of Ethiopia in the course of his speech. That is true, but his comments on that particular aspect were so brief that he had moved on before I had time to stop him. If he had continued any longer on that point, I would have stopped him. So the Deputy Speaker was quite correct in his ruling; and I think the Minister for Home Affairs raised the same point of order, and he was correct in raising it. So we must get this clear; there must be no more reference to the internal affairs of Ethiopia in the debate.

Who seconds the amendment?

(Resumption of debate)

Mr. Gichoya: I do, Mr. Speaker. I am the seconder. Mr. Speaker, the intention of seconding this amendment is, in the first place, to prove that we are really friends of Ethiopia as much as Ethiopia—

Mr. Khalif: On a point of order Mr. Speaker, I was the seconder of the whole Motion. Sir, and I reserved my right to speak.

The Speaker (Mr. Slade): Yes, I am sorry, it was my mistake; it was the hon. Member who spoke second, Mr. Ogle, I think. Whoever did try to speak on this subject claimed that I had allowed the Mover to speak—never mind who it was.

Mr. Gichoya: Mr. Speaker, we all know that we have a very good relationship with Ethiopia. As a matter of fact, we have a more or less brotherly relationship—

The Speaker (Mr. Slade): I am sorry. Dr. De Souza informs me that Mr. Khalif was claiming the right to speak because he had seconded. But you see, having had an amendment proposed, we have to see who seconds it. If you had wanted to second the amendment, you could have spoken now; but otherwise you have to wait for someone else to second the amendment, and then your chance will come. I will bear it in mind. I am sorry, Mr. Khalif.

Mr. Gichoya: So, Mr. Speaker, I continue.

We know that our President and the Emperor of Ethiopia are personal friends and what we should aim at is to request our President to approach, in person, if possible, the Emperor of Ethiopia and acquaint him with the problem we are facing in this country. It is indeed very disappointing to find that 30,000 head of cattle, 10,000 sheep and goats and 3,000 camels have been taken by the people of Ethiopia and about ninety people, belonging to the State of Kenya, have been killed by the people of Ethiopia. Taking these things into account, one is bound to think that we are really enemies of one another. But, in actual fact, in every society we should expect certain differences among the people. For that matter, some of the misguided Ethiopians and misguided Somalis, or Boran, for that matter, might have been engaged in this activity of stealing, taking it to be part and parcel of their way of life.

Today, Sir, even in Kenya, a Masai believes that if he does not kill an animal, a lion, for that matter, he is not a real *moran*. This is a way of thinking, Sir, and it may be these misguided Ethiopians, Somalis and Boran might have been taking it for granted that to steal is not a crime, and to steal is part and parcel of their way of life. Consequently, for them what we call a crime is a mode of life. Now the heads of the two Governments, the heads of the two States, could normalize this situation. I fully support the idea that there should be a special mission sent to Addis Ababa to see the Emperor of Ethiopia. If possible, the Emperor of Ethiopia should be

16 Motion—

[Mr. Gichoya]

summoned to State House here, or, for that matter, to Gatundu, and have explained to him Kenya's position.

We have agreed that we live as friends; we have even concluded friendship treaties. But what meaning would these treaties have if, the next day, the people are being reduced one by one? It means, Sir, that if we do not take immediate steps the time will come when Ethiopia may even perhaps say, "We will conquer this part and make it part of the Ethiopian empire." This again would be a breach of the faith which we have in Ethiopia, and unless we do something about the trend of things, about the move that is taking place, the Ethiopians might come to the stage of feeling that we were, one day, a part of their own empire and we should now be part of it again. If that is the case, Mr. Speaker, then we are bound to sell this country of ours.

I should make one thing clear, that even though we are not as many as Ethiopians, even though we do not have a very strong army as that of Ethiopia, we are capable of defending our own country and even if the worst comes to the worst, we can fight the Ethiopians physically. So before that stage comes, let us appeal to our own President, tell him to see the Emperor of Ethiopia or summon him on a friendly basis to come and see him and discuss these issues. Unless that is done, Mr. Speaker, I feel that our friendship with Ethiopia is going to deteriorate and consequently, we might find ourselves faced with Somali/Kenya problem, Ethiopia/Kenya problem and, this is the final analysis, might bring about international conflicts based on petty things.

With these few words, Mr. Speaker, Sir, I support 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): I think it would be for the convenience of the House if we combined debate on that with debate on the main question. There is very little time left. In fact, I would point out that I have to call on the Mover to reply in twenty minutes' time, so that if Government intend to speak on this Motion, they had better speak now.

Mr. Gichoya: On a point of order, Mr. Speaker, I wonder whether we are in order to state that the paragraphs 2 and 3 are deleted as soon as that amendment is put there? Because I was supporting the whole thing with an idea that the whole thing is cancelled and that it is the one that substitutes paragraphs 1, 2 and 3.

The Speaker (Mr. Slade): The note that the Deputy Speaker gave me was that only paragraph (f) is left out. I will have to be advised by the Clerk; or can Mr. Kemau tell me what he actually proposed?

Mr. Kemau: Exactly as the Deputy Speaker has put it.

The Speaker (Mr. Slade): Just the modification of paragraph (f) without interfering with paragraphs 2 and 3?

Mr. Kemau: I did not interfere. That is why the Mover agreed.

The Speaker (Mr. Slade): Well, you cannot second anything but that, Mr. Gichoya.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I rise to speak very shortly on this Motion and, particularly, to base my arguments on the Mover of the original Motion.

It is very difficult to accept a Motion like this, which does not seem to have a clear-cut aim. Here is a Mover, Mr. Speaker, who tells the House to see the President and then advise the President to tell the Government, and yet the President is the Head of the Government. The Mover also goes on to say that the Government has done nothing to defend these people. He goes at great length, to give the figures of *ngombe*, the goods and camels that have been stolen from his area. I have every sympathy with him when he says he is just performing his duty as an elected Member because he has his voters; I believe those are his words. I have every sympathy on that one, Mr. Speaker.

What I have no sympathy with is his analysis of the situation or meeting points, which are very important. He has not said anything about the activities of the Government security forces in that area. He has not even given us the figures for all the people he considers to be capable of carrying arms over the age of thirty-five, but he has a wonderful calculation of Sh. 20 million as compensation, and more than that, Mr. Speaker, he goes on to commit the most blundering action of threatening that he and his people will not pay tax, unless this compensation is made. Mr. Speaker, Sir, one would expect that when an hon. Member brings a Motion like this, trying to ask the Government to put right things which are wrong, he would be the first person to take a leading part in showing the right way, but threatening that they will not pay tax, I think, is not a particularly good thing for an hon. Member responsible for a constituency like that.



**The Assistant Minister for Education (Mr. Mutsaers):** I do not need your information, I am well informed.

**Mr. Deputy Speaker:** Sir, it is true that some Members introduce a Motion and allege a lot of things which they, themselves, cannot substantiate. Now, Sir, how is it possible for this House to agree that there has been a raid where at least 30,000 head of cattle and about 10,000 sheep have been taken to the Ethiopian side, and so much money, when the Member cannot substantiate and show how this was done, when and whereabouts and also he cannot show any evidence which would support his argument? **Mr. Deputy Speaker:** Sir, it is easy to come to this House and say that there has been at least a million shillings stolen, but unless—

**Mr. Eklifels:** On a point of information, Mr. Deputy Speaker, Sir—

**The Assistant Minister for Education (Mr. Mutsaers):** No, thank you, I do not need any information.

**Mr. Eklifels:** On a point of order—

**The Deputy Speaker (Dr. De Souza):** Are you sure it is a point of order?

**Mr. Eklifels:** On a point of order, Mr. Deputy Speaker, Sir, my point of order is this. Is it right for the Assistant Minister to tell lies when he does not have any proof as to this?

**The Deputy Speaker (Dr. De Souza):** Order! **Mr. Eklifels,** please withdraw the word lies. I think you were told by the Speaker yesterday that we must try and use parliamentary language, and we do not want any hon. Member to accuse anybody, whether Minister or otherwise, that he is telling lies. Please withdraw the word lies. It is a point of order.

**Mr. Eklifels:** Mr. Deputy Speaker, Sir, I withdraw the word lies.

**The Assistant Minister for Education (Mr. Mutsaers):** Mr. Deputy Speaker, Sir, I think that since independence, as the hon. Mover of the Motion indicated, the Kenya Government along with the Ethiopian Government have taken adequate measures to ensure that the boundary position is restored, because, Sir, if you remember, you will realize that this is not the first time that this issue has been brought to this House. I remember, Sir, some time ago last year, this issue was raised when we were in the other Chamber, and it was said, and the Government informed the House that already there were some boundary committees which were handling the issue of conflicts.

But, Mr. Deputy Speaker, it is not a question of asking for the breaking-off of diplomatic relations so as to solve the problem. That would mean adding more fuel to the fire which is already burning. I think it is the policy of our Government not to seek solutions by force, and the position today is that we have good relations with the Ethiopian Government; if we have any grievance or there is any case, then we should speak to or communicate with the Ethiopian Government and place before them any argument or any grievance that the Kenya Government has. Then the problems can be solved amicably without involving the use of force.

**Mr. Deputy Speaker,** some of these things are traditional and even inside Kenya here, we have these boundary disputes, even between the Kalenjin and the Masai and the Kikuyu and the Masai; this stock-theft is a traditional thing and I do not see how it can cause our Government to break off diplomatic relations because there have been some thefts on the boundary. This is something which can be handled by the security forces; and I am sure the Minister for Home Affairs will inform the House of the position, or the work the Ministry has been able to do, since independence.

So, Sir, I do not think that there is very much substance in this Motion which can really be taken very seriously; and in addition to this, Sir, I oppose the Motion.

**Mr. Rumamba:** Mr. Deputy Speaker, whilst sympathizing with the sentiments of the hon. Member, and also being cautious over the state of affairs in his constituency, I rise to oppose the Motion, particularly two clauses of it, clause (1) which talks of breaking off diplomatic relations with Ethiopia, and clause (3) which talks about the arming of the Boran.

Sir, we Samburu are adjacent to the Boran and we complain bitterly of raids perpetrated on us by the Boran and the Somalis. Mr. Deputy Speaker, the Boran tribe are *Shifja* and the Somalis are *Shifja* and all are near the Samburu District. Sir, we truly are suffering more from the *Shifja* of the Boran tribe than those of the Somalis. And we are suffering more than the Boran are suffering from the Boran of Ethiopia. And if the Government could really accede to the request made by the hon. Member of arming all the Boran in the district, I am sure that the situation in the whole of the Northern Frontier District would be made worse.

Again, Sir, if we break off our diplomatic relationship with the Ethiopian Government, what we are courting is again trouble in our own country. We must really maintain our

**[Mr. Rumamba]** diplomatic relationship with Ethiopia. What the hon. Mover could have said is that our Government should negotiate with the Ethiopian Government to disarm their people who are now using arms.

Sir, the Motion as tabled by the hon. Mover is not really quite clear; it does not indicate what really is in the hon. Mover's mind. If he really insists on the Government arming all the people in the Northern Frontier District, and the people in Ethiopia are armed also, what is going to happen is something bad for both countries; and it will not help our Government here. If we really want the Government to contain the situation in the Northern Frontier District, it must recruit more people into the police force, into the army, so that these raiding incidents can really be contained, rather than arming the Boran, who are, at the same time, *Shifja*, and again arming the loyal Somalis who are *Shifja*; and again breaking off diplomatic relations with Ethiopia.

With these few words, Mr. Deputy Speaker, I oppose the Motion.

**Mr. Kamau:** Mr. Deputy Speaker, Sir, I would like to amend paragraph (1) of this Motion to read as follows:

"To send a special mission to see the Emperor of Ethiopia, as an old friend, asking him to intervene so as to stop these raiders from Ethiopia".

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

**[The Speaker (Mr. Slade) resumed the Chair]**

Mr. Speaker, this amendment is very simple. Everybody in this country knows very well that Ethiopia has been our closest friend and it was, with all due respect, the first African State to be independent. We know very well that had it not been for the Ethiopian Emperor all these countries, from Ethiopia and Kenya onwards, would have remained occupied and fully dominated by the Western powers. Nobody is in doubt that the Emperor of Ethiopia, because of the encroachment of the Italians some time back, had to fight and he was forced to fly from the country to live in Britain; in this he was defending the cause of African States at large.

I have consulted my hon. friend, the Mover of this Motion, and we have agreed that I should move this amendment for the simple reason that if we do not want to sabotage our own Government it would be dangerous for us to advocate the breaking-off of diplomatic relations with Ethiopia; this would give a chance

to the so-called power-mongers from outside to penetrate from Ethiopia and, by so doing, the people of this area, as far as I know, who are very poor in many ways, would be tempted. I think the intention of my friend, in bringing this Motion, is to try to pave the way to urging the Government to help these people to be uplifted, to be civilized as much as other people in this country, to be developed educationally, economically and politically. I do not think it was his intention to condemn fully the relationship between Ethiopia and Kenya.

I would say that I have been living in Marsabit myself, it was where I was detained for six years during the Emergency. I am proud to say that I myself and my colleagues, who were detained, urged him—he was then the clerk to the district commissioner—to join politics and leave the administration, because we knew the benefits the Northern Frontier District people would get from his education.

As regards this amendment, I think I would say that it will be easier for the Government of Ethiopia to consult the Government of Kenya. A treaty between the two States has recently been made; and if we go about this equably and peacefully and then something goes wrong, it will be settled by the two Governments. For anybody sensible to try to call Ethiopia hostile to other African States would be tantamount to committing a crime, because we know how much the Emperor of Ethiopia has done towards the uplifting of other African States. And it is true to say that, because of the initiative shown by the Emperor of Ethiopia, many African countries are independent today. To try to condemn such an honourable Government would, in my view, be wrong.

Therefore, Sir, I would request the House to accept the amendment and then debate the Motion according to its merits.

Before I sit down, I should like to make one remark, that the poverty of these people should be borne in mind; and I would request my Government to do all it can to help these people in the Northern Frontier District so as not to cause those people outside the country, the enemies of our independence, to believe that it is easy to penetrate Kenya by way of the Northern Frontier District. These people should be assisted so as to be in a position to protect the Government of Kenya. At the same time, I would warn the Government to be alert, to know the allegiance of everybody who speaks on behalf of the Kenya Government, whether he speaks with two mouths or one. I do not allege that any Member of Parliament has an ulterior motive against the Government, but I do think

[Mr. Ogle]

independent for nearly 3,000 years, but the first reaction one has when one comes to Ethiopia is that they are not even ready for self-government!

That Sir, is why I said that Mr. Godana had done very well in bringing this Motion to the House. Mr. Deputy Speaker, Sir, the Government has constantly said in this House and outside that they are very friendly with Ethiopia, but that does not matter. Sir, what we are interested in, and I am sure every Member will agree with me but what we are interested in is the well-being of our people. Mr. Godana has displayed to the House what is wrong, what the Ethiopian Government has done to our people, and because of that we cannot just continue to say that they are friendly—

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, in this issue is there the question of the security of the people of Marsabit, because I do not see how the hon. Members can enter into internal affairs of a friendly State, unless they bring in points which concern the security of Marsabit District which implies that diplomatic relations should be broken with Ethiopian Government. Whether the people of Ethiopia are illiterate or not, does not come into the Motion.

The Deputy Speaker (Dr. De Souza): I understand what you are referring to Mr. Moi, and that is what I had in mind when I first interrupted the Member, but in view of what Mr. Khalif has said, that Mr. Speaker, here in the Chair before me allowed Mr. Godana to speak about the internal affairs of Ethiopia, and in view of the fact that clause 2 asks very clearly for us to break off diplomatic relations with Ethiopia it is, in fact, a substantive Motion, then I am afraid that I do not want to interfere, because if one speaker has already been allowed to say it, then I do not think we can now stop other speakers from saying the same.

Mr. Ogle: Mr. Deputy Speaker, I can see the Minister is worried about my comments on the Ethiopian Government, but, Sir, that I feel does not matter.

Mr. Deputy Speaker, Sir, some time ago there was an agreement between our Government and the Ethiopian authorities concerning the disarming of the people along the border. We have carried out that agreement to the extent of disarming all the people, the Boran, Turkana and other citizens near the Ethiopian border. But, Sir, the Ethiopian Government has not done so. I cannot see the reason why we should continue disarming our people and make them easy prey

for the raiders from Ethiopia coming over the border and killing them, plundering their property and taking everything that they own.

Another thing Mr. Deputy Speaker, Sir, is that the Government is always talking about the friendship of Ethiopia. Once they told us that they defend the Kenya Government if there was any attack from Somalia—

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Deputy Speaker, Sir, the hon. Member alleges that we have agreed with the Ethiopian Government that they should defend us in the case of Somalia attacking us. What defence pact does he know of?

The Deputy Speaker (Dr. De Souza): Yes, can you substantiate that, Mr. Ogle?

Mr. Ogle: Mr. Deputy Speaker, Sir, I would like to say that when the *Shifita* menace broke out there was an immediate defence pact between Kenya and Ethiopia and everybody can assume that this was directly—

The Deputy Speaker (Dr. De Souza): If there was a defence pact, Mr. Moi, I think the normal understanding of a defence pact is that people will help each other. I think he is entitled—

The Minister for Home Affairs (Mr. arap Moi): But they should—

The Deputy Speaker (Dr. De Souza): I think it must mean help each other in the event of an attack.

Mr. Ogle: Mr. Deputy Speaker, Sir, I am very sorry to see that the Minister is worried about Ethiopia. I quite agree, Sir, with Mr. Godana when he said that we should break off diplomatic relations with Ethiopia, because there is no use us talking about having any friendship with Ethiopia any longer. Apart from that, Sir, the main supplies of arms to Ethiopia is Great Britain and the United States of America, and I think that we should also write a diplomatic note to these two Governments holding them equally responsible for this as well, and warn them that they should not supply more arms to Ethiopia since these are used against innocent people in this Republic of ours.

Mr. Deputy Speaker, Sir, time and again we are told that Parliament is the supreme authority and it is the desire, and the wish of this House, that we break off diplomatic relations with Ethiopia, and I could not think of any Minister standing in front of the Members here telling us that we should not do so, unless he is working on his downfall.

Mr. Deputy Speaker, Sir, another thing which I would like to say before I finish is that now we have disarmed our people, and we can see

[Mr. Ogle]

that the Ethiopian Government is sending its people across the border completely armed to attack our people, and loot their property. Now, Sir, we cannot protect them, although the Minister stands here and says that we will protect them, we have the necessary force and therefore we will protect them, but, Sir, that will not work, because through my experience as an ex-pole officer who was stationed along the border near Ethiopia I know that there is no protection which we can offer in the case of either sending a platoon of General Service Unit men or something of that nature. Therefore, Sir, the only other alternative method which we can employ is to arm the people there in order that they can defend themselves from those people who are sent by the Emperor of Ethiopia. I know the main intention of Haile Selassie— but, Sir, before I come to that, I would like to say that Ethiopia has a very high prestige outside, but, I fear, Sir, that this has already been lost. There is nothing left, and I remember when the Organization for African Unity met in Addis Ababa about the Rhodesian issue, it was the Emperor who said that he was prepared to send two battalions, or what it was, to Rhodesia to fight, but when it was decided that the African Governments should take action by first of all breaking off diplomatic relations the Emperor was the first person to go back on his word, therefore the prestige of Ethiopia is no longer recognized outside, and therefore, I cannot see the reason why our Government should rely at all on Ethiopia, because they are going to ruin us completely, and will show that this Government is not independent.

Therefore, Mr. Deputy Speaker, Sir, we must arm our people in order that they are able to defend themselves from these people. I know, Sir, that the intention of the Ethiopian Government is to take over Kenya or any other country. I am expert on Ethiopian affairs, and you have been to the Jubilee Palace where the Emperor invited you to, but I have been living up there and I know quite a bit.

The Deputy Speaker (Dr. De Souza): I have not been to any palace myself.

Mr. Ogle: I am sorry about that, Mr. Deputy Speaker, Sir. So, Sir, the intention of the Ethiopian Government is to rule this country, and our Government, I am afraid, is so blind that they cannot see, for example, when you say that the Ethiopian Government is unfriendly nearly every Minister, who is representing the Government, is on his feet and objecting to that remark.

Therefore, Sir, if we cannot say such things, I would just like to end my speech by saying that we must break off diplomatic relations with Ethiopia simply because they are hostile towards our country, and simply because they have lost their prestige outside. Secondly, Sir, I feel that we should arm our people so that they can defend themselves against these ruthless people who are sent across the border by Emperor Haile Selassie.

The Assistant Minister for Education (Mr. Mutiso): Mr. Deputy Speaker, Sir—

The Deputy Speaker (Dr. De Souza): Are you speaking on behalf of the Government?

The Assistant Minister for Education (Mr. Mutiso): No, Sir, I am just opposing the Motion.

Mr. Kamau: On a point of order, Mr. Deputy Speaker, Sir, with all due respect, is it in order that at this stage if one wants to amend this Motion—

The Deputy Speaker (Dr. De Souza): Yes, Mr. Kamau, I have your notice, but I will call you in due time. I think Mr. Mutiso has the right to speak now.

The Assistant Minister for Education (Mr. Mutiso): Mr. Deputy Speaker, Sir, I find it difficult to understand the essence of this Motion because the hon. Mover and the seconder of the Motion have totally failed to explain the actual reasons why the Motion is seeking to break off diplomatic relations with Ethiopia. If, Sir, it were because of boundary raids, then I think, Sir, that it is a well-known thing, historical or even inside Kenya here, that where you have boundaries there is bound to be some conflict sometimes and to a certain extent blood is bound to be shed.

Now, Sir, as far as this boundary is concerned, it is well known that it is not only the people inside Kenya who are attacked but that the people also from that part of Kenya also attack the people on the other side in Ethiopia. I think that if the Motion, as it was tabled, and on what the Mover and the seconder spoke upon was genuine in its case, then they would have told the House how many raids by Kenya tribesmen have been made on the Ethiopian side, and how many cattle, sheep and goats have been taken away from that side. It is quite evident, Mr. Deputy Speaker, Sir—

Mr. Ekiella: On a point of order, Mr. Deputy Speaker, Sir, or at least on a point of information—

The Deputy Speaker (Dr. De Souza): No, I am afraid you cannot.

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

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

However, what I would like to tell the Government and the people of Kenya is that today I am here with the confidence of my people. They have urged me to bring this Motion forward. They have asked me to say that we should cut our relationship with Ethiopia, that we walk into Ethiopia and fight with bows and arrows. I support them, they are my voters. I have come here on their behalf, to defend them. They are in a bad position, they have no money.

Mr. Deputy Speaker, I would like to tell the Government—I would be happy if what I say could be put before Mzee Kenyatta—that the people of Marsabit District, and Turkana, too, are—just the other day when we adjourned, on the 10th December, we learnt that eighty-eight people were killed, women, children and men. Innocent and defenceless people were killed and yet we come here and are told that we are friendly countries, Kenya and Ethiopia. We are told that we are trying to construct an international road right up to Ethiopia. We are told that the survey is on the way. No, Mr. Deputy Speaker, we should cut out this diplomatic relationship in the first place and see that we defend our soil by killing the thousands of people who are trying to come into Kenya and take over-part of Kenya. They say that Somalia has a lot of *Shifta* but I would say that Ethiopia is one of the dangerous elements that we have to contend with. We should be aware of this. The only proof of friendliness will be help from Ethiopia. If we go and approach the officials, governor-generals—we have several letters written to the Governor-General of Nagale asking if he could be of any help, if he could send people to the area from where people come and raid, the Rendille and Gabra people. He was not helpful at all. So, if somebody has not been helpful why should we be told that we are friendly countries? We should just cut out the diplomatic relations. Then we can move forward according to our plans, knowing that we do not have any relationship diplomatically as now exists between Kenya and Somalia. That is why we have declared the North-Eastern Region as one of the emergency States.

I was very concerned, Mr. Deputy Speaker, when I heard that innocent people were killed, men, women and children.

I have brought this Motion here, Sir, because so many Members do not know what is happening. They are shouting things here without know-

ing what is happening with the area I am talking about. That is why I have brought this Motion. One Member is saying now that the Samburu are always being attacked. It is not that the Gabra, the Rendille or the Boran come under the Samburu, but these raiders come from Ethiopia, from some 200 miles, and they move into the interior of Kenya. They attack, raid and then go away with cattle and other animals. During the last three years, since 1963, they have taken a total amount of 32,850 cattle. I do not want to quote anything that happened during the colonial times. I only want to talk about things that happened since 1963. 32,850 cattle were taken away, 18,400 goats, 3,000 camels. Today, this is costing the Government money, over Sh. 20 million. May I inform the House that the people of Marsabit District have refused to pay their personal tax in protest; unless they receive compensation for 30,000 cattle, 10,000 goats, 3,000 camels they say they will not pay their personal tax. I was within my constituency at Marsabit when an ALMO official went down to Gabra to buy livestock. He was told that the people there would not sell any livestock to the Kenya Government, neither would they pay the tax. Mr. Deputy Speaker, these people are poor, there is nobody to present their views, their difficulties in order to help them to better their conditions. So they say they will not pay their tax within the Gabra Constituency.

Mr. Deputy Speaker, may I give the following suggestion to the Government before I sit down. I think that a commissioner should be appointed in the Marsabit District including Turkana, and placed along the Marsabit border, to find out how many people have been killed since June 1963, how many cattle, goats, camels and donkeys have been taken away. Then compensation should be paid by the Ethiopian Government to this friendly country, to those innocent people who are not helpless and do not have any means of getting food. There are several of these people in Nairobi with nowhere to live. Compensation should be paid to them.

I think that every man should be armed in order to cut down the Government's expenditure. This should be done in Marsabit which is in the North-Eastern Province, in Turkana which is within the Rift Valley. In this way the men will be armed and they can defend their property and their country. There is no point in coming here and saying, yes, but Ethiopia is a friendly country. There is no point in signing a defence pact. What is the Kenya Government afraid of?

An hon. Member: Of the *Shifta*? Are you a *Shifta*?

Mr. E. D. Godana: Well, at the moment I do not side with the *Shifta* but things can make me become a *Shifta*. When I see hundreds and thousands of people killed in cold blood, then I do not like it. All the time the Minister is in the Rift Valley enjoying some time in his home. Government only says, *Shifta*, *Shifta*. You do not know what the *Shifta* are. When we see the blood of hundreds and thousands of people shed every month, every year, the blood of innocent people, then we will become worse than ever. Things are now becoming worse than ever. They were much better for us during the colonial days, things were a hundred times better.

I have a letter with me written to the President, who was Prime Minister at that time, saying that the police were afraid to go and track the raiders as the raiders had killed the mother and father of the vice-chairman of the county council.

The Deputy Speaker (Dr. De Souza): Mr. Godana, I am afraid your time is up.

Mr. E. D. Godana: Mr. Deputy Speaker, will you please allow me just another five or ten minutes?

The Deputy Speaker (Dr. De Souza): No.

Mr. E. D. Godana: Just another five minutes more?

The Deputy Speaker (Dr. De Souza): No, your time is up. I am afraid I am not in a position to allow you that unless there is very special reason, and in this case there is no special reason.

Mr. E. D. Godana: May I just give a special reason for my Motion, then?

The Deputy Speaker (Dr. De Souza): No, Mr. Godana, I am sorry. You have proposed the Motion, have you not? Have you read the Motion?

Mr. E. D. Godana: Yes, Sir.

The Deputy Speaker (Dr. De Souza): Who is your seconder?

Mr. E. D. Godana: My seconder is Mr. Khalif.

Mr. Khalif: Mr. Deputy Speaker, Sir, I second the Motion formally and reserve my right to speak later.

(Question proposed)

#### QUORUM

Mr. Malsori-Itumbo: On a point of order, Mr. Deputy Speaker, in view of the importance of this Motion I think this House should have a quorum, which we do not have now.

The Deputy Speaker (Dr. De Souza): We do have a quorum. Do continue Mr. Ogle.

Mr. Rurumban: On a point of order, Mr. Speaker, suppose an hon. Member wants to amend this Motion, and his amendment proposes to delete almost every word of the Motion now before the House, what—

The Deputy Speaker (Dr. De Souza): Order! Mr. Rurumban, that is not a point of order. If you have an amendment that you want to propose, and you are not sure about it, I think you can speak to the Speaker privately about it, rather than stand up on a fraudulent point of order.

Mr. Ogle: Mr. Deputy Speaker, Sir, I should say, "Well done." to the hon. Mover who has brought this Motion to the House. It is a well known thing that Mr. Godana, the Mover of this Motion was a great friend of the Ethiopians some time back, but today he has seen fit to bring this Motion here.

Mr. Deputy Speaker, Ethiopia is a rich country, but I would say that almost the entire population are starving. Ethiopia is a country where there are so many great universities but nearly 99 per cent of the people are illiterate. Ethiopia has a Government ruled by an Emperor—

The Deputy Speaker (Dr. De Souza): Order! Order! No, Mr. Ogle, we are not attacking a friendly country in this debate. I think you must confine yourself to the Motion here, not to attacking Ethiopia.

Mr. Khalif: On a point of order, Mr. Deputy Speaker, I thought the Speaker said earlier, Sir, that this was a substantive Motion whereby anything could be said.

The Deputy Speaker (Dr. De Souza): No, as far as I understand it, in regard to the substance of the Motion, namely the question of the attacks by Ethiopia, not on the internal Government of Ethiopia.

Mr. Ogle: Mr. Speaker, but the Motion asks for the break off of diplomatic relations, and, therefore, I think one is at liberty to say anything whether it is friendly or unfriendly.

Mr. Khalif: On a point of order, Mr. Speaker, Mr. Godana was earlier speaking on the internal affairs of Ethiopia and the Speaker made no ruling on that.

The Deputy Speaker (Dr. De Souza): Well, if the Speaker allowed him to do so, then I will not stop you. Carry on, Mr. Ogle.

Mr. Ogle: Mr. Deputy Speaker, Ethiopia is a country where the ruler is an Emperor who claims to be elected by God. Ethiopia is a country where the people claim they have been

[Mr. Knaggia]

removed by the amendment. I did not oppose this but accepted it on the understanding that, before the changes are made, we shall be consulted. I am sure that if we are consulted we shall find the best way of bringing about these changes.

If the changes are made, Sir, I am sure that there will be harmony and peace in these three affected districts, because, as I said, we are not claiming any land, we are not refuting any boundary which was demarcated by the commission; all we are seeking is the best way of working harmoniously together with these two neighbouring districts.

Therefore, Mr. Speaker, I do not think I have to labour much on this, but all I wanted to impress on the Government is that if this is implemented quickly, if we are consulted, I am sure that the whole trouble will be removed.

Therefore, Mr. Speaker, in closing I would ask the hon. Members who have sought to bring another amendment on this Motion to bring Motions concerning their particular areas, and I can assure them of my support which will be wholehearted, because, as I said, this problem was different from their problems. But as I appreciate their problems, I will be willing to support them on their Motions concerning their particular areas.

Mr. Speaker, I do not think I have anything to add and therefore I beg to move.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT in view of the present overlapping of authority between the Murang'a County Council and Thika Administration in the former Thika District which is now part and parcel of the Murang'a County this House urges the Government to remove the overlapping jurisdiction between the Murang'a County Council and Thika District Administration, and if necessary to introduce such legislation as may be necessary for that purpose.

#### MOTION

#### BREAKING-OFF OF DIPLOMATIC RELATIONS WITH ETHIOPIA

Mr. E. D. Godana: Mr. Speaker, I beg to move the following Motion:—

THAT in view of the deteriorating security position in Marsabit District whereby about ninety people were killed between 22nd October 1965 to 27th November 1965 by the

*Shifita* from Ethiopia and Somalia and escaped with about 30,000 head of cattle, 10,000 sheep and goats and 3,000 camel, this House calls upon the President to advise the Government to take appropriate measures:

- (1) To break off diplomatic relationship with Ethiopia, in view of the fact that most of the armed raiders come from Ethiopia.
- (2) To give urgent famine relief to all people concerned who lost their livestock in Marsabit District.
- (3) To arm all people over thirty-five years of age for self-defence against Ethiopia and Somali *Shifita*, since Government could not defend them.

Mr. Speaker, Sir, this is one of the most sad Motions which has been moved in this House, and I regret to say that this is most sad, because it has been so much noted by the people whom we represent within Marsabit District that they have been defenceless and have been left in the hands of raiders and looters, those who have been empowered by their Government.

Mr. Speaker, Sir, Ethiopia is supposed to be the mother of all African countries, but I regret that Ethiopia has been having a very much worse administration than the Johnson Government of America. Mr. Speaker, Sir, we have been writing, we have been asking and we have been approaching them personally, their officials, their embassies from 1961, 1962 and 1963, but nothing has been done so far. I regret to mention that Ethiopia is our motherland where my father originated, but today, with all due respect and with much concern, I am just calling on the Government to break off diplomatic relations with Ethiopia.

Mr. Speaker, I am just wondering who is here to reply to my Motion because I do not see the Minister for Home Affairs or the Assistant Minister.

The Speaker (Mr. Slade): Mr. Nyagah—perhaps you did not see—is sitting behind you.

Mr. E. D. Godana: Mr. Speaker, Sir, I have just mentioned that Ethiopia is the mother of all African countries, but if today we look at what they are doing, the way they are raiding other neighbouring countries is becoming excessive, and we cannot tolerate this. Mr. Speaker, just to wait and listen or say that this is a friendly country. Mr. Speaker, for how long shall we say that this is a friendly country? I know this it is true that my father originated from there, but still we have some of our own people in

[Mr. E. D. Godana]

Ethiopia, and that is why I am so much concerned. If I do not bring such an important Motion into this House, I will fail to do my duty as an elected Member or representative. So, Mr. Speaker, just to perform my duty, I have brought this Motion to this House to alert the Government and to inform them what is going on in the Marsabit District.

It would not be too much to mention that on 22nd October, in Marsabit District, at a place called Erade four people were killed and 10,000 head of cattle were taken away, 10,000 goats were taken away. Then, after one day, on 23rd October, thirty-four people were killed within the same area. Then 3,000 camels were taken away. In the next five days, the same Ethiopian raiders or tribesmen, fully armed, came and killed about five people, and they did not escape with any livestock. On the 6th November at a place called Balleza, in Marsabit District, they killed seven people without taking any livestock; they made off. At a place called Turbi, Somali *Shifita* killed seven people. I am sure our Government never took any initiative whatsoever, when so many people were killed, to trace these people or to track them.

Mr. Speaker, I have so much correspondence here which I have brought from local elders, county councillors, regional assembly members, as far as 1961, but I am more concerned, with when Kenya became independent, from June 1963. We wrote a letter to our Mzee, who was then Prime Minister, to ask him if he could give any assistance to those people concerned. May I quote the letter, Mr. Speaker?

"On 4th December 1963, Galubba tribesmen attacked a Gabra *manyatta* at . . . (Inaudible) which is within Marsabit District. They killed twenty-four persons. These include women, men and children. When this incident occurred, Government—that is, police and Administration in this region—took no steps to help these innocent people who have lost their lives and stock. They did not even follow the tracks of the raiders. The people who succeeded to run away from the attacked *manyatta* are now suffering with hunger because all their stock were taken by the raiders. For example, one of my members, who is a county councillor, Mr. . . . (Inaudible) twelve persons of his family died in this raid—this is, his father, mother, six sisters, four brothers—and all their stock were looted."

Mr. Speaker, how can I, if I am an elected Member, a representative of the people, just remain always quiet, to see the blood of innocent

people flowing. How can I see people dying, being raided and brutally killed by people with no mercy, just people from the jungle?

Mr. Speaker, Sir, if I am not wrong, I would like to mention that the Ethiopian Government is the worst one we have today in Africa. I am sure those who have been to Ethiopia have seen what the city of Addis Ababa looks like, with the shanty buildings, dirty, full of beggars who are all over the streets, everywhere. When they come here, they think themselves very important and want a lot of priority to be given to them. They want to have big buildings, big offices, to be given land. They mentioned to us the other day, when the Emperor was here, that there will be no boundary between Kenya and Ethiopia. If I quote the Mzee, our President, he said, "You are just at home." He is telling the Emperor Haile Selassie, "You are at home, this is your land and soil." And what is the Emperor doing to help these innocent people? Who are these raiders who are fully armed, who come and raid our innocent women and children, who are helpless?

Mr. Speaker, Sir, it is not only the ninety people I have mentioned, from 1961, because I could not have some documents; my people are nomadic, they have different places. There are so many other people who have been killed in Marsabit District from 1963 up to December 1965; I am sure there are more than ninety people who have been killed, particularly from Ethiopia. There is no need, Mr. Speaker, for me just to see that we have a diplomatic relationship. I went to Ethiopia, in September 1964, and I met the Assistant Minister for Internal Affairs in Ethiopia. I mentioned all this to him, and asked what he would do. He told me that he would take drastic action, that he would see every possible action was taken, and there would be compensation for the Rendille people for all the raids, the cattle, camels, goats and sheep. Up to now nothing has been done. Then, we just came here and said we are now friendly countries, there is no boundary between us. We were told to feel at home with Ethiopia. We can never say that. So, let Government set us free so that we can defend ourselves with bows and arrows as our grandfathers used to do when they wanted to defend their homes or *manyattas*.

Mr. Speaker, Sir, so many people in Marsabit District are suffering today from hunger. They are roaming about in the towns, begging for 30 cents, 10 cents with which to buy a cup of tea. How can we give 1,000 people 50 cents, Sh. 1? I do not want to attack Ethiopia personally because this is where I have most of my friends and relatives.

[Mr. Kibuga]

parts of Kenya with such anomalies, and if necessary to introduce such legislation as may be necessary for that purpose.

Mr. Speaker, I beg to move.

Mr. amp Toor: Mr. Speaker, Sir, I would like to second the amendment. I do not want to say much on it, but I think the purpose of it is to allow a wider range to the Motion so that the other parts of the country which have the same anomalies will also have to be considered. I will give one example, Sir, in my own area to support this amendment. You see, at the moment, we have the administration of the schemes which have recently been introduced, and it is not known who is to administer the affairs of the schemes, whether it is the district commissioner of the African areas, as they used to call them, or the settled areas. We do not know. So I think, Sir, if the other Members will support this amendment, then the Motion will allow so many parts of Kenya to be revised and all these anomalies to be removed.

Another example is that part of our areas between Trans Nzoia and Cherangani. Today the police who are in Cherangani come under the jurisdiction of the police in Kitale, and these police are, in fact, in my district. We do not know under whose jurisdiction these people come. Sometimes they say they are administered from Kitale; sometimes they say they are administered from Tumbach, which is the headquarters of the Elgeyo-Marakwet District. I think if we allow a wider range to this Motion, which is why my colleague, Mr. Kibuga, has moved his amendment to the amendment, we will be able to correct and rectify some of these anomalies which exist in most parts of the country.

With these few words, Sir, I beg to second the amendment to the amendment.

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

The Speaker (Mr. Slade): I think that debate on this, for which we only have three minutes left, should be confined to that particular question, of extending the scope of the Motion by adding those few words.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, on behalf of the Minister of State, I would like to say that the Government finds it impossible to accept this amendment, simply because if the Government does accept the proposed amendment by the hon. Mr. Kibuga it will invite a lot of problems where

they do not at the moment exist. Mr. Speaker, I think that so far, what the two speakers have said implies that there are some confusions in other parts of Kenya, but these confusions in my opinion are not of the same nature as the confusions which exist in the Thika District. These are a matter of boundaries; and this Motion, as originally proposed, Sir, does not discuss the question of boundaries.

As you know already, there is a commission which is sitting until some time around December and I would like the hon. Members who have difficulties regarding boundaries in their own constituencies to submit memoranda or appear before this commission to give their views so that this commission can consider adjusting the boundaries of their respective areas.

But, Sir, on this Thika question—

The Speaker (Mr. Slade): No, Mr. Mutiso, I said that we can only debate now, at this time, the desirability of enlarging the scope of the Motion by this particular amendment proposed by Mr. Kibuga. Actually, it is, in any event, time now for the Mover to reply, so we must dispose of all these amendments and call on the Mover.

*(Question of the amendment to the amendment, that the words proposed to be inserted be inserted, put and negatived)*

*(Question of the second part of the amendment proposed)*

*(Question of the second part of the amendment, that the words proposed to be inserted be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

Mr. Kagga: Mr. Speaker, Sir, I must thank all the hon. Members who have contributed very effectively to this debate on this Motion. Again I must thank the hon. Ministers, the Member for Kangema, the Member for Kiharu, the Member for Kigumo, for supporting this Motion.

Further, Mr. Speaker, I thank the Government very much for accepting this Motion as amended because I feel that although the Motion was amended the substance of the Motion was not removed.

Mr. Speaker, I would also like to say why personally I oppose the other amendment from my friend, Mr. Kibuga. While I agree that there are some other anomalies in other districts; I am convinced that this anomaly in Thika District is quite peculiar to this place; and while I appreciate and sympathize with other complaints, I said from the beginning, when I was moving

[Mr. Kagga]

that I would not like the Government or the House to regard this Motion as other Motions that have been moved, calling for the revision of boundaries. In this Motion, Mr. Speaker, we are not claiming any land; we have no quarrel with any other district as far as demarcation is concerned. All we are asking is the removal of the overlapping between the county and the administration.

Therefore, Mr. Speaker, I would say that this is peculiar to this district, and I am glad that the Government has drawn attention to this, so that this problem, which is worrying our three districts, is not confused with all other problems in other areas.

Now, Sir, having said that, I would like to point out to the Government that, although I accepted the removal of the word "confusion", this does not mean that there is no confusion. As the other Members have pointed out, there is a terrible confusion and, as a result of this, I would like the Government to implement this Motion as soon as possible so that this confusion is removed. I would like to repeat a bit of what I said concerning the confusion in the Kanu organization. We know very well, Sir, that Kanu is the ruling party in this country, and whenever we have elections, either county elections or those for the House of Representatives or the area councils, the Kanu branches in the areas concerned nominate candidates for these elections. In these areas we always have difficulties; and since we are now approaching county council elections in Murang'a and, I think, Kiambu also, we are bound to have the same confusions, because we will have Kanu, Murang'a, branch nominating candidates in those areas because they belong to Murang'a County Council. It will not be surprising to have different candidates nominated by Kanu, Thika branch, for the same areas, and for the same seats. This is bound to bring confusion.

Therefore, I would ask the Government to see to it that something is done at least before June because that is the time we are expecting county council elections in those areas. As the hon. Minister has pointed out, I agree that there are some changes that could be made administratively before the Government introduces any legislation to change the Constitution, because I think that an administrative announcement is enough to extend the jurisdiction of the District Commissioner, Murang'a, through the whole of Murang'a County Council area; and if that is done, I think most of the confusion would be removed. I think the only thing that would need

a change in the Constitution is the removal of Thika as a district; and I am sure that this can be done any time, and this House will definitely approve such an amendment of the Constitution to bring about this very necessary change.

Mr. Speaker, I think if this Motion is implemented as soon as possible, it will remove all this conflict, and, as I said in my opening speech, it will accelerate the development of these various areas which are very much neglected, just as they used to be during the colonial times. I say that all these former settled areas are occupied by African squatters and workers who have no say in these areas. They have no property in these areas, and, as a result, nobody cares to consult them; nobody cares for their development because the settlers in those areas are happy already, they have everything they want and so they are not interested in any further development as far as the African people in those areas are concerned. But if the District Commissioner of Murang'a is given jurisdiction over this area, with the direction of the elected Members and of the County Council of Murang'a, he will see to it that our African brothers in these areas are advanced in various ways, educationally and otherwise.

It is for this reason, Mr. Speaker, that we feel strongly about this. You can see from the books about economy that the Thika District is a very rich one; but when you go to see who is rich in this particular so-called district, it is the settlers; and the poor Africans are very poor, they are kicked out from their jobs any time the settler wishes and they have no way of advancing their prospects.

It is because of this that we demand very strongly this change so that we see that these people living in the former settled areas are put on the same level as their brothers living in the so-called African land units.

The last point I would like to make, Mr. Speaker, is this. It is all right for the Government to accept the Motion but it would be wrong if the Government decided to remove these anomalies without consulting the Members from the Murang'a District and also the county council and also those from Kiambu. Therefore, I would suggest to the Government that, before it decides how to remove the anomalies, it should arrange for a meeting between the Murang'a Members and Kiambu Members of Parliament and also the members of the county council, so that we may suggest the ways and means whereby these anomalies could, in our view, be removed. I had suggested, Sir, in my original Motions the ways in which the Government should act, and some of these ways were

[Mr. Kaman]

the respective areas and help towards the development of this country.

It is fact, Mr. Speaker, Sir, as my hon. friend, Mr. Kibuga said, that we have seen here people from the Western Province and such places complaining of the same thing. Therefore, Sir, I would again like to request the Government when they go into this matter concerning Kiambu and Murang'a, to go into the whole thing so that they can get this country moving smoothly, because if we do not do this, Sir, today, it is a fact that for one reason or another it will be done tomorrow but not in such a harmonizing way as it will be done today. It may, Sir, be done in a different way. Mr. Speaker, Sir, I believe that it is a matter of power, even to elect somebody to represent them, they are being elected on his or her merit. It is not a question of thinking that if there is confusion one will gain power, because the power gained through confusion or revolution does not last long, because the people know very well how to adjust things.

Therefore, I very much support the fact that Thika should not be known much longer as a district, but that it should be known as a municipality and that one part should go to Kiambu and the other part go to Murang'a.

Mr. Speaker, I beg to support the Motion.

**The Assistant Minister for Local Government** (Mr. Njiru): Mr. Speaker, Sir, in supporting this amendment I would just like to say a few words. The point I would like to make is about the confusion which has been created. According to the county councils regulations the decision was made whereby the county council, Kiambu and Murang'a divided the area. At present, Mr. Speaker, Sir, the District Commissioner, Thika, is always interfering with the authority, whereas the county councils are always getting the taxes and everything. In supporting this amendment, Mr. Speaker, Sir, it goes back to the years when we were fighting imperialism and the Europeans and Africans were supposed to stay in one area. Mr. Speaker, Sir, when the Kanu governing councils of Kiambu and Murang'a met they made a decision that they must make sure that the country is working according to the geographical set-up.

Mr. Speaker, Sir, the Government now has decided to make this amendment, in order to remove all the confusion that has been going on. But, Sir, there is one thing which I would like to urge the Government and that is that we do

not want this amendment just to go down in HANSARD, we want the work to be done immediately.

With these few words, Mr. Speaker, Sir, I would like to appeal very strongly that this amendment be implemented without delay. With these few words, Mr. Speaker, Sir, I support the amendment.

**The Assistant Minister for Lands and Settlement** (Mr. Gachago): Mr. Speaker, Sir, I am very grateful to the hon. Member for Kandara for having brought this Motion to the House and also equally grateful to the Minister; to the Minister in charge of administration, for having shown his tendency to agree and to accept that there exists a confusion, though in his amendment he has proposed the deleting of the word "confusion". Mr. Speaker, Sir, the confusion exists in this Motion in a very big way.

First of all, Mr. Speaker, Sir, the confusion exists from the point of view of administration. Mr. Speaker, Sir, since the commission, that was charged with the duty of giving the boundaries of the various constituencies, saw it fit to divide the former Thika District into the various districts that existed then because they had in mind that the Thika District itself was created for the sole purpose of protecting the interests of the settlers in the area and in an independent Kenya if a Thika District existed it means that we are also trying to protect the interests of the settlers in the settled area without thinking of the African people who have won this independence. Therefore, Sir, I am very glad that the commission saw this, and instead of demarcating constituencies in the Thika District, a part of Thika District was added on to what is now my constituency of Murang'a District. Then, Sir, one area was demarcated into what is now known as Gatundu, Thika Constituency, which is represented by our hon. President. Various parts of the former districts went to other constituencies like Yatta, the constituency represented by my hon. colleague, the Member for Yatta, and another went, as we heard from the hon. Member for Githunguri, to Githunguri.

Therefore, Mr. Speaker, Sir, the Thika District as such ceased to exist. Now, Sir, when we appeal to the President and say that since the Thika District has ceased to exist, what are we going to do. Are we still going to have a district commissioner at Thika, or are we still going to have a county council at Thika?

Now, Mr. Speaker, Sir, a number of former settlers who were really advocating and who were diehards during the colonial days, started

[**The Assistant Minister for Lands and Settlement**]

and they started saying that there must be a Thika County Council, which resulted in a hurly-burly issue, political confusion, and administrative confusion, but, Sir, I am glad to say that the whole thing was later dissolved by our great President when he said that we cannot maintain the monopoly or the safeguards that the former European settlers wanted. If they want to live in Kenya, then some of them must learn to live with the people of Murang'a and others must learn to live with the people of Kiambu and Machakos and the hon. President decided that there would only be the Murang'a County Council and Kiambu County Council and the boundary thereof was to be the Chania River. Mr. Speaker, Sir, I am surprised that my hon. friend, the Minister for Defence, is walking out of the Chamber, because he said that he wanted to hear what I had to say but I can assure him that I will tell the truth.

Therefore, Mr. Speaker, Sir, the hon. President declared that in the interests of the people of Kenya, the Thika County Council would not exist, and parts of the Thika District went to Murang'a to form the Murang'a County Council and the other parts went to Kiambu to form the Kiambu County Council. I think, Sir, what happened after that was that this job proved to be excellent and the President must be congratulated for doing this, but there was a job which was left uncompleted, because after demarcating the county areas, Murang'a and Kiambu, there still remained a district commissioner in Thika. Now, Sir, the administrative area of that district commissioner was left hanging in the air over Kiambu and Murang'a County, and it is very unfair to the people of Murang'a and to the people of Kiambu, because the Thika District Commissioner tends always to try and safeguard the interests of the former colonial district which was known as the Thika District. Mr. Speaker, Sir, we have difficulties in running the local Government, which is the Murang'a County Council because of the interferences of the district administration in Thika, which does not have the same ideas of administering as those of Murang'a and Kiambu.

Now in Kanu, there also we have difficulties in that people adhere to what was the former Thika District and call themselves a separate Kanu branch, and this Kanu branch should also cease to exist.

Therefore, Mr. Speaker, I would conclude that the continued existence of Thika District as an administrative area is a continuation of what is a colonial legacy, and I think it should be wiped out completely, as soon as possible, so as

to establish Murang'a Administrative District to cover the county area, Kiambu Administrative District to cover the county area, and leave alone our nice, beautiful Municipality of Thika. If they then want to form a branch of Kanu in the Municipal area, they should be free to do so.

But, Sir, what is important, because of the amount of confusion that is being brought about by this issue, is the urgency with which this should be expedited. As the hon. Minister for Labour said, speaking as Member for Kangema, this is not something that can be left until the necessary legislation has been enacted. There is something which can be done administratively today by announcing that Murang'a Administrative District is extended to the county area, and also the Kanu branch in Murang'a is extended to cover the county area, so that those two groups, the Murang'a Administration, the county council, and Kanu, can work together to develop that district and to develop all the facilities that are required by the people of Murang'a in the interests of the people of Murang'a.

Therefore, Mr. Speaker, I beg to support very strongly the Motion and also the amendment which was brought by the hon. Minister of State.

**The Speaker** (Mr. Slade): I would suggest that hon. Members allow me to put now the question of the words being left out, so that there will be just time, still for the House to consider Mr. Kibuga's proposed further 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, be inserted, proposed)*

**The Speaker** (Mr. Slade): Mr. Kibuga, would you now formally move your amendment?

**Mr. Kibuga**: Mr. Speaker, Sir, I wish to move my amendment so that the Motion covers a wider range by adding, after the word "Administration" the words "or any other parts of Kenya with such anomalies" so that the whole Motion will read:

THAT in view of the present overlapping of authority between the Murang'a County Council and Thika Administration in the former Thika District which is now part and parcel of the Murang'a County, this House urges the Government to remove the overlapping jurisdiction between the Murang'a County Council and Thika District Administration, or any other

## [The Minister for Labour]

The other matters are purely administrative, and now that the Minister of State in charge of administration has accepted the Motion as amended, I hope that this will be done immediately, so that the District Commissioner in Murang'a can now cover the whole area. At present although we have agreed to remove the word "confusion" in order that the language may appear to be more polished, the fact is that the place is confused, because if a man wants to stand for a county council seat in Murang'a and he is in Mitubiri, he wants the Kanu in the area to support him, and then somebody comes and says the Kanu in that part should be under the Municipality of Thika. The whole thing is very confused, but I am glad that the Government has agreed to it. I have, personally, exchanged correspondence with the Minister of State on this matter and I hope that this administrative side of the solution which can be done without waiting for legislation can be effected without delay.

I support the Motion as amended.

Mr. Gichoya: Mr. Speaker, Sir, I stand to support the amendments which have been put forward in order to normalize the conditions of Murang'a and Kiambu.

It is a fact that the former Thika District is today non-existent in terms of a district, but we are made to believe that there is a Thika District. Mr. Speaker, we have been in the Central Province victims of this sort of arrangement whereby Kirinyaga District is considered to be equal to Thika District, and Thika District, Mr. Speaker, is part of Gatundu Constituency and of Kiharu Constituency. Even if mere common sense is to be considered, it was a mistake to accept that Thika should be a district. Thika ceased to be a district, but for various reasons, that people wanted to have an additional Senator for the— I will put it point blank. It was because of Kadu's and Kanu's problems that we had to have more Senators for Kanu and less Senators for Kadu, so that we could rule this country. But now, Mr. Speaker, there are no Kanus, there are no Kadus, we are all nationalists in this country, and the Kanus are finished, the Kadus are finished, we are now nationalists of Kenya. That being the case, there is no fear that in the Senate we need an additional Senator to keep a balance this side or that side.

I would suggest, Mr. Speaker, that under a new amendment to the Constitution Thika should be written off from the history of the district in this country. In the Kanu set-up in our own area we find it difficult, when we hear there is Thika. There is nothing like Thika, Mr. Speaker, it is

Gatundu, which is Kiambu District. It is Kiharu, which is Murang'a District. Then why should we have these anomalies kept there?

There is another thing, Mr. Speaker, that, if we can find out an answer to the problem that confronts the Kiambu people, the Murang'a people, I believe, Sir, that we should equally try to get an answer to other problems in the country. In this respect, Mr. Speaker, there is an anomaly existing also in Kirinyaga District, whereby by sheer lack of historical background of our country the gentlemen who were sent from London to give us the constituencies, the regions, did make a mistake. It was not their own mistake, it was sheer confusion that was existing, that some Ministers in this House, who are today in the Kenya Government, said they could not live together with the Kikuyu. I am afraid to say, Mr. Speaker, Sir, that those Ministers who were then mere Members of the Legislative Council are today very close colleagues of the Kikuyu, the leader of the nation, Mzee Jomo Kenyatta. Yet they said they could not associate themselves with the Kikuyu, and today they are saying, "We love you, Mzee, we are the custodians of your own Government."

If they can live together today and in the past they could not live together, I believe, Sir, because of the changed conditions, the anomalies that were created by the sheer confusion, created by a people who were after power then, should be corrected equally. Here we have the Mwea issue where a portion of our own area is in Embu. The district commissioner for those people is in Embu, the district officer in Kerugoya and they go there for cases in my own area, because to go to Embu is so many miles: an overlapping problem again. To go to the police it is so many miles that the policemen can never reach there. So it has been thought to let them have the police services in my own area, the court arrangements in my own area. Why should we have all these overlapping arrangements, when my county council pays for the services in the area where these people are being served and yet these anomalies cannot be changed. I suggest, Mr. Speaker, Sir, that when we correct this Murang'a/Kiambu anomaly, the Embu/Kirinyaga anomaly should be corrected, and the Kitale anomaly, I think, too, should be corrected. We aim at peace. There is nothing else, and there is nothing more expensive today than peace. To maintain peace, law and order means a lot. We should aim at minimum expenditure in terms of human pains and to get that much we have to correct the anomalies that were created unnecessarily by people who never knew that they were creating a problem. They did it in good faith, but we have proved that it was a mistake and this mistake should be corrected.

## [Mr. Gichoya]

With these few words, Mr. Speaker, Sir, I beg to support.

Mr. Kamau: Mr. Speaker, Sir, first of all, I must congratulate my colleague, the hon. Member for Kandara, Mr. Kaggia, for bringing this Motion at the right time.

Also, I would like to thank the Government for accepting this Motion. I will speak from personal experience. As has already been stated, although the word "confusion" has been amended, it is clear, Mr. Speaker, Sir, that we people who are living in Kiambu and Murang'a are very much worried as to what will be the consequence of this overlapping district.

Now, Sir, for the information of this House, I should only say that I am the Member for Gihunguru Constituency which runs almost right down to Ruiru and then we have a boundary with His Excellency the President at Ndarugu, which is Gatundu. Recently, when the Kanu branch was formed at Ruiru, there was confusion at that time as to whether the office would work together with Thika District or with Kiambu. This has made us send many delegations to His Excellency the President, Mzee Kenyatta, to alleviate this confusion.

It has also happened, Mr. Speaker, Sir—many people might have taken a very great interest to hear this—the hon. Assistant Minister, the Member for Kiharu, at some time had a collision with people at Thika during a Kanu rally. Some alleged that he was interfering with their right, in their district, and those people were alleged to come from Kiambu.

Now, Sir, we used to call it confusion, but as long as the Government now has agreed, I think this is going to be overcome. I would like to say, Sir, as any other hon. Members and also as Mr. Kibuga put it, that this time the Government should take this chance, not only to examine the Thika dispute, but to also examine the disputes throughout the country, because at this stage we know, Sir, what is happening in the other areas of the African States, and it is not difficult for this to happen in Kenya. We know, Sir, that when the country is divided into small areas it is likely to be the subject of a political *coup d'état*. Mr. Speaker, Sir, some people say, that if they fight, then they will become the chairman of the party branch in that particular area; and then probably tomorrow they will influence the people and take over the Government. Mr. Speaker, Sir, if we had returned this country to right, before the imperialists divided this through a political

manoeuvre, and have the district corrected, then I think that we will not have any more trouble in this country.

This, Sir, is a very simple illustration. Recently, Sir, as a Member for that area, I called a meeting at Ruiru in order that people may subscribe money towards the Famine Relief Fund, which was sent direct to the President and the Minister for Home Affairs for the National Relief Fund. But, Sir, for your information, it was only on the spur of the moment that I saw that a different delegation, without my knowledge that they had changed in my absence, took it to the District Commissioner, Thika, but where the district commissioner took it, I do not know to this day. Now, Sir, what I would like to suggest very, very strongly is that we remove the District Commissioner from Thika, and that the two parts should be divided equally as was done formerly, one part to go to Murang'a and another part to go to Kiambu. There is no point in saying that the Government is going to see to it that the necessary registration is done, because it is we who know the difficulties of the area.

Mr. Speaker, Sir, I would like to suggest that from today this part should be known as Murang'a and Kiambu administered by the county councils of the respective districts. This is necessary so that we get our fair share, so that we will be administered by the District Commissioner, Kiambu, and by the District Commissioner, Murang'a. For the information of the House, Mr. Speaker, Sir, had it not been for His Excellency, Mzee Jomo Kenyatta, who is the President of this Republic today, there would not have been any other constituency which suffered conflict other than Gatundu. Why? Because Gatundu is within Thika and it is also within the President's constituency. So many try to interfere with that area. Maybe they thought that the President is not the President for that area and therefore he cannot fight for his area. I think, Sir, that it is high time in this House we resolved that Thika is no longer a district, but a municipality under the jurisdiction of Kiambu, then North Chania will be under the administration of Murang'a, and with this all the unscrupulous fellows who try to cause misunderstanding will be stopped and we shall be able to develop these areas for the benefit of the people who have been living as squatters for centuries and centuries and then those other people; the capitalists who have been monopolizing Thika and causing all this confusion, will now know where they stand. The revenue from this area, at any time, will go to

[Mr. Kibuga] same jurisdiction. We do not want one individual, a representative of an area, going to Murang'a and then he is directed to Thika to solve some problem; or going to Kiambu and then being directed to Thika. One should go to one part and then finish everything.

I remember one time there was a meeting somewhere to be held by one of the Members from Murang'a County, a Member of Parliament, and some people in Thika objected to his going there because of this confusion. So there is no doubt that if the Government removed this double jurisdiction, the affairs of Thika, Kiambu and Murang'a would be administered properly.

Well, if Machakos is affected, I am not yet aware of this, but the hon. Member is probably better informed.

In trying to solve this problem, Mr. Speaker, Sir, we must take into consideration the wish of the people of the area. It would be wrong to go and impose a decision on the people living there. So I hope that when the Government starts to try to solve this problem, it will try to seek the opinion of the people in those areas, some former parts of Thika, which are now in Kiambu and some parts of Murang'a which formerly used to be part of Thika.

In doing this, we shall be solving the problems of Kenya and not just making ourselves happy.

Because of this, Sir, I wish to support the amendment because both the amendment and the original Motion seek to solve the same things; but the amendment does not bring in some of the words in the original Motion which are probably not really in keeping with our standards here. I think if then our problems could be solved without bringing any annoyance to anyone, that would be most welcome. In supporting this amendment, I would like to propose a further amendment, because Murang'a and Kiambu and Thika are affected but it would be wrong to assume that only these three are affected at the present time.

Recently, we had a case of some hon. Members from Western and Nyanza Provinces bringing some problems of jurisdiction, some people saying this part should belong here and the others saying no. I would say that also in Kirinyaga and Embu, my friends in Embu and our people in Kirinyaga have always had some difficulties over the Mwaa issue. The County Council of Kirinyaga still goes to work on the Mwaa Plain and sends people there because the land belongs to it. But the administration of the

area is in Embu. So we do not want this confusion in the country, and we would prefer that things are solved as regards Thika and any other part of the country.

Therefore, Sir, I would propose that in the second line of the amendment, after the word "Administration", we should insert the following words: "or any other parts of Kenya with such anomalies", so that the Motion would read:

THAT in view of the present overlapping of authority between the Murang'a County Council and Thika Administration in the former Thika District which is now part and parcel of the Murang'a County, this House urges the Government to remove the overlapping jurisdiction between the Murang'a County Council and Thika District Administration, or any other parts of Kenya with such anomalies, and if necessary to introduce such legislation as may be necessary for that purpose.

Mr. Speaker, Sir, it would be wrong for the Government to take things for granted, saying, "Because there is a certain problem somewhere, let us not touch it." This now is our Government. If the British Government failed to solve certain problems in Kenya, we now have our own Government, and it is up to our popularly elected Government to see to it that all such confusion in the country is removed. If we do this, the people living in Murang'a, the people living in Thika Municipality, the people living in Kiambu, will be happy.

We do not want somebody to go and hold a meeting somewhere and say, "This is my district," and someone else says, "No, this is not your district, it belongs to So-and-so." The Thika and Kiambu and Murang'a people are all brothers, but when such overlapping authority is introduced, things become very difficult. In fact, there would not be any difficulties if this was done; problems would be solved quite easily. But while this double jurisdiction remains, there will always be confusion, and we do not want this, Sir.

I would also add that in Kirinyaga and Embu, people are very friendly, they live happily but—

#### QUORUM

Mr. Muliro: On a point of order, Mr. Speaker, I do not think we have a quorum here now.

The Speaker (Mr. Slade): No, no quorum, ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now. You may proceed, Mr. Kibuga.

Mr. Kibuga: Mr. Speaker, Sir, I was saying that this amendment is welcome and I hope that the original Mover of the Motion will not find it very difficult to accept it, because, although it covers a wider range of jurisdiction, although it covers a greater area than he originally proposed, his original wish for the problems between Murang'a and Thika to be solved will be met, and in solving these problems, the problem of Kiambu also will be solved. With that one, I think that some people think if we bring this Motion, widen it, it is going to bring a lot of problems throughout Kenya. What is wrong with solving problems if they are there? If we can solve the problems of Thika and Kiambu, why can we not solve the problems of the other areas of the country? If we solve the problems of one part of the country and we do not solve the problems of the other parts, the other people will be left complaining.

Mr. Speaker, Sir, the person who was supporting me, Mr. arap Too, has not yet come, but I hope I can get a friend to second my amendment.

The Speaker (Mr. Slade): I see Mr. arap Too has reappeared; but, although I would not find your proposed amendment out of order, it is premature to move it, because the question we are now considering is simply that certain words are left out of the question. It is only if we resolve to leave those words out that we come to consider what words shall be inserted. It will be at that point that your amendment should be moved. I think as it is, to some extent, technically, I will allow you to move formally this amendment without any further speech after we have decided to leave certain words out, if we so decide.

The Minister for Labour (Dr. Kiano): Mr. Speaker, Sir, I am very happy that this Motion has come to this House because, although we appreciate the reasoning by my colleague, the Minister of State, to ask us to leave out the word "confusion", and we therefore accept the amendment he has proposed to us, nevertheless there has been considerable confusion in the area because of the overlapping that my colleague from Murang'a, the hon. Mr. Kaggia, has mentioned.

The solution, however, is going to be a very simple one. It is true that some legislation may be necessary in order to finalize this problem, but there are also some administrative steps that can be taken almost immediately. The issue is not complicated at all, Mr. Speaker. When we introduced the county council system of local government, the old settler district Thika was

finished. All the parts of the former Thika area, south of the Chania River became part of Kiambu County, and all the parts north of the Chania River—of the former Thika—became part of Murang'a County. All the Graduated Personal Tax and any other money collected today from those areas goes to the Kiambu County, and the Murang'a County respectively.

The Speaker (Mr. Slade): Dr. Kiano, I am sorry to interrupt you. At the start of your speech I would have asked you to state whether you are speaking for Government or for your constituency. I think you are speaking as a constituency Member, are you not?

The Minister for Labour (Dr. Kiano): I am speaking as a constituency Member, Sir.

The Speaker (Mr. Slade): Members always like to have that clear.

The Minister for Labour (Dr. Kiano): I am supporting the amendment proposed by my colleague, the Minister of State, and I have consulted with my friend, the hon. Member for Kandarā who has also assured me that he is accepting the amendment.

I was pointing out that when we introduced the county council system of Government, the old Thika ceased to exist. Even the councillors north of the Chania River in the old Thika area are now members of Murang'a County, and the councillors south of the Chania River are members of the Kiambu County. Therefore, we fail to understand why, while the counties have already been clarified, the district commissioners in those two districts have their jurisdiction limited.

We have also a rather peculiar situation which my colleague, the Member for Kiharu, will point out: that he has one constituency under two district commissioners. One part is under the District Commissioner of Murang'a and the other under the District Commissioner of Thika. The administrative solution that I was referring to is this. If, in accordance with the Motion as amended, we cover the administrative district to be the same as the county area, then we shall simply remove the District Commissioner in Thika. He is unnecessary. The Thika Municipality is within the Kiambu County. We can perhaps put a district officer there under the District Commissioner of Thika, and all the parts of Thika north of Chania come under the District Commissioner of Murang'a. This can even be done administratively. The only legislation necessary is simply to define the boundaries of our nice little Thika Municipality. That is all the legislation that is necessary.



**The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed):** Mr. Speaker, Sir, I beg to reply. The answer is, no, Sir, because my Ministry is—

**Mr. Oduya:** Mr. Speaker, Sir, on a point of order, the Chair, I understand, ruled that the word, "Stooge" is not allowed in this Chamber. Why are some Members allowed to use the word "Stooge"?

**The Speaker (Mr. Slade):** Order! No hon. Member that I hear using that word gets away with it.

**Mr. Mohamed:** Mr. Speaker, Sir, the answer is, no, because my Ministry has no jurisdiction or control over land adjacent to the Marakwet Forest.

**Mr. arap Too:** Mr. Speaker, Sir, arising out of this reply, would the Assistant Minister tell me under whose jurisdiction this land is, which is adjacent to the forest of Marakwet?

**Mr. Mohamed:** Mr. Speaker, Sir, I presume that it should come under the Ministry of Lands and Settlement or the Ministry of Agriculture.

**Mr. arap Too:** Mr. Speaker, Sir, arising out of that reply, is the Assistant Minister aware, and if he is not, will the Assistant Minister tell me why the place in Marakwet, which he himself has seen, cannot be given to the Marakwet people who are very poor and have no land on which to live?

**Mr. Mohamed:** Mr. Speaker, Sir, if the hon. Member is speaking about excision of the forest, then, Mr. Speaker, Sir, when the Marakwet Forest was gazetted, great care was taken to exclude good farming land. It is for this reason that the boundaries of these forest areas are extremely tortuous. The land outside the forest is not at present well developed. As long as this is the case, my Ministry finds no justification to reconsider the boundaries of the forest which were so carefully aligned with the local people.

**Mr. arap Too:** Mr. Speaker, Sir, the Assistant Minister said that the land adjacent to the Marakwet borders is not under the jurisdiction of his Ministry, but, Sir, he himself saw the forest boundaries which stretched far from the forest to the houses of the people. Will he tell me now, Sir, that if I ask the Marakwet people to live on this land which has no trees at all, and will he agree with me that if I ask these people to go and live on this land that it will be all right?

**Mr. Mohamed:** Mr. Speaker, Sir, as far as the land which is within the forest is concerned, if the hon. Member asked his people to go and

live there, they would be trespassing, but if the land is outside the forest areas, then we have no jurisdiction over it.

**Mr. Kamuren:** Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell this House whether he will make a trip to the area as soon as possible so as to remedy the situation as far as the people of Marakwet are concerned?

**Mr. Mohamed:** Mr. Speaker, Sir, I have said many times in this House that excision of forest is a question which we have to consider very carefully. Sir, I think the hon. Members are looking at today only and not looking towards the future. Forest development is a very long-term plan and, as the population of the country increases, we will need more forest for various purposes, and it is for this reason that, as I have stated earlier on, there is land in that area which is not fully developed, and we do not see any justification in the request for excision in the forest areas.

#### Question No. 283

#### EXPLOITATION OF MINERAL RESOURCES IN MASAI

**Mr. Ndile** asked the Minister for Natural Resources and Tourism if he would tell the House whether the Government was going to exploit the mineral resources found in Masai land, or whether these would be mined by private companies.

**The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed):** I beg to reply. Presumably the hon. Member is referring to the recent Press report of the discovery of Wollastonite near Kajjado. The possibility of mining this mineral is still under study. After all the economic details are available, my Ministry will do everything possible to see that this mineral is exploited to the full.

I must state, however, that due to the extensive organization, the skilled personnel and large amounts of money required to exploit such a mineral, the Government does not propose to enter into mining by itself. The Government may participate in the mining enterprise as a partner with a mining company if this is in the public interest. On the other hand, mining companies with skilled men and financial resources may be encouraged to undertake mining provided the Government exercises a certain amount of control over such companies through legislation.

**Mr. Ndile:** Mr. Speaker, Sir, would the Assistant Minister tell the House the potential value of the non-precious minerals? What is the total amount, the worth of the non-precious minerals?

**The Speaker (Mr. Slade):** That is another question, I think.

**Mr. Jahari:** Mr. Speaker, Sir, in view of the fact that many foreign companies have discouraged this finding and tried to play it down, saying that there is no market for this new discovery, would the Assistant Minister tell us what steps he is taking to find a market for this rich mineral found in Masailand recently?

**Mr. Mohamed:** Mr. Speaker, Sir, as I said in my reply, a very careful study is under way at this moment, and as soon as our findings are completed, both in terms of the quantities and the economic value, I would like to assure the hon. Member that my Ministry will do everything possible to see that this mineral is exploited.

#### Question No. 293

#### DANGEROUS MINING HOLES AT SIGALAGALA

**Mr. Murull** asked the Minister for Natural Resources and Tourism whether he was aware that former gold miners at Sigalagala had left deep and dangerous holes unfilled, and if so, would he tell the House when they were going to be filled in.

**The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed):** Mr. Speaker, Sir, I beg to reply. As far as my Ministry is aware, the gold mining excavations in the Sigalagala area were made secure by filling or fencing off some time ago. It is, however, possible that new holes might have appeared as a result of a collapse of the old mines. We would be grateful, therefore, if the hon. Member can let us know the exact locations of the holes he mentions and we will arrange for them to be inspected and made safe.

**Mr. Agur:** Mr. Speaker, Sir, arising from the Assistant Minister's reply, that most of these holes were filled in, would he agree with me that if he sends his team there, including also a visit to the Kamagambo area, he would find pits that have never been filled in and they remain a danger? Would he send his team to find out and fill them immediately?

**Mr. Mohamed:** Mr. Speaker, Sir, as I said in my reply, it is a prerequisite of all the mining companies that when they leave the mines, they fill in the holes; but if holes appear afterwards, as I said in my reply, this may be due to the collapse of the inside surface. However, I would like to assure the hon. Member that we will send an inspector round to have a look in that area.

**The Speaker (Mr. Slade):** Next order.

#### MOTION

#### JURISDICTION OF DISTRICT COMMISSIONER, THIKA

THAT in view of the present confusion and overlapping of authority between the Murang'a County Council and Thika Administration in the former Thika District which is now part and parcel of the Murang'a County, this House urges the Government to remove the confusion by extending the Murang'a District Commissioner's jurisdiction to the whole of Murang'a County area and restrict the jurisdiction of Thika District Commissioner to Thika Municipality, and to introduce such legislation for amendment of the Constitution as may be necessary for that purpose.

(Mr. Kaggia on 10th February 1966)

#### Amendment proposed:

THAT there be deleted—

- (a) the words "confusion and" in the first line; and
- (b) all words after the word "remove" in the fifth line; and that there be inserted after the word "remove" in the fifth line the words:—

the overlapping jurisdiction between the Murang'a County Council and Thika District Administration, and if necessary to introduce such legislation as may be necessary for that purpose.

(Minister of State on 10th February 1966)

(Resumption of debate on the first part of the amendment, "That the words proposed to be left out be left out", interrupted on 10th February 1966)

**The Speaker (Mr. Slade):** In this debate I would remind hon. Members that we have had thirty-two minutes, which means fifty-eight minutes to go. Mr. Kibuga was speaking and still has eight minutes.

**Mr. Kibuga:** Mr. Speaker, Sir, as I was saying yesterday, the confusion, or rather, the overlapping jurisdiction over Murang'a and Thika also affects Kiambu; in many meetings or many incidents there have been some difficulties over the solution of certain problems. I said that when, for example, we were reorganizing Kanu in the Central Province, when we reached Thika, Murang'a or Kiambu, it was very difficult to know where the elections would take place, what jurisdiction would be covered. So it is very necessary that if Thika is to remain it should be with certain jurisdiction and the District Commissioner and the Municipality should have the

(Dr. Kioko) Beatrice James from Kitui District, Paulina Gigali Luana from Kakamega, Miss Rachel Kishar Livoi also from Kakamega, Gasuta Naginda Njoroge from Kiambu, Nyazita Kirori from Kiambu, Esa Ahmed Bajuni from Lamu District, Eileen Jepso Kipkiri from Baringo District, Helen Achieng Amunga from Central Nyanza, Priscilla Mumbi wa Kibiru from Nakuru, Juliana Mutaba Makosi from Masaku and Lucy Murugi Kipchaga from Nyeri.

Mr. Arnyeni: Mr. Speaker, I see that there were no Wakisi girls there. Would the Minister tell this House why there was no Kisii girl in this list? Why are there so many Kikuyu and so many Luo?

Dr. Kioko: Mr. Speaker, Sir, there are not so many Kikuyu and so many Luo. The point is that we were training fifteen girls for leadership and from the applications we received, those are the ones we selected and we are not going to select leaders on the basis of geographic distribution.

Mr. Rurumban: Mr. Speaker, Sir, there has been a formality that when there is recruitment for the Youth Service, all Members of Parliament are informed. Will the Minister tell the House why, when this recruitment came about as Members of Parliament were not informed in this case?

Dr. Kioko: Mr. Speaker, Sir, in the first place I am very glad that this House is so interested in the continuation of the National Youth Service, contrary to the Motion of yesterday.

Mr. Speaker, let me say that the recruitment of women, as I said, has not been a general recruitment. We recruited a nucleus of fifteen girls who are being trained as leaders, but the Act itself says, "other members of the Service who must be male or female citizens of Kenya"—female or male. What we have done, as the hon. Member very well knows, is that at the beginning, the Members of Parliament themselves used to bring the recruits to the National Youth Service. Subsequently, this was changed, whereby district committees were set up, and this was announced here. If the hon. Member was not aware of the fact that we now have district committees that do the selection—they consist of a district commissioner, the Kanu chairman of the district, the community development officer in the district—I shall check the records and if he is a member, I shall let him know immediately, and we will apologize if he has not been notified.

Mr. Nyaberi: Mr. Speaker, Sir, can the Minister assure the House that such a thing will not go on so that Members do not have to complain that recruitment has not been done correctly?

Dr. Kioko: Mr. Speaker, Sir, I have already stated that when we get a proper camp for the women's squads, the district committees that select recruits for the National Youth Service will be informed to send in the names of recruits, but we do not have a camp yet. We are just borrowing the training school from the Prisons Department for the time being.

Mr. arap Toor: Mr. Speaker, Sir, in view of the fact that we were told last time that there were very few Kalenjin who had been promoted in the National Youth Service, and again today the Minister says there is only one girl from the Kalenjin area, will he tell the House why there are no more girls in the National Youth Service from the Kalenjin area?

Dr. Kioko: Mr. Speaker, Sir, it is getting very common in this House for hon. Members to attack this evil known as tribalism, and yet the same people keep on complaining that their tribes are not represented! Either you are for tribalism or you are not for tribalism. But the point, however, is this. Among the very few—fifteen—leaders, one of them is from Baringo District. There are some areas which do not even have one, including my own district, Murang'a.

Mr. Ngala-Aboki: Mr. Speaker, Sir, will the Minister note and agree with me that, in future, when selection is taking place and he is considering provinces, he will make sure that South Nyanza is a separate whole district and Central Nyanza should not continue to have a bigger share?

Dr. Kioko: Mr. Speaker, Sir, with all due respect to my good friend, that is *Majimboism*.

#### Question No. 276

##### REPORTING OF PUBLIC MEETINGS IN NYANZA

Mr. Oseku-Nyallick asked the Minister for Information and Broadcasting what information the Minister had to give the House on the reasons why his three sittings held on 15th, 16th and 23rd January 1966 had not been reported in any way.

The Minister for Information and Broadcasting (Mr. Achieng-Oreko): Mr. Speaker, Sir, I beg to reply. I must make it clear that no person has an automatic right to have his activities or words reported by the newspapers or by the Kenya News Agency or by the Voice of Kenya.

(The Minister for Information and Broadcasting) I cannot speak for the newspapers, whose decision to print or not to print any item is based upon their evaluation of it as an item of news.

The Kenya News Agency and the Voice of Kenya must also be governed basically by the question of news value. A further consideration which is taken into account is the question of whether an item is of constructive value to the country, as opposed to mud-slinging and unnecessary counter-criticisms.

Again, the nature of the language used by the hon. Member was not the sort which it is the policy of the Kenya News Agency to transmit. For example, part of the report relating to the hon. Member's speech said: "He warned against saboteurs and frustrated leaders holding unlawful secret meetings"—which, of course, we checked and found the contrary—"at night and writing threatening letters to those fighting for the public's demands."

The main theme of the statement in question was dismemberment and disunity of the present coherent Central Nyanza District which has received publicity in the past. On the whole, our policy on reporting is to avoid repetition.

Mr. Oseku-Nyallick: Mr. Speaker, Sir, arising from the Minister's reply, could he deny that in this House I have brought, on behalf of Nyanza people a Motion for the division of Central Nyanza, and when it was alleged that it was my own making, I went to find out whether it was the desire of the people or not? Was that something in the way of sabotage, to find out whether the people were supporting my contention to bring such a Motion? Was that something contrary to Government policy? Would the Minister tell me why this was not reported?

Mr. Achieng-Oreko: Mr. Speaker, Sir, it is not my business to discuss whether a Motion has been brought to the House or not. What we did, in fact, is this. When this Motion was brought, it was reported in the normal way as one of the matters discussed in this House. But it is not my business to help the hon. Member put across his views to his constituency.

Mr. Oseku-Nyallick: Mr. Speaker, Sir, arising from the Minister's reply, would he deny the fact that I was informed at the Kisumu head office by somebody in charge that instructions came from Nairobi not to report anything that I said in that meeting? Would the Minister deny this?

Mr. Achieng-Oreko: I deny very strongly, Sir, that the allegation is true and, in fact, our office in Nairobi had received this report, and I have just quoted part of it.

Mr. Ngala-Aboki: Mr. Speaker, Sir, since this is a specific allegation, that the Member was told that instructions came from Nairobi, and since this is an allegation which should be investigated, what disciplinary action will be taken against the staff at Kisumu who misreported the Ministry of Information? If the Ministry of Information is found to have given instructions, what should be done to the Minister; should his resignation be called for?

The Speaker (Mr. Slade): Since the Minister has already denied that any such thing happened, I think your supplementary is rather out of place.

Mr. Agar: Mr. Speaker, Sir, would the Minister agree with me that there is an impression now in Central Nyanza that people who are against the separation of districts into two districts are also within the Ministry of Information, and they are the ones trying to suppress the expression or the publication of news of support of separation of the district into two?

Mr. Achieng-Oreko: No, Sir.

Mr. Oseku-Nyallick: Mr. Speaker, Sir, arising from the Minister's reply, could he deny the fact that on the 15th and 16th for the said meeting I had full coverage on the information and when I checked up at the Kisumu office I found that a copy was teleprinted and sent to Nairobi, but no news at all was broadcast on that day? Could the Minister tell me why the news was taken down at Kisumu by his office, and eventually, when it came to Nairobi, nothing at all was heard?

Mr. Achieng-Oreko: Mr. Speaker, Sir, the hon. Member is defeating himself because he has just told the House that somebody said in Kisumu that there was instruction not to transmit, and now he is telling us that it was teleprinted.

#### Question No. 279

##### RELEASE OF MARAKWET FOREST FOR SETTLEMENT

Mr. arap Toor asked the Minister for Natural Resources and Tourism whether in view of the fact that there were so many poor people in Marakwet District and in view of the fact that most of them, lived in areas where life and agricultural progress had proved impracticable, the Minister would consider making some of the good land adjacent to the Marakwet Forests available for settling these people.

**[Minister of State, President's Office]**

Government to remove the overlapping jurisdiction between the Murang'a County Council and Thika District Administration and, if necessary, to introduce such legislation as may be necessary for that purpose.

Mr. Speaker, this amendment has, in fact, preserved the gist of the Motion and I hope the House will be saved the trouble of debating this Motion at length since we are in sympathy with the Motion.

Mr. Speaker, Sir, I beg to move the amendment.

The Assistant Minister for Home Affairs (Mr. Nyagah) seconded.

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

The Speaker (Mr. Slade): In discussion of that we can combine the debate with the debate on the main question.

Mr. Kibuga: Mr. Speaker, Sir, this is a very important Motion and I happen to be concerned about it because one time, during the reorganization of Kanu in the Central Province, I came up against this problem. There was the confusion that the people of Murang'a said, "If we are to elect Kanu officials, we must elect Kanu officials to include the area sometimes controlled by Thika District." It was the same thing with Kiambu.

When it came to Thika, some people within the former Thika District also claimed that they should be the officials of the areas in Murang'a. In many cases, one finds that when meetings are being held, either within the jurisdiction of Murang'a or within the jurisdiction of Thika, one wonders exactly where one is. So, if one is to remove this confusion, a clear-cut decision has to be made by the Government to restrict Thika District jurisdiction within Thika Municipality and then the other part goes to Murang'a, the other part goes to Kiambu, as the present county council-rules go; or, if they cannot do that, they will have to find out what the opinion of the people in those areas is, and they would have to do something. Either they must revert to the old method of Thika District, which is not acceptable to some people, or the new method of where the County Council of Murang'a, takes all the area within or the County Council of Kiambu takes the area within, and becomes the County Council of Murang'a, the County Council of Kiambu. Also, when it comes to the district commissioner's jurisdiction, he also controls those areas.

It is very difficult, Mr. Speaker, Sir, because some of the problems being dealt with by the district commissioner may be the same as the

ones being dealt with by the county councils. If a person has to go to Murang'a to deal with his problems, he may find that, as regards some other matters, for half of what he wants, he has to travel miles and miles to Thika to find out the solution, this becomes a great confusion.

The Speaker (Mr. Slade): Have you much more to say, Mr. Kibuga? You can continue tomorrow.

Mr. Kibuga: Yes, I would like to continue tomorrow, Mr. Speaker. Thank you.

**ADJOURNMENT**

The Speaker (Mr. Slade): It is time for the interruption of business now. The House is, therefore, adjourned until tomorrow, Friday, 11th February at 9 a.m.

*The House rose at thirty minutes past Six o'clock.*

**WRITTEN REPLY TO QUESTION**

*Question No. 174 (a)*

**LOANS TO CO-OPERATIVE SOCIETIES, CENTRAL NYANZA**

Mr. Bala asked the Minister for Commerce, Industry and Co-operative Development how much money the Minister was going to lend to the various co-operative societies in Central Nyanza in the current financial year.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Cotton growers' co-operative societies in Central Nyanza District are eligible for seasonal loan funds for cotton development.

This fund, which has now been increased from £100,000 to £200,000, is operated by the Cotton Lint and Seed Marketing Board, through the Agricultural Finance Corporation.

During 1964/65 cropping season, cotton growers' co-operative societies in Central Nyanza received loans totalling £11,043 for cotton cultivation and pest control. This money is due to be recovered in full during the current cotton buying season. The extent to which these societies will participate in the £51,000 fund already allocated to Nyanza Province for 1966 seasonal loans, will largely depend on the successful recovery of previous loans.

Development loans are also being given to sugar production societies in the Nyanza sugar belt. These are tied up with cane production programmes within the zones of the various sugar mills. Already, the Chemelil Sugar Development Company is granting loans to co-operative societies in the Luo and Nandi Tribal Land Units. It is hoped to introduce similar schemes for the Miwani and Muhoroni areas.

**Friday, 11th February 1966**

The House met at Nine o'clock.

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

**PRAYERS****COMMUNICATION FROM THE CHAIR****SENATE AGREEMENT TO BILLS**

The Speaker (Mr. Slade): I have to inform hon. Members that I have received messages from the Senate as follows.

The Senate has agreed to the Copyright Bill, the Eviction of Tenants (Control) (Mombasa) (Amendment) Bill and the Trading in Prohibited Goods Bill, without amendment, on Tuesday, the 8th February 1966.

The Senate has also agreed to the Betting, Lotteries and Gaming Bill, the Exchequer and Audit (Amendment) Bill and the Extradition Bill, without amendment, on Wednesday the 9th February 1966.

**ORAL ANSWERS TO QUESTIONS**

*Question No. 295*

**STRENGTH OF THE KENYA NAVY**

Mr. Bahala asked the Minister for Defence if he would tell the House what the present strength of the Kenya Navy was.

The Minister for Defence (Dr. Mungai): Mr. Speaker, Sir, no intelligent nation ever gives the strength of her armed forces and Kenya belongs to this group of nations.

Mr. Agari: Mr. Speaker, Sir, although agreeing with the Minister that this kind of information should not be given, would the Minister tell us how many vessels we have, since they are simple things that nobody is interested in?

Dr. Mungai: Mr. Speaker, Sir, all I can assure the hon. Members over here is that Kenya will have cause to be very proud of her navy.

Mr. arap Soli: Mr. Speaker, Sir, would the Minister tell the House, whether this improvement has been carried out recently, as far as this is concerned?

Dr. Mungai: Mr. Speaker, Sir, there is always improvement in our armed forces all the time.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that the Kenya Navy is a young navy and the Minister only started recruiting, maybe one year ago, can he assure the House that the recruiting programme is still continuing, or whether the number is sufficient and he is no longer recruiting?

Dr. Mungai: Continuing according to plan.

Mr. Gichoya: Arising from what the Minister has just stated, Mr. Speaker, would the Minister assure this House that the system of recruitment will be changed so that in each district there will be a chance for young people to join the navy?

The Speaker (Mr. Slade): Order! Order! That is too remote from this question. I think this is a rather barren pursuit. We will go on to the next question.

*Question No. 273*

**WOMEN IN THE KENYA NATIONAL YOUTH SERVICE**

Mr. Otero-Sar asked the Minister for Labour if he would tell the House—

(a) when the women in the National Youth Service had been selected; and

(b) how many from each constituency.

The Minister for Labour (Dr. Kiako): Mr. Speaker, Sir, I beg to reply. No general recruitment of women from constituencies has yet taken place, pending the acquisition of a camp for them. It is hoped that recruitment will be able to start during the next few months, when it will be conducted through the regular machinery of district recruiting committees in all parts of Kenya, in the same way as with the men.

During the month of September 1965, the Prison Training School kindly permitted its facilities to be used for the training of fifteen girls to form a nucleus of leadership material to assist in the day-to-day administration of the women's unit when it is formed.

With the assistance of the Administration in the districts, fifteen girls were selected who possessed K.P.E. or some qualification such as a knowledge of agriculture, tailoring, typing or nursing. These girls have been given training since 12th October 1965.

Mr. Otero-Sar: Mr. Speaker, Sir, will the Minister tell the House from which district or provinces did these girls come from?

Dr. Kiako: Mr. Speaker, Sir, yes, Sir. In fact, not only will I say where they come from, but I will give their names, too, in case you know some of them.

Mr. Speaker, Sir, the young women are Miss Joyce Gakir Samuel from Meru District, Miss Sylvia, daughter of David Oloo from Central Nyanza, Miss — Mr. Speaker, Sir, there are forty-two districts in the country and the girls are only fifteen. Miss Posila Anyango Mwei from South Nyanza, Miss Agatha Wilson from

[Mr. Kaggin] sub-branches there regard themselves as if they belong to the Murang'a Kanu Branch, because they are in the Murang'a County, while the officials of Kanu at Thika Township continue to claim that this part belongs to them, because they have a branch as we have. Now this conflict has continued up to the present moment and it becomes very difficult for some members of Kanu, let us say some are limited, near Maragwa, to come all the way to Thika Township as the headquarters of their branch, which is very difficult.

The other difficulty, Mr. Speaker, is the question of ordinary administration. Now the whole area which belongs to the Murang'a County Council, we find that most of the people living in that area, the Africans I mean, are experiencing difficulty in having their grievances or problems solved, because in many cases when they have troubles, they will go to the District Commissioner, Murang'a, thinking that because we belong to Murang'a County then obviously the District Commissioner, Murang'a, will solve our problem. They will go all that distance to Murang'a only to be told "Oh, I am sorry, I do not administer your area, you must go to Thika." Then they take all the trouble to go to Thika District and in many cases, as I have said, Mr. Speaker, the District Commissioner in Thika has not got the interest of the African squatters in his area at heart, all he is interested in is the welfare of the settlers and for this reason, in many cases, he does not listen to the grievances of the poor workers and squatters in this area.

Mr. Speaker, as I have said, we will find that one of the Murang'a constituencies, that is Kiharu Constituency, extends from Kiharu to the Chania River covering all the small estates that are in that area and in that area the Member for the area cannot hold a meeting in that part of his constituency until he is given permission by the district commissioner and the branch of Kanu in Thika. This becomes very difficult for him, he has to contact the District Commissioner, Thika, and Kanu outside his district and in many cases they sabotage his meeting.

Mr. Speaker, I would like to say very clearly that the way the boundaries of the so-called Thika Administrative District have been arrived at is very amusing, because we shall see that small estates are protruding in most of our constituencies. Next door to my Kandara Constituency you will find small *shambas* protruding within my constituency and we are surprised to see our brothers being victimized and tortured by settlers just next door and yet we cannot

interfere, because this is the Thika Administrative District and the District Commissioner, Thika, does not give permission. Yet our District Commissioner in Fort Hall cannot help these people to have their grievances removed.

Mr. Speaker, it is therefore important that these anomalies should be removed so that we shall see this small part of our district progressing in the same way as the other part.

Mr. Speaker, we have always said that we would like to see that the people in this area are looked after. In this settled area, Mr. Speaker, you know there are these so-called trespass laws. A trade union official or a Kanu official are not allowed to go into these estates because the settlers feel that they are small kings in their small *shambas* and they have their own district commissioner who is prepared to protect them always and whatever grievances these people may have, even the Member of that area can be stopped from going into these *shambas* because they are called private property and unless you have permission you cannot visit them, even if they are part of your constituency.

This, Mr. Speaker, I think is very unfair in the Kenya of today which is independent and which is ruled by an African Government. Mr. Speaker, that is why I am urging in this Motion that these anomalies should be removed in two ways. One, Mr. Speaker, the whole part which is on the north side of the Chania River, which is part of the Murang'a County Council, should be fully administered by the District Commissioner of Murang'a who is directed in various ways by the Murang'a County Council which is an elected body and which has the interests of the people at heart, because as it is today the district commissioner has nobody to direct him, he is just a king in his own area, because he is an official of the Central Government and the people whom he administers are the rich settlers, the people he listens to and he does not listen to the poor Africans who are squatters without property and without anything in that area.

Therefore, Mr. Speaker, I would like to say only a few things, because I think this is a very straightforward Motion and I have made all these anomalies very clear to the Minister and how difficult we find it in our district to settle this problem. I have already made it clear to the Minister that the President agreed with us about our difficulties a long time ago, although nothing has been done to remove them. Therefore, Mr. Speaker, what I am submitting to this House is that all settled areas in the north of Chania must be fully controlled by the Murang'a County Council. All workers in that

[Mr. Kaggin] area, Mr. Speaker, must be administered by the District Commissioner of Murang'a.

Mr. Speaker, Murang'a and Kiambu are the only two districts which have these difficulties, because you will find in all other districts that the boundaries of a county and the boundaries of an administration correspond. Therefore, I urge in this Motion, that the district boundary must correspond to that of the county and that the jurisdiction of the District Commissioner, Fort Hall, be extended to cover the whole area and, in my opinion, Mr. Speaker, that of Thika's District Commissioner should be restricted to Thika Municipality and therefore, Mr. Speaker, I beg to move.

The Speaker (Mr. Slade): You are seconding, Mr. Gichoya?

Mr. Gichoya: Mr. Speaker, Sir, I understand from the Minister of State that he would like first of all speak or give his own—

The Speaker (Mr. Slade): Well, you can second formally, if you like—

Mr. Gichoya: But I would like to reserve the right to speak.

The Speaker (Mr. Slade): Yes, you can do that.

Mr. Gichoya seconded.

(Question proposed)

The Speaker (Mr. Slade): Mr. Nyamweya, you will speak for Government and claim twenty minutes if necessary?

The Minister of State, President's Office (Mr. Nyamweya): Yes, Sir.

Mr. Speaker, Sir, I am going to be very brief in presenting the Government's case concerning this Motion. This Motion has been eloquently put by the hon. Member for Kandara. I would only like to make a very few corrections of the impressions he has given to the House.

One of the impressions given to the House is that the District Commissioner, Thika, is not capable of entertaining the complaints lodged to him by Africans residing in that area. Mr. Speaker, Sir, administrative officers, whether they be situated in Thika District or Murang'a, have the full authority and backing of the Government to entertain and receive complaints from all members of the public. We have not received any case so far where the District Commissioner, Thika, has refused or failed to entertain such complaints.

I would also like to correct another impression which the hon. Member has given, and that is, if an hon. Member of the area wishes to see his electors who happen to be within the Thika District Administration, he cannot do so with-

out some difficulty. Mr. Speaker, Sir, the Government is not aware of any case where any Member, particularly the Member representing the area in question, has found it difficult to enter the district and meet and talk with his electors. This he can do. The only problem which arises, Mr. Speaker, is perhaps the question of licensing public meetings. This, I agree—and I am prepared to concede what the hon. Member has said—is a difficulty. On one hand, if he wants to have a meeting in a certain area in his constituency, he has to get his permit from Fort Hall; on the other hand, if he wants to have it in another part of his constituency, he collects his permit from the District Commissioner, Thika. This is a difficulty which the Government concedes.

After correcting those impressions, Mr. Speaker, I would like to say that the Government is in full sympathy with the feelings and expressions contained in this Motion, but the way the Motion is drafted appears to me a little bit weird, although I have always had a very high regard for my friend, the Member for Kandara. I have spoken with him in great detail concerning this Motion and we have come to some agreement that I should amend this Motion to drop unnecessary verbiage.

I should like to add at this point, Mr. Speaker, that we have received sufficient pressure from various Members in this House representing that area which includes Murang'a County Council. We also appreciate the feelings expressed by the delegates from Murang'a who, some time ago, saw His Excellency the President, and we regret that no action has been taken up to this point. The House may perhaps appreciate the difficulty involved in putting all these things right. They involve certain changes to the Constitution and, maybe, we intend to or we will, in due course, try to find ways and means of remedying the anomalies, only if the Members of this House will be prepared to approve the Constitution (Amendment) Bill which may be coming in due course, because that is the only way you can amend these things; you cannot amend them otherwise.

Therefore, Mr. Speaker, Sir, I propose to make the following amendment to the Motion: to delete the words "confusion and" in the first line, and also to delete all the words after "to remove" in the fifth line, Mr. Speaker. The amendment will, therefore, read:—

THAT in view of the present overlapping of authority between the Murang'a County Council and Thika Administration in the former Thika District which is now part and parcel of the Murang'a County, this House urges the

[Mr. Mbogoh] even clear the bushes while in the army, and they can build bridges if they are in the army. Just to leave them like that, and to let them rot when they go home, after paying them at a rate of Sh. 8 a month, it is very difficult.

Mr. Khalif: On a point of information, Sir, one of the roads between Garissa and Wajir—

The Speaker (Mr. Slade): Order! Order! No point of information.

You were giving way were you, Mr. Mbogoh? I am very sorry, I thought you had finished. He gave way to you. Very well. I am sorry, Mr. Khalif.

Mr. Khalif: One of the major roads in the North-Eastern Province between Garissa and Wajir, for the information of the Minister, was built by the British Army. Not by the National Youth Service from Britain, but by the British Army, by an engineering squadron, therefore, there is every possibility if the National Youth Service is absorbed into the Army, for them to do the same work as the National Youth Service is doing today.

The Speaker (Mr. Slade): I am afraid, Mr. Mbogoh, that has used up the rest of your time and I have to put the question now.

(Question put and negated)

#### MOTION

##### JURISDICTION OF DISTRICT COMMISSIONER, MURANG'A

Mr. Kaggia: Mr. Speaker, Sir, I beg to move:—

THAT in view of the present confusion and overlapping of authority between the Murang'a County Council and Thika Administration in the former Thika District which is now part and parcel of the Murang'a County this House urges the Government to remove the confusion by extending the Murang'a District Commissioner's jurisdiction to the whole of Murang'a County Area and restrict the jurisdiction of Thika District Commissioner to Thika Municipality, and to introduce such legislation for amendment of the Constitution as may be necessary for that purpose.

Mr. Speaker, Sir, before I bring my points supporting this Motion, I would like to say from the outset that this Motion, or this problem that this Motion is seeking to remove, is not the ordinary boundary disputes as we have in other areas as the result of the Boundary Commission Report. I know the Minister may rise and say we have problems like this in various areas and treat it accordingly. This is a very serious anomaly which was created by the Boundary

Commission, and therefore, Mr. Speaker, I would like the Minister to listen to me and to accept this Motion, if possible, without amendment.

Mr. Speaker, the Boundary Commission created the boundary between the Murang'a and Kiambu counties on the River Chania. That means the whole of the south of the River Chania is the Kiambu County, and the whole of the north of the River Chania is Murang'a County. On the top of that, Mr. Speaker, the Boundary Commission created another district called Thika. That is we have a district which has one leg in Murang'a and the other in Kiambu. A district which has no county, and a district which has no constituency at all. Therefore, Mr. Speaker, what I am urging in this Motion is to see that this overlapping is removed, and the reason is this, Mr. Speaker, we have a constituency in Murang'a which is part of Kiharu Constituency, which comprises of the whole of the settled area on that north of the Chania, which, administratively, we are told belongs to Thika District. On the other side, we have a constituency, or part of a constituency of Gatundu, which is also part of the so-called Thika Administrative District. Mr. Speaker, when this commission gave its report, the Murang'a District and the Kiambu District opposed this overlapping very strongly. On a number of occasions the two districts have tried all they could to see that this overlapping is removed. I think about twice or thrice the Murang'a and Kiambu County Councils have met and have passed resolutions asking the Government to remove these two parts to Kiambu and Murang'a County Councils. I think, twice or thrice, both Kanus of Murang'a and Kiambu have met and agreed on the same resolution. After a while, when we saw that the Government was not doing anything to remove this overlapping, delegations were sent to the President comprising of Kanu from Murang'a District and Kiambu District. The President promised us that he was going to do something to remove this unnecessary overlapping. I am afraid to say, Mr. Speaker, that up to now this confusion still exists.

If I may go back a little bit, Mr. Speaker, we in Murang'a have opposed this set-up from the beginning, because we thought that this was part of the colonial legacy. As during the colonial time, the Colonial Government carved this so-called Thika, taking all the parts that were owned by European settlers, you find that the district has got some legs in Machakos District where the European farms protrude into the Machakos District. It has other legs in

[Mr. Kaggia] Kiambu District, and another leg in Murang'a District. When the Colonial Government were determined to see that all this area which is occupied by European settlers is not kept under an African district commissioner, and it was for this reason that it was made a district by itself. We were tolerating this state of affairs during the colonial time, but we could not expect this kind of thing to continue after independence. We wanted to see these settlers in the Thika District ruled by either Murang'a or Kiambu County Councils, where they belong, because we could not see why just a small European area should be made a district by itself, because previously I knew that Europeans would detest being ruled by an African district commissioner, but in an independent country like Kenya, I do not see any reason why any European settler in this part of the country should not be ruled by our county councils.

Mr. Speaker, I would like to remind the House that during the *majimbo* campaign, we can remember very well that Mr. Blundell had drawn a map of his own, and he has created a province or region in the Rift Valley of the whole European settled area.

This was the same idea and I am glad that this did not materialize, and I am going to submit that the presence of the Thika District as it stands today, reminds us of this old colonial and exploiters plan, and that is why Mr. Speaker, we are seeking to get this thing removed.

Mr. Speaker, we see that in Murang'a the county council area comes up to the Chania River, as I have said, including all that part of the settled area on the north of Chania. The County Council of Murang'a collect tax from all the taxpayers in that area, including the Europeans in that area, but funnily enough the county council cannot initiate projects of development in this area without the consent of the District Commissioner, Thika. Mr. Speaker, I must say here that when a district commissioner comes to Thika or any other district which has a European majority, because we must understand that in the whole of the so-called Administrative District of Thika, the Africans who are there are mere squatters and employees. They have no property, they have no say in that area, the only person with a say is the settler, a European or an Asian. Therefore, it is only natural that the district commissioner will always be influenced by the people with property, the people with a say in that area. It so happens that in many cases the district commissioner opposes our development project in that area if the settlers think that these developments will not be for the benefit of exploi-

tation in that particular area. I will quote one example, Mr. Speaker, which is very vivid. Recently the County Council of Murang'a decided to establish markets in all these settled areas, because it has been very difficult for the squatters and agricultural workers to get to the markets which are miles and miles from the settled area, therefore the county council decided to open markets in various areas. First it was very difficult for the county council to obtain a piece of land in this area to establish a market, although it was obvious that these markets were important for these workers who had no time to go twenty miles to get to a market in the reserve. Yet, it was not easy to get land. After a long struggle some small pieces of land were obtained on a few farms, but then came the clash of the interests of Thika Township and various proposed markets and we got the district commissioner opposing the establishment of various markets, because some people in Thika Township said that this market would reduce their trade in the township or vice-versa. For this reason, up to now, Mr. Speaker, we have not been able to establish a single market in this area and our African brothers continue to suffer in this area.

Another example, Mr. Speaker, I think last year all districts in the Central Province were allotted teacher-training school places to send people to train as teachers, but because of misunderstanding as to where the Thika District is and where the Murang'a and Kiambu Districts are, somebody in the provincial headquarters regarded Thika District as a district like Fort Hall or Murang'a. As a result Thika was allotted twenty-five places, while Murang'a had thirty-four places. Mr. Speaker, although the education officer in Murang'a raised this question, nothing could be altered, and it will be interesting to note that the Murang'a County Council has got 260 schools and on that basis was given thirty-four places, while the Thika Township, because all these primary schools are run by the county councils, has only five schools and yet they had twenty-five places. This was very unfair because all the areas which are part of the Thika administrative district, but the schools there are run by the county council, were not counted and could not have places, because somebody in the provincial headquarters regarded them as part of Thika District.

Now these are just two examples to show the difficulties that we are up against. The other difficulty, Mr. Speaker, was that formerly when Thika was a district it had a Kanu branch, while we have one in Murang'a and another one in Kiambu. Now since the report of the Boundary Commission we have had conflict in these areas, because in the area north of Chania all the Kanu

Mr. Khalif: Mr. Speaker, Sir, in seconding the amendment, I would like to say that I am completely opposed to the question of dismantling the National Youth Service.

The Speaker (Mr. Slade): I should warn you, Mr. Khalif, that you only have about three minutes. I am afraid, before I have to deal with this.

Mr. Khalif: Mr. Speaker, Sir, the question of dismantling the National Youth Service is completely out of the question. Instead, Sir, we would like this semi-military organization to become a complete military service. We would like to urge the Government to convert this into a military training institute for the use of the National Youth Service. Sir, the youth in the National Youth Service have become frustrated because, firstly, the element of tribalism has been paramount. Secondly, Sir, the National Youth Servicemen have been kept, in other words they have been detained for a certain time; one year or two years, and then they are sent home. This, Sir, is a waste of time. Thirdly, Sir, what has been referred to by the hon. Ngala-Abok as salary is only Sh. 12, and that should not be the kind of pocket money we should expect in the year of 1960.

Therefore, Mr. Speaker, Sir, because of these three reasons the National Youth Service has proved that it has failed to meet the requirements of the National Youth Service.

Another thing, Sir, which I would like to point out to you and that is with regard to the strength, and on this I hope the Minister will bear with me and agree with me on this, that the strength of the Kenya Army is surprisingly very little. This is not a statement, I was only thinking that if the weakest State in Africa invaded Kenya today, then Kenya would be defeated, because as in accordance with the list that was published in the papers only recently showing the strength of the armies in all the independent states of Africa, it was indicated that Kenya was the weakest country in terms of its army, and therefore, Sir, if the weakest army in Africa did invade Kenya, by means of war, then they would be very badly defeated unless Kenya relies on other powers like Britain and other imperialist powers. For this reason, Sir, I feel that the Minister should readily agree that the National Youth Service should be converted into a military service so as to strengthen our military force so that we become paramount in Africa.

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

The Speaker (Mr. Slade): The Mover is due to reply in about one minute's time, so we must dispose of the amendment now.

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

*(Question of the first part of the amendment that the words to be left out be left out, put and negatived)*

*(Debate on the original Motion resumed)*

Mr. Mbogoh: Mr. Speaker, Sir, whether this Motion is defeated or not, the fact remains that my Motion was genuine and I was only asking the Minister what I did ask him for the benefit of these youths.

Mr. Speaker, Sir, the Minister who spoke on this Motion omitted the most important part of this small booklet which is on page 10. He only went into trivialities where he said that they would be clearing bush in the national park in order to make some more places. On page 10, Mr. Speaker, Sir, it says that the National Youth Service be taught to use basic tools, operate and maintain equipment, to use improved agricultural techniques, to plan and organize people at work, and to read and follow instructions which none of them are being taught. Mr. Speaker, Sir, it says that there will be courses in literacy, English, Mathematics, ethics, and using material especially developed for them, but, Mr. Speaker, Sir, I am sure that none of these things are being done in the National Youth Service.

Mr. Speaker, Sir, the other part of this where it says that there will be courses in vocational or academic subjects designed to use work and count experiences as the starting point. Mr. Speaker, Sir, if those subjects are taught I would have no complaint against the whole organization, because this would prepare them for good work when they go out, and they would be employed. Mr. Speaker, Sir, when the Minister was speaking he said that there was a guarantee that nobody would be kicked out until he had finished his two years' training. What about these two years? What happens if he signs on for one year and then signs on for another year, but just to clear bushes, then he gets a certificate after the two years to the effect that he can clear the bushes? Mr. Speaker, Sir, this is a sheer waste of a man's youth. If a young man is wasting two years, then I feel that he should not be allowed to do so.

Mr. Speaker, Sir, I understand that there is another point stating that girls are also in the National Youth Service. When was this school

(Mr. Mbogoh) formed, and who was informed of it? How long have they been there? This, Sir, is one of the things which is happening without any of the hon. Members knowing. It must be true that somebody goes and collects these girls and takes them there and says that she belongs to the girls squad. This, Sir, I do not think is—

The Minister for Labour (Dr. Kiano): On a point of order, there has been allegation that somebody goes around and takes his girls to the women's squad. I would like him to substantiate.

Mr. Mbogoh: Mr. Speaker, Sir, is it true that the hon. Members in this House do not know that there is anything like the Girls National Youth Service?

The Speaker (Mr. Slade): I know, but that was not the question raised by Dr. Kiano. Would you make yourself clear on that particular point, Mr. Mbogoh?

Mr. Mbogoh: Mr. Speaker, I never alleged that somebody does. I said it might be somebody was interested in sending his girls there as a possibility, that was my own opinion, not that I was alleging.

The Speaker (Mr. Slade): You have no reason to believe it is so?

Mr. Mbogoh: I am convinced in my own beliefs, Mr. Speaker, but that is not necessary for him—

The Speaker (Mr. Slade): I am sorry, we must get these things clear, Mr. Mbogoh, You have no reason to believe that it is so. You only say that it might be so. You have no reason to believe that it is so?

Mr. Mbogoh: Mr. Speaker, Sir, if there is anything like a Girls National Youth Service, I would like to know their future also, whether when they come out of the National Youth Service they will be employed as sweepers, or if they will be better wives, or they will be whatever they are. It is unnecessary to put them there to cook for the commandants in the National Youth Service.

Mr. Speaker, Sir, if, for example, now we go to the National Youth Service camp and there try to check, as the Minister says, that there is no tribalism these days in the National Youth Service. If we go there now and try to obtain the statistics of those people who have even gone for different schemes of training, the Minister would be ashamed of the statement he made in this House. He would find that what I am saying is the truth, and instead of him investigating this, he denies that there is any tribalism. I know for certain that there is, even

if the Minister went there and paraded them and asked "what tribe are you, captain, what tribe are you, general, what tribe are you, constable? The figures would show that my statement is absolutely true.

Mr. Speaker, I am glad to hear from the Minister that he has already tried to co-operate with the members of the National Assembly, though it has been alleged previously, in some quarters, that there is a rule that if a Member of Parliament ever goes to that camp, because the Members of Parliament have been finding out some very difficult things, he will be arrested and imprisoned. If this is what the Minister has said, I think it will be quite sensible and I am sure that Members would comply and work with him very closely.

Mr. Speaker, if this National Youth Service, as the Minister says he does not accept my Motion, is going to exist, then the Ministry must take care and the Minister must know that what he is training is a danger to the country, unless there are more improvements, or unless there is anything else which is to be done on the safe side, on the training side, and on the salaries side, when these young men finish their training, and on promotion from the lowest to the top. I am sure it will be out of control and it will be difficult for the Government to control it, and I as I have already indicated have seen things happening without the control of the Minister or the Government.

Mr. Speaker, as I have just said it is useless to send people out with a certificate that So-and-so is an expert on clearing bush. I have got a lot of people at home who are married, who have children to support, and I can employ them on my *shamba* to clear the bushes. When these young men come out after being fed with rice, being given free uniform thereby looking smart, tea, everything, they think that their own standard is higher than when they left home. If you just push them back to their home, and keep them there, this is not helping them at all. It is useless to say that they can continue for another two years, to waste another two years of their lives, instead of getting married and producing some children for this country. Mr. Speaker, this is ridiculous. Mr. Speaker, I do not believe that they are allowed to marry while serving in the National Youth Service as the hon. Assistant Minister for Education is saying. I believe they would serve a better purpose if they are trained to fight, and as we know there is a lot of nonsense in the North-Eastern Province. Even on roads and building, as the Minister says. Even if they were enrolled into the army, they could build roads. They could

**[The Minister for Labour]**

Now, Sir, I would also like to remind the House that when the Motion was passed in this House stating that we should have a group of Members of Parliament to work with us, although we did not think that the allegations made justified all that was said, nevertheless the following day, as the Minister in charge of the National Youth Service, I stated publicly, maybe some Members did not see this, since we had nothing to hide, we would welcome a group of Members of Parliament to be associated with us, so that their ideas, their suggestions could be carried out and now that the House has reconvened, I will be discussing this matter with the Party Whip of the Parliamentary Group so that that Motion, which was passed by this House, can be implemented. I stated very clearly that although I did not agree with the reasons given, nevertheless I said that since we had nothing to hide we shall welcome those persons and I hope that when I talk with the Whip we shall be able to get some very good suggestions in this regard.

Let me also refer to one other point made by the hon. Mover. He talked of the student being told to go and the rest of it. We recognise very clearly, as the hon. Mover has said, that to have well trained and disciplined young persons doing nothing can be a dangerous thing. It is for that reason that we make them, before they leave—because if they do not want to leave after the first year we give them another year to continue with us until we can place them—but those who have left have had to sign a statement reading as follows in Swahili: *Mimi karibu kukamilisha utamishi wangu tarehe So-and-so na omba kufuta kwa hiyari yangu. Mimi na thubutisha nime fahamishwa nina haki kutia sahili kwa miyaka wa pili katika utamishi. Na kuendelea ku pata manufaa ya maisha na elimu katika National Youth Service na kungojoa uwezekano wa kupata kazi. Nathubutisha sipende kwa tumia na fusi hii.*

In other words, those who finish the first year if we have not been able to find them an alternative place to go to, we tell them that they can continue with us, then he has to sign and say "I go" or "I want to stay", we do not, therefore, kick people out. I would also like to remind the hon. Minister—

**The Speaker (Mr. Slade):** Dr. Kiiano, I think HANSARD would be grateful for a copy of that passage in Swahili after you have finished with it.

**The Minister for Labour (Dr. Kiiano):** I will give you a copy of it right now to the Clerk of the Council.

Now, Sir, I would also like to refer to the question of the conditions of service. A case could be made, and one that I have taken great note of, is the fact that although we feed these young men, and although—some of them are better fed than some Members of Parliament, I know, who live on, I will not say, what, Mr. Speaker—but although we feed them and clothe them a point can be made—

**Mr. Mhogoh:** On a point of order, Mr. Speaker, the Minister has alleged that the youth are fed better than some Members that he knows here. Can he substantiate that?

**The Speaker (Mr. Slade):** Order! No. The statement is far too vague to be capable of substantiation. I don't think we will press it in detail.

**The Minister for Labour (Dr. Kiiano):** Mr. Speaker, Sir I would only like to say this, that essentially the National Youth Service is for those projects that are nation building, but let me give a warning that if it is dangerous, and I agree with the hon. Member, to have these youths doing nothing after we have trained them in this disciplined manner, that is why we give them a second year or a third year until we can place them, but if it is dangerous to have well-disciplined youths doing nothing in the country, it is more dangerous, if I may say so with all due respect to the army, to have a very large army doing nothing but just marking time in their camps. Therefore, Mr. Speaker, Sir, I think the question of simply saying that the fellows are not doing much, let us turn them into soldiers is useless, because already they are doing this. If we turn them all into soldiers, then their only purpose in nation building is military defence. I do not think that will be adding to the activities of these young men. It would appear to me that it would be reducing the activities of these young men.

Now, Mr. Speaker, Sir, I was also making the point very clear about a point which has been made that perhaps the financial remuneration might be quite small, and I said that I have made a note of that point which was well made by the hon. Members. But, Sir, I do not believe that the way to improve the country, or to build the nation, is to dismantle everything you do not agree with 100 per cent. If that is so, then our voters should have dismantled this House a long time ago. I believe, therefore, Sir, that we should continue to work together to improve, and continue to improve, this very aspect of our nation building.

Lastly, Mr. Speaker, Sir, I would like to say that because these fellows have undergone a year's training, or maybe two or three years'

**[The Minister for Labour]**

and accepting sacrifice training, the discipline and important points when you see one of our most important points when looking for a job for them. The employers say, "If this fellow has done one, two or three years of hard self sacrificing work, he may be a good fellow", therefore, Sir, I would ask the Members of this House not to cast mud on the National Youth Service, but make the National Youth Servicemen feel that we appreciate what they are doing. We are doing our best to improve their lot instead of cutting them down.

Therefore, Mr. Speaker, Sir, I am wholly unable to accept this Motion which calls for the complete abolition of the National Youth Service, where, I know, we are doing very well, and we are also trying to improve what is not yet perfect, and also calls for the fellows who are doing the very important work to stop doing it and to be just soldiers. This, Sir, would be reducing the activities, when they want to contribute to the nation. Therefore, Sir, I cannot accept this Motion and oppose it.

**Mr. Gichoya:** Mr. Speaker, Sir, I have decided to accept this Motion so that the Minister will be able to accept it. In the first place, Mr. Speaker, Sir, the Constitution, which made the National Youth Service possible, which is here says clearly that the National Youth Service is a kind of a semi-military type of training. Clause 17, of the Constitution, says, that the Governor, who, of course, has now been replaced by the President, during an emergency can convert that institution into a military section, and they will be subject to all the laws of the military rules. Now, Sir, if that is the case, then these people are part of the military force in this country.

**Mr. Speaker, Sir,** on going on to clause 18, which deals with discipline, it is stated, that these people can have their ranks reduced in such a case as disobeying the Code of Regulation, or they can be drilled like the normal military people or policemen, and if he proceeds further, as we understand it, it says that they cannot become members of a trade union. Now, Sir, these are the conditions which the young people are being subjected to. But, Sir, if you look at the whole thing, and with the experience we have, it has proved that these people are being trained for frustration only, and when they come back to their homes they start asking for employment from the Members of the National Assembly. This, Sir, is one thing which I must tell the Government about otherwise they might be faced with a situation whereby the people which they have been feeding for a year will become a problem to them.

**Mr. Speaker, Sir,** that is why I am amending this Motion so that the Minister will accept it, and also, the House will support it. I would like to amend the Motion by:

Deleting all the words after the word "to" in the third line, and insert in place thereof "convert it into a military training institute for youths in the National Youth Service".

**Mr. Speaker, Sir,** the intention of that is that although we know in this country we have a good army and the people will always be safe and if we have no use for more members of the service today, then these people can be trained and kept as a reserve, but yet, at the same time, be trained as mechanics, technicians, electricians, and blacksmiths, and during the peace period they could be employed on useful jobs getting a proper salary, for example, manufacturing jembes, because no matter where they are manufactured, even in the National Youth Service we still have to buy them. If things are manufactured by these people, they can be sold commercially and locally and it will be a benefit. Mr. Speaker, Sir, there was time when these people could have come here and worked on this building when it was being constructed, instead of getting other labour from commercial firms. Mr. Speaker, Sir, had these people been employed they would definitely have earned something to their income and the Government would have benefited from that. But, Sir, what we are now faced with is still our people being ignorant but more frustrated. They feel that they are well educated, but do you know that saying, "A little knowledge is very dangerous"? We would like these people to be useful citizens, and in order to be useful citizens they must be sent straight to do their military training and from there the Kenya Army will have its reserves, recruit people who have been disciplined properly and who also have the national spirit at heart, but just mere frustrated people who have been trained and treated nicely with good food, then later throw them out into the villages; go back to the land.

This, Sir, is going to give us a big problem, and therefore I would like the Government to take care of this amendment and accept it, because it just glorifies and dignifies the Government in the eyes of the people looking in; those who are in the National Youth Service and those who intend to go into the National Youth Service. They must be trained, instead of being trained to hold the symbol the jembe or the shovel and nothing else.

With those few remarks, Mr. Speaker, Sir, I beg to move the amendment.

[Mr. Jahazi]

Mr. Speaker, I support the Government, that we do not want to dismantle the Service, but I hope the Minister will stand up and justify the trust and support that we have in him with real plans for the youths, otherwise our support will not last very long.

Mr. Wamothonya: Mr. Speaker, I rise to support this Motion very strongly. My reason is this: when we started to select our youths, we and their parents had a great hope that these boys were going to be trained for something which would give them some advantages in their lives. As the Mover of this Motion has said, those youths should not go back home empty-handed; they should be trained further and join the military or police forces. I believe that would be much better than for them to go back home and then be a burden on their parents and on the public at large.

I have received many of my own youths, whom I selected, and I was very happy that they were going to get something and help the country. I believe some of the people are afraid that if they become military they will have a kink in their minds. But I am quite sure that we have not a big enough military force in this country to resist any army which might invade this country; and I do not think that if these youths joined the military forces there would be extra money expended or misused, because they would be very useful to defend our country.

While we were selecting our youths, the time was very brightening, but now things seem to be very darkling, especially when they are being selected for certain jobs. I have been told by some of my youths who have come back to my constituency—they come back with a statement of disgrace, that when selection is made for the job, it is being carried out in a discriminatory way. I myself am not in a position to blame anybody or to challenge anybody, like the Director of the Youth Service or anyone who is training them, but I would like the Government to modify the situation and bring these youths to some hope for the future. But when some come home and say that they have been trained for one year or two and there is no job for them, it makes matters worse than before, when they were still in the country, because they did not know anything. But now when such a youth has been trained, he has a hope of getting something better. Now he has nothing, so what is the use of training him? It does not pay. It does not benefit the country, nor does it benefit the youth himself or his parents.

I very much disagree with anybody who tries to say that he would not like the military to be enlarged, and then our youth has to join the military.

An hon. Member: You are just darkling.

Mr. Wamothonya: Well, "darkling" means that the time is darker, because it was very bright when the youth was joining the Service. Now, when they are turned down and going home the time seems to be very darkling.

Mr. Speaker, I think this Motion will be passed as it is because we want to build our country and if anyone here is capable he can tell me what is the strength of our army, which does not want our youth to join it. Myself, I am requesting the Government to see whether the youths can be trained and then join the military or the police force to strengthen our defence of this country.

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

The Minister for Labour (Dr. Kiano): Mr. Speaker, Sir, I am very grateful to the House, and particularly to the Mover of this Motion, for giving me an opportunity not only to reply to the various questions that have been raised by the previous speakers, but also to give the House an opportunity to know some of the things that the National Youth Service is doing.

Before I do so, however, I would like to refer to some of the specific points—made by the various speakers. I am not very sure, Mr. Speaker, as to whether the hon. Member has just sat down really supported the Motion or not.

Mr. Ngala-Abok: He was confused.

The Minister for Labour (Dr. Kiano): I shall plead with the House, Mr. Speaker, to give me a hearing without too many footnotes.

The hon. Member talked of increasing training in the organization and that some of them should go to the police and so on, and yet supported a Motion that calls for the complete abolition of the same movement.

The other point I would like to refer to before I go through this point by point is a very, very serious allegation, Sir, which was made by the Mover when you were away. He referred to a particular camp, that is Gilgil, where he said that because the commander of the camp is a Luo all the other persons with responsible positions, that is those occupying executive positions, are Luos. I immediately contacted the headquarters and I am glad to inform the House that

[The Minister for Labour] that statement, although the hon. Member said that he noticed it when he was there, is nevertheless entirely not right, that of the officers there under this particular Mr. Okelo, some are Wakamba, others are Baluhya, others are Kikuyu and there is even one Masai. Mr. Speaker, Sir, we are referring to the particular camp which, we were told, had only Luos as office bearers; we are not talking about all the camps, we are referring to the Gilgil camp. I have contacted the director because I thought this was not correct, but I did not want to challenge the hon. Member until I had the facts from the place.

Now, Mr. Speaker, I want to continue with a few other points. I would like to refer to the Motion as it is worded. The hon. Mover referred us to the booklet which was distributed and which indicated what the National Youth Service would do. He, himself, referred us to page 8 of that booklet. Then his Motion says that the National Youth Service has failed. I took the trouble to go and borrow the exact booklet he had in hand in case there are different booklets and, from the booklet that he gave me, I looked at page 8 to which he referred us and the National Youth Service, according to his booklet which is also the official booklet states that the work that the National Youth Service will do will include—I quote now because I copied this from his book—"Irrigation and dam building; national park and game reserve preservation and development; road building and house projects; re-forestation and forest development; urban and rural water reticulation and sanitation system construction; range fire control; land clearing and tsetse fly control; agricultural projects; general natural resources conservation and development." Additionally National Youth Servicemen will work on such other aspects as masonry, carpentry and so on, I did not copy the whole thing.

Now, Mr. Speaker, Sir, I intend to indicate that these points made by the booklet given to me by the hon. Member are already taking place so that as far as failure with regard to the aims is concerned, I cannot accept the allegation. We have, for example, in the Shimba Hills, a unit of the National Youth Service clearing the land and helping in the demarcation for settlement, as indicated on page 8. We have, in Voi, road and irrigation projects to help the development of the tourist industry in the national parks around Voi as stated on page 8 where we were given the aims. We have, in the Yala River, which was referred to by my friend, Mr. Ngala-Abok, a group of youths clearing the bush in

order to beat tsetse fly which causes sleeping sickness and this is a very major contribution by the National Youth Service, if I may say so, to the health of the country. We have a road now being constructed to connect Kiambu with the Nyandarua District across the Aberdare mountains according to point 3 on page 8; road building and construction. We have another 70-mile road being constructed leading to the Seven Forks which will be producing electricity for this country. I am giving just a few examples. We have also Tumaini Farm, according to section 8 of page 8 of the booklet belonging to the Mover which talked about agricultural projects. I gave these examples to indicate that those items that were mentioned in the booklet inviting the youth to join us are the very ones we are following.

I would like, also, to say this; that we should be careful not to blame Government for our own shortcomings. All of us were given an opportunity; as Members of this House, to select people during the first period of recruitment and it would be unfortunate if we were to put too much salt or too much sugar in our attempt to ask some young men to join the National Youth Service and for them only to find out that we had exaggerated and, therefore, made them feel disillusioned. Therefore, I would like to make that very clear because apparently many people—if somebody went and found a young man who was already being trained and asked him to leave that job and that he would take him to the National Youth Service, and if the young man was disillusioned as a result when he was made to go to Yala to clear the bush in order to beat tsetse fly, then I can see where the disillusionment might sometimes come.

I would like to say this, Mr. Speaker, on the question of training. I would like to say that I accept the point made by several Members in this House, that we could increase the facilities. It should be remembered that we are not yet two years old in this programme, and it is a major programme. Incidentally, I would like to inform the Members that some of the countries, like Zambia from which country people were here the other day just to see what we were doing and they thought we were not doing a bad job at all.

We already have a driving school and we have trained twenty-seven drivers; this is not a very large figure but I want to show that we are trying to do something. We have also another 140 young men who are going to train as mechanics, welders, panel beaters and sprayers as well as masons.



[Mr. Ngala-Abok] to do. But the question of dismantling it is emotionalism and it is a careless Motion which cannot help this country.

All countries in the world have National Youth Services and our National Youth Service must be carried on. At the moment a group of them are engaged in Nyanza, cutting bushes and trying to help that part of the world with clearing tsetse fly. This is very useful indeed and I must thank the Government for that. But what we want is to improve their conditions. Mr. Speaker, because if we had no National Youth Service, the bush which is now being cleared would not be cleared. The number of people dying of sleeping sickness is being reduced because of the National Youth Service, and what we want is to improve the conditions, to stop tribalism, not to select a group of youths because they come from So-and-so, from Tom, Dick and Harry's constituency, and, therefore, those who come from James' and others' constituencies are not going to be cared for.

I think if Members were unanimous in improving the present terms and conditions of service of the youths and seeing that tribalism does not prevail and seeing that whenever the President makes a statement it is carried out, this would be more useful than saying that we have no National Youth Service, we only have military forces. What, in the terms of peace, can the military forces do for any country? Would you ask the military people to go and engage in cutting bushes? Yes, in other countries, but here it is not so, it is not the law in this country at the moment to make use of the military forces as they do in other countries. In fact, in other countries, the military forces, apart from engaging in war, always serve as our youth are now serving, but the law of this country does not allow us to order the military forces from a camp to go and engage on a national work. If such a clause is there, then the Minister will tell us, but, for goodness' sake, let us be a bit sensible. Fight for the conditions of the youths at the moment to be improved and see that they get promotion properly and see that the selection board, which we have already advocated here, is carried out. This is the only sensible thing.

In fact, I know, if we were to ask the youths now whether they would like to be absorbed into the military forces, all of them, they might not agree. But if we told them that they were going to get a higher salary than they have now, they were going to have recreational services in those centres and, at the same time, they would be

engaged in trade, they were going to be trained in different trades, then they would accept these conditions very happily indeed.

Sir, I am not out to see such a useful organization dismantled. I know everywhere, even in the police force, even here in Parliament, there are things that Members still demand. These demands will continue. From time to time in the countryside and even in Parliament here and in the administration, there are mistakes and there are wrong things, which should be improved. We would like to see our Members fighting for improvements. Whenever there is/a mistake, let us get rid of that mistake; let us try to think sensibly and let us not say that this Service, with thousands of youths, should be dismantled because we fear to face the President (a precedent?). We must face the Minister and tell him, "For goodness' sake, improve the conditions, switch the service to another Ministry or get someone efficient, like Ngala-Abok, to take over."

This is what we want. We do not want to say, "Oh, abandon the whole thing." Why did Members come here? They came here to improve things, not to abandon Parliament, to abandon the military force, to abandon everything else in the country. They came here to improve what is wrong. I remember my youths telling me that they enjoy the whole thing except tribalism and also the salary is very little; they have nothing to send back home.

Of course, they have Sh. 12; call it salary or what you will, but that Sh. 12 is money.

Now what the youths want is improvement. They do not want to have very little work, very little enjoyment, and then being sent home at the end of a one-year period without knowing anything, without being useful to the country at large. This they do not want. But if the Minister could now tell us the steps he is taking to improve the whole thing, because he is a new Minister and a new broom sweeps clean, if he could now tell us what he is going to do as a new Minister, it would be a good thing.

I would like to appeal to Members to see to it that good sense prevails, and emotionalism, tribalism, sectionalism, individualism, are not given room. We want to see improvement in every part of the services rendered to this country; and improvement should be the slogan of this House. So I appeal to Members to ask for improvements rather than wanting to dismantle things.

Mr. Jahazi: Mr. Speaker, Sir, I wish to disagree with this Motion. Although there may be some truth in the Members' feeling that something should be done, I think the thing is not

[Mr. Jahazi] Example: the Service but to repair whatever damage might have been done in the whole organization.

Mr. Speaker, Sir, I, for one, supported the formation of the National Youth Service very strongly, and I have been following the activities and the progress of this organization. I see that it has a very good future, for both our youths and our girls. Mr. Speaker, this Motion has come at the time when the National Youth Service has been branching into another branch of our youth, that is, the girls; and, in fact, Sir, we, as Members here, will do a better job if we put our protests and suggestions forward, and on these build a National Youth Service which will be a better organization and which will live up to our expectations.

Sir, I think the mistake originally came about at the beginning. Although the intention was very good, and still is very good, the Government actually did not have time or enough experience in the running of such service, so that they had very little time in which to organize this big service and, at the same time, show that it had to function as if we had already 20 years' experience of running youth organizations.

However, so far, I think there is cause to believe that, given the help of this House and of the whole country, this National Youth Service could still grow into the big and clear organization we all wish to see. All is not well, as we see many of our youths coming back home empty-handed, except for a certificate showing that they have been trained in grass-cutting, road-clearing or sweeping, and this and that. But we cannot actually call this training. I sympathize with the Service because, when it was started, they did not have teachers or equipment or a school, they did not have even a proper camp. They still do not have a camp as such at the present time; I have seen the camp and I do not think it is worth the name.

But, given time, we can say that this camp should be improved and we want to see new plans as to how the Minister and the Government are going to improve on this. We know that the time for beginning has long passed. They began, yes, but we want to see the improvements. What plans have they for improving this Service?

This question of dismantling the Service is wasting our time, wasting our money, because, if you dismantle it today, you will be faced with the problem of all those youths who are trying to get in now, and those who have already been in and who are expecting to be placed in jobs

somewhere. Then the whole thing, instead of bringing peace of mind to us, as Members, will turn into complete chaos.

Therefore, Mr. Speaker, I do not propose to support this Motion of dismantling the Service completely, but, at the same time, I would like the Minister to come up with new proposals, new proposals for training, new proposals for better facilities, new proposals to eradicate the tribalism which we hear exists and which we see. So many youths left Mombasa, Mr. Speaker, but I see a stream of them coming back and worrying me and every other Member because they want jobs. Some of them I blame; I say, "Why did you leave; at least it would have been better to stay on in the National Youth Service, and be fed there and be clothed, however poorly, rather than coming on to the streets and begging." We want to be strengthened so that when we give them advice to stay on and persevere, they know they are staying on for something, not just staying on to get further training in grass-cutting or digging trenches in the national park.

We want to know what plans, real plans, not only paper plans, the Government has—it is full of paper plans—but what effective plans there are which will start immediately; we want to know if there are any plans which have already been put into effect so that we can strongly advise these people who want to resign or who have already resigned to go back and wait for better jobs, rather than leaving. Although we support this Government, we find it a bit difficult because, up to now, we have not been taken into Government's confidence, to be told specifically what it is trying to do for the youths.

Sir, these youths did not join the Service to be taught grass-cutting or to be taught how to dig trenches; they can do that better at home. They never joined just to march with spades in their hands and parade on Kenyatta Day or Madamaka Day. That is not training. Holding spades is childish; let them hold guns or something better than guns. There is no need to be afraid of them. They are the first-class nationalists, these youths; some of them have suffered, some of them have shown that they are ready to shed their blood in defence of their motherland. But if you treat them cheaply like that, just giving them shovels, with some unfitting big trousers and all that, so that they look shabby, I do not think you are doing them a credit. The best thing is to treat them with the respect they deserve. They joined the National Youth Service freely, of their own free will, with energy, to serve the country, do not play with them. The Government should not play with them by giving them childish jobs. They are serious people and should be treated seriously.



Mr. Makokha: Mr. Deputy Speaker, Sir, this Motion is in three parts. Now the first part is about failure and I am going to cite three examples where I feel the National Youth Service has failed in the aims behind its establishment.

First, Mr. Deputy Speaker, Sir, this was a type of political service, in other words, it was politicians who were asked to choose those youths who had served both Kanu and Kadu or APP to come into the National Youth Service. Now, Mr. Deputy Speaker, Sir, this has failed because now the selection has gone back to the civil servant and there is frustration in the country, because those youths who served the parties, that is Kanu, Kadu and APP and any other party that might have been there, are being left behind and that is one failure. Mr. Deputy Speaker.

Secondly, Mr. Deputy Speaker, Sir, we were told that these youths were going to be given some kind of training and even some education, that is vocational training, so that a youth winger who joined the National Youth Service without knowing how to read or write would leave it with the knowledge of reading and writing, but this does not seem to be happening. Mr. Deputy Speaker.

The third failure, Mr. Deputy Speaker, Sir, is that we were assured that *Harambee* farms were going to be established in all the provinces. Up to now we do not have any *Harambee* farm in the Western Province or in the North Eastern Region or Province and Mr. Deputy Speaker, Sir, I challenge the Government to tell us the reason why we cannot have these *Harambee* farms in all the provinces, because it is very difficult to convince anybody in the Western Province that the National Youth Service is there for nation building all over Kenya.

Mr. Deputy Speaker, Sir, the other day we had a Motion here which showed that there is discrimination in the selection of youths to go to various departments of this country and from what happened on that Friday morning, it is obvious to everyone in this House and even to the Members of the Cabinet, that there is something seriously wrong with the National Youth Service. For these reasons, Mr. Deputy Speaker, I feel that we should dismantle this Service in its present form and have it in a different form, because, Mr. Deputy Speaker, Sir, we, as the advisers of the Government, although I believe it is the Ministers who sit in the Holy of Holies who are supposed to advise the President, but on the other hand we as the Elected Members from the various constituencies, are also advisers of the Government and the President and having gone

round and met some members of the National Youth Service, having met our electors, we are quite sure that this Service has failed and should be dismantled. Mr. Deputy Speaker, Sir, at the moment there is confusion between other youth organizations such as the Young Men's Christian Association, the Young Women's Christian Association, all the youth centres, such as the one at Starehe for boys and this one, the National Youth Service. We must draw a line between the ones I cited first and the National Youth Service. The National Youth Service should be some kind of a fighting force, not only to fight ignorance but also to fight our enemies if need be.

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

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

Mr. Deputy Speaker, Sir, for these reasons I feel that thirdly, as the Motion calls the Government to do, this National Youth Service should be replaced by military service.

Mr. Speaker, Sir, as the Motion says, those at present in the National Youth Service should have priority.

After dismantling this service, all those in the National Youth Service should revert and form part of our army in this country. Mr. Speaker, Sir, it is obvious to everybody in this country that our army is, not big enough. It is also obvious, Mr. Speaker, that for this reason we are not able to oppose certain nations that are provoking us as strongly as we should be doing. Mr. Speaker, I remember last year when Uganda was attacked by the Congolese; the Prime Minister of Uganda appealed to this country for help, but, Mr. Speaker, Sir, because our army is such a small one, we were unable to give Uganda any help, except by word of mouth. I see one Assistant Minister shaking his head. If he can prove to me that we sent even one *askari* to Uganda, to help Uganda—

The Assistant Minister for Health (Mr. Moss): On a point of order, Mr. Speaker, can the hon. Member speaking now substantiate that the Uganda Government did request help from the Kenya Government and we failed to give it?

The Speaker (Mr. Slade): On what grounds do you say that, Mr. Makokha?

Mr. Makokha: Mr. Speaker, Sir, probably the Assistant Minister did not attend the particular Parliamentary Group meeting where the President of Kanu and the President of this country read a certain letter to us from Prime Minister Obote, signed by Mr. Obote himself, requesting *askaris* to go and help him, but the

[Mr. Makokha] President told us that, because we were occupied in the North-Eastern Province, we were unable to do it. That, I believe, is enough.

Now, Mr. Speaker, Sir, I know the Government is going to say, "But where is the money to enlarge our army?", and so on and so forth. My contention, Mr. Speaker, Sir, is that the National Youth Service should be part of the army. They should be trained in fighting and, at the same time, be trained in nation-building, to carry on self-help work, food distribution and such other work. This, Mr. Speaker, Sir, will help, so that any young man who joins the National Youth Service knows exactly what he is joining to do. At the moment, there is complete confusion. These young men do not know their future. They may be told that one day they will be bus conductors or tribal policemen or policemen or that they may join the army, but that is not enough. Mr. Speaker, Sir, because these fields only take a very small percentage of the young men in the National Youth Service, but if they joined knowing that they are forming part of the Kenya army, all of them would have one goal, one aim, and we would not have confusion in the service.

Mr. Speaker, Sir, with these few words, I sit down believing that the Government will accept this Motion as a very sensible Motion, so that our young men in the National Youth Service from now on will remain in the service, knowing that they have a future, not only as a means of employment but that at any one time, if we are attacked by any enemies, they will be there to fight and defend the country.

Mr. Speaker, Sir, I beg to support.

(Question proposed)

Mr. Ngala-Abok: Mr. Speaker, Sir, at the very beginning when I read this Motion, I felt that I should support it, but I am sorry to say that I am opposing the Motion and I am doing so, not because I want to lose sight of the facts which have been put forward by my two colleagues who have spoken but because it is better, all the time, not to be drawn by emotion and tribalism. Tribalism and emotion are very prevalent these days in this country. There are good reasons for tribalism and for emotion and for individual views to be expressed, but equally true, Mr. Speaker, there are good reasons also to be a bit careful in what we are aiming to do and what we are advocating.

In fact, if we replace the National Youth Service by a purely military service, then it means that we are going to have a group of

people kept, getting a lot of money from Government, using a lot of taxpayers' money and not being engaged in any particular national service, except during emergency conditions. The entire military force now, Mr. Speaker, apart from in the North-Eastern Province, do not have any specific duties at the moment. In fact, they are on guard, they are waiting to protect the nation, and this is a useful form of waiting. But, at the same time, we want a group of people who are engaged on national duties. What we should fight for is efficiency, non-tribalism and effectiveness of the present National Youth Service and better pay. In fact, we should actually fight for the National Youth Service to be improved, rather than saying that it should be abandoned and the present youths should be absorbed into the military services. This is wrong.

I am opposing this Motion just because what the Motion wants us to do is wrong, basically. We cannot dismantle the National Youth Service, but the Government must have the sense to improve what is wrong. As regards one part of it—the selection for promotion purposes—this House has already passed a Motion here that a group of Members were going to be appointed to look into the selection of people to be absorbed in permanent jobs. The Motion on that particular part has already been passed in this House and we should now be calling upon the Government to explain what action has been taken, but merely to say that this should be abolished is wrong because, already, there are a vast number of youths in the National Youth Service who do not want to go back home, or who do not want to enter into purely military services; they want to be used usefully and to get proper pay, to get improved conditions; they should have recreation halls, they should have better care from the Government.

In many African countries there are National Youth Services, Mr. Speaker. There are some in Malawi, there is one in Tanzania, and nearly every African country has a National Youth Service, apart from the military services, apart from the police force. What I want to see here is the Government to amend the Motion to read that the Government is already taking measures to improve the conditions, to increase the salary and to see that the National Youth Service is serving the purpose for which it was started. In fact, we were told that they were going to be taught different trades, they were going to leave the National Youth Service as very useful people. We were told they were going to be engaged on *Harambee* farms. These are the things which we want the Government

## POINT OF ORDER

## SUBSTANTIATION OF SPECIFIC ALLEGATIONS

Mr. Gichoza: On a point of order, Mr. Deputy Speaker, I need your guidance on this. The hon. Member for Embu North did make it as a kind of approach to his question that if a Kikuyu is at the top, he was talking in terms of examples, and he mentioned a Kikuyu and a Jalo, as a good illustrative example. Does it mean, Mr. Deputy Speaker, that when one gives an example of that kind, it is necessary just to be geared up for one particular tribe and not putting it as a general case?

The Deputy Speaker (Dr. De Souza): No, No. You see one cannot make a general allegation unless one is willing to back it up with specific allegation, because you cannot make an allegation to say that if a Kikuyu is on top, all are Kikuyus or all the leaders are Kikuyus and if a Luo is on top all the Luos are leaders, unless you are in a position to give examples both of Kikuyus and Luos. I asked the hon. Member to be more specific and to substantiate his allegation, he chose to substantiate it only on the basis of one particular tribe, perhaps he has got other instances where other tribes are involved, if he has he should state it, if he does not state it the implication is that he cannot substantiate it as far as anybody else is concerned, but only one particular case is concerned. It is not enough for him to say "I am going to give one example" with the assumption and the implication that there are hundreds of other examples going around, and he does not want to trouble the House with all the details, because these are very important allegations and if he can substantiate it more specifically than he has done already, then I think it is fair and correct that he should in fact do so.

Mr. Mbogoh: Mr. Deputy Speaker, I am quite sure that my example is enough and I will not waste any more time on that one.

On a point of order, Mr. Deputy Speaker, what light is that?

The Deputy Speaker (Dr. De Souza): Well, I think your time is running very fast, but I think we will give you another three minutes if you wish.

Mr. Mbogoh: This has been done deliberately. Mr. Deputy Speaker, so I will claim another three minutes.

The Deputy Speaker (Dr. De Souza): All right, but carry on now.

Mr. Mbogoh: Mr. Deputy Speaker, I will go very fast now. When the selection for employment of these youth wingers is done it is also done on a tribal basis. There are some of them

who went to join the Tribal Police and the General Service Unit, they had been employed in commercial firms, but you will find that none of the tribes that do not command the Youth Service are selected for these jobs. You will find that if I sent my twenty-seven youth wingers to join the service, all twenty-seven of them would be spread about the country doing nothing after having done one year's service. I have seen that many Tribal Police have been taken to Gatundu and to such and such a place and so many youth wingers have been employed by the bus company but if there is no tribalism why has there not been one from Embu or one from Meru or for that matter one from Kisii, except those who are Kikuyus or Luos? Mr. Deputy Speaker, when these youths go back home they form gangs; I have seen one of the youth wingers from Fort Hall coming to collect money from Embu because he cannot live in his own home as he cannot get anything there, but they come at night and form gangs and they start harassing people by forming illegal societies and these groupings are now going to be dangerous to this country, Mr. Deputy Speaker, and I am sure that they will be dangerous and whether the Government wants it or not they will find it better to control these youths rather than leave them in the country like that without anything to do.

Mr. Deputy Speaker, when these youths go out they are always told that they cannot go out wearing shoes, therefore they leave their shoes there and walk barefooted, and yet they are people who have been used to wearing shoes and to walking very smartly and now when they go home they have naked feet. That is prison again, Mr. Deputy Speaker. I do not think that this is the way that these people should be treated as this is a terrible way of treating them. The result is that they will go back and lead a dangerous life of crime.

Mr. Deputy Speaker, the Youth Service as it is today, is not exactly a Youth Service. You will go there and find that the present deputy director, who was the leader of *Mau Mau*, is the great man at the top, but are we training *Mau Mau* or are we training youths? Is this training for *Mau Mau* guerrillas or is it the training of youth wingers? Mr. Deputy Speaker, no one will approve of that whatsoever. *Mau Mau* tactics were for fighting in the forest and these are not the same as the youth wingers. Their training must be done properly and not be given to someone who is illiterate and who cannot even follow the chain of command. I understand, from very reliable sources, Mr. Deputy Speaker, that—

The Minister for Labour (Dr. Kiano): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member implying that Mr. Itoti Waruhii is illiterate?

The Deputy Speaker (Dr. De Souza): I do not know whether he said that.

The Minister for Labour (Dr. Kiano): That is the director that he is referring to.

The Deputy Speaker (Dr. De Souza): Well, if you are referring to that and he is not illiterate, you must withdraw it, Mr. Mbogoh.

Mr. Mbogoh: Mr. Deputy Speaker, whether he is illiterate or not, I do not mind, but although I said he is illiterate, Mr. Deputy Speaker, even if he is literate I still contend that—

The Deputy Speaker (Dr. De Souza): Yes, if he now explains and says that he is literate that is a withdrawal.

Mr. Mbogoh: Mr. Deputy Speaker, the so-called deputy commander, or whatever he is—

The Minister for Labour (Dr. Kiano): He is an assistant director.

Mr. Mbogoh: He is an assistant director, Mr. Deputy Speaker, and I am sure the methods that he is using to train the youths are not the methods that he is expected to use for their training, because the youths are there to build the country, but not simply to be trained for somebody to stand up there and look very big with a lot of things on the shoulders, while he does not know exactly what methods to use for training the youths. When it comes to the recruitment of these youths, previously the Members of Parliament were given a chance to recruit them but when somebody thought that the Members were too busy helping the people to choose the proper persons, I do not know what happened, it was changed and it has now come to the point where other people are recruiting them without the knowledge of Members of Parliament in that area. Mr. Deputy Speaker, today I hear that there is a very senior officer there called Mr. Griffin who is the director, but when you hear that there is a very great man called the hon. Kariuki who was given that job, I am sure he does not know exactly what he is doing in that organization. He is only there as a symbol and even if he says he knows, it is only because he is told what he should know, but not that he has got into the organization. It is so rotten inside, Mr. Deputy Speaker, that it is impossible for anyone, even the Minister himself, who is shouting, to know what is happening and he does not know what is happening because he might be one of those who is sending people through the back door and then

he comes and shouts that there is no tribalism. Mr. Deputy Speaker, Sir, when some of these people take their own people there you find that many are taken there on the basis of tribalism and you will also find that many of them have got there through the back door and not through the main gate where everybody is expected to go. Mr. Deputy Speaker, today I am going to say this and if the Minister does not investigate this properly, because he wants competition between him and me, I am sure it is because he does not understand this organization and if he goes into it he will find that the Kikuyus are there 100 per cent or 99 per cent or whatever it is, and then if he finds that they are there 99 per cent—he might say that they are only 50 per cent—but how they get there and are enrolled the Minister does not know. Mr. Deputy Speaker, I am not going to allege this one because if I am asked to substantiate it, I am sure I will embarrass somebody. I would like a thorough investigation today so that when the Minister replies, he should not just come and give us a very funny picture of the National Youth Service. What the National Youth Service are doing is very important and they work very hard, only to find that most of their hard-earned earnings is not exactly what they deserve and we should give these chaps at least a chance to have some enjoyment for themselves, even if they are serving the nation. It is not right that someone who is serving the nation should be mistreated, they ought to be given a chance to get some benefit from their service to the nation, not simply to *fungu* his belt and serve the nation.

Mr. Deputy Speaker, here I would like to urge that while this Youth Service is very important these young men could be made use of if this was turned into a military service which would allow them to practise their own way of life. Mr. Deputy Speaker, Sir, I beg to move.

The Deputy Speaker (Dr. De Souza): Mr. Mbogoh, I do want to draw your attention to the fact that you have spoken for twenty minutes, but you have not moved any resolution. If you do want to move it now I think you can do so, in fact your time is up, but I will give you another minute to do so.

Mr. Mbogoh: Mr. Deputy Speaker, Sir, I beg to move:—

THAT in view of the fact that the Kenya National Youth Service is not achieving the aims behind its establishment, this House urges the Government to dismantle it completely and replace it by military service for all youths of this country with the priority given to those who are already in the National Youth Service.

[Mr. Mbogoh] will be", then there is "what kind of work the men of the National Youth Service do" on page 8. Mr. Speaker, on page 8 they say "the National Youth Service will do irrigation, dam building, national park and game reserve preservation and development, road building and house projects, forest station and forest development," plus other things which I need not mention at present because I know that all the Members had this booklet.

Mr. Speaker, Sir, the Youth Service as it was started was to deal with projects of nation building, but when publicity of this service was given to the country, it was given in such a way that it almost induced the youth of this country to go to a service which they did not understand. When these youths entered the National Youth Service, they were not told within certain terms that "you are not coming here for pay", or "you are not coming here to further your knowledge, you are coming to uproot trees and to live under conditions which are more difficult than what you are used to". In fact, if they had been told that some of those who left the jobs they were doing would not have left these jobs. They would have liked to continue with the jobs they were doing, at let us say, the rate of Sh. 40 per month, instead of going to get Sh. 20 per month and dissatisfaction. Mr. Deputy Speaker, when these people went to the National Youth Service, the first thing they were given was a very unqualified and very illiterate lot of people to guide them and keep them in the camps as though they were convicts. It is no wonder to hear that some of the released convicts are locked with the youth wingers in some places which I know of even today.

Mr. Deputy Speaker, the pay of the youth wingers is so little that it will not give them a chance to feel like people who are building a nation. For example, Mr. Deputy Speaker, it was stated that some of them were going to learn driving, mechanics, etc. Some of us went to those men who were already being trained as mechanics in the local garages who were youth wingers before, and told them, "Look, you can go and be trained in the National Youth Service where you get a good certificate and you can come and work instead of being trained by these Asians behind the garage". They left only to find that no training is available for any mechanic except for a selected few who satisfied the illiterate bosses that they could either be their "yes" men or their henchmen, and then be taken into training. Mr. Deputy Speaker, when some of them were taken to be trained as drivers you find that if one fails an examination he is sent out instead

of being given a second chance to try, so that he can go out as a man who can work, or as a man who can do any job for the country. They just release him saying if you have failed that examination there is no more, and you can go and find your own money. There is this Sh. 12 which is given to them which is not satisfactory and cannot pay for Sh. 25 to pay for a test. There is the other Sh. 8 which is saved for them so that when they leave at the end of the year they have Sh. 96. If anybody asks that he be given Sh. 25 from that fund he is told, "No, you must either go out and get this money, or go home and bring Sh. 25 to have your test".

Mr. Deputy Speaker, there is a great deal of tribalism in this Youth Service, and you will find that if you go there today there is a special class of people, or a group, which is kept there simply because So-and-so is a leader of the National Youth Service, and he belongs to such and such a tribe, that the chain of command from the top to a certain level belongs to that tribe and that tribe only. If you go to a certain camp you will find that if there is a Kikuyu in command of that camp, and you will also find that Kikuyus are in command throughout. If there is a Luo in command, you will find that all the Luos in that camp are enjoying themselves and having all the command and being very important in that camp. This service was made for the youth of the—

The Minister for Labour (Dr. Kiano): On a point of order, Mr. Deputy Speaker, I do not want to interject in the debate, but could I ask the hon. Member to substantiate that if there is a Luo commander in a particular section, all the Luos in that particular camp are enjoying life? That is a very serious allegation.

The Deputy Speaker (Dr. De Souza): Order! I think, Mr. Mbogoh, you must substantiate and state first in which particular camp you are referring to that this happens, and secondly state on what evidence, whether you have seen it for yourself, who has told you, how you know about it.

Mr. Mbogoh: Mr. Deputy Speaker, I will do that very easily. One time I visited a camp in Gilgil, where there was a Luo commandant, and I managed to find out that from him downwards that Luos were in command, and from there any person from any other tribe who tried to do anything wrong, was punished heavily and locked in the cells, but if Luos did anything wrong they were not locked up. So they were enjoying themselves in that camp.

The Deputy Speaker (Dr. De Souza): I think that I might as well explain what substantiation means, it is a bit difficult sometimes, and I know

[The Deputy Speaker]

some hon. Members are not always happy about what substantiation means. Substantiation means the evidence on which, or the reasons for which you make such an allegation, now Mr. Mbogoh has said that he personally went to a camp and saw this. Yes, he went to the camp and he was told by the commandant. This is all right. He has now stated the evidence on which he based his allegation. That evidence may be very flimsy, and the House may consider it not worth while accepting it. So long as he has stated the basis on which he makes the allegation, then I think it is open to the Minister or the Government, to deny this particular allegation. He has stated that he has been to a camp in Gilgil. I do not know if there is more than one camp in Gilgil. If there is more than one camp then I think he should be more specific and state exactly which camp it is he went to, so that the Minister can then refute, if he wants to refute, the particular allegation. Is there more than one camp?

The Minister for Labour (Dr. Kiano): Mr. Deputy Speaker, am I to understand, therefore, that he got this information from this specific commandant at the Gilgil camp? If so, then I take it that the responsibility belongs to the commandant as far as this information is concerned? I just want to get that clear, that is all.

The Deputy Speaker (Dr. De Souza): Is that correct, Mr. Mbogoh?

Mr. Mbogoh: Mr. Deputy Speaker, since I found this out for myself, and you can expect no other person to have told me, I was there, and it does not matter if I got it from the person himself, but I found it out myself—

The Deputy Speaker (Dr. De Souza): Mr. Mbogoh, when you say you found it for yourself, do you mean to say that you went and met every single person from this camp? Or, were you told this? I think you said earlier that you met the commandant, and you were told. I think this is what I understood you to say. I may be wrong, but that is what I understood you to say.

Mr. Mbogoh: Mr. Deputy Speaker, I do not think that is very material, because what I said is that I went there and found out from the people themselves in that camp. It does not matter whether it is the commandant or the youth wingers themselves. That is the basis of my argument.

The Deputy Speaker (Dr. De Souza): Are you saying that you actually saw these people yourself? You did?

Mr. Mbogoh: I spoke to them myself.

Mr. Ngũgĩ-Abok: On a point of order, Mr. Deputy Speaker, this must be well substantiated.

The speaker says that it happens that a Luo commandant was in charge of that camp, and he says that the chain of command was actually in the hands of the Luos. Can he tell us which posts were manned by Luos? That would be a better substantiation than being told—

The Deputy Speaker (Dr. De Souza): Order! Order! I do not think he needs to specify which particular commandant. He has said that all the particular persons who were in charge of this camp were of a particular tribe. They were all Luos. This is what he has said. Whether it is right or not it is for the Government then, which will naturally have the evidence of that particular camp, to state who are the persons of that particular camp, and what tribe they belong to. I do not think one can go further than that in substantiation. It would be impossible to make such an allegation.

Mr. Mbogoh: Mr. Deputy Speaker, Sir, I am not alleging that it is on Luo basis only, I gave that as an example, to substantiate but there are many other cases which I could quote, but that is immaterial.

Mr. Deputy Speaker, Sir, when the youth wingers were promised courses, which never materialized, they were sent to the service to stay there for one year and be trained, and then go back home. After one year you find that none of them have been trained to do anything, they are only given a certificate of discharge.

The Minister for Information and Broadcasting (Mr. Achieng-Onyko): On a point of order, Mr. Deputy Speaker, Sir, I think we should bring this matter up again, because I am just wondering if at all, when the Minister for Labour comes to answer, and then the allegation by the hon. Member is found to be untrue, then will the House be entitled to demand an apology from the Member?

The Deputy Speaker (Dr. De Souza): Yes. I think we have already experience as to what happens when a Member makes what could be—if it is I do not know—an unfounded allegation. The House knows what action is open to it. Of course, one must not jump the gun as it were, but let the Minister first state whether the allegation is correct or not. If it is not correct, why he says that it is not correct. The House can then decide and ask Mr. Mbogoh to apologize, if, as I say he is wrong, I am not trying to prejudice the issue. I have not the slightest idea. But if Mr. Mbogoh is wrong, then I am sure he will apologize if he is given the full facts. If he is not wrong, then the House will draw its own conclusions. I have no idea.

[Mr. Mwanzandi] which is surprising. Sir, is that the said committee was going to meet today. This Motion. Mr. Speaker, was tabled in the House four months ago, and I am sure it might be the same Motion which has awakened the Cabinet so that they formed the Ministerial Committee which is meeting today.

The Assistant Minister, Mr. Speaker, advised me to withdraw my Motion, but I have decided not to withdraw it because, for a long time, the Government had done nothing—

The Assistant Minister for Lands and Settlement (Mr. Gachago): Is it in order, Mr. Speaker, for this House to continue debating a Motion asking the Government to do something it has already done?

The Speaker (Mr. Slade): Yes, it is in order.

Mr. Mwanzandi: Mr. Speaker, I am not going to withdraw my Motion because I have, in fact, awakened the Government, and the Assistant Minister said that the Government was doing something about it now.

Mr. Speaker, the land problem at the Coast is something which troubles the public, mainly because the Arabs and Indians are occupying the land. Up-country we have seen the Minister for Lands and Settlement, the Minister for Agriculture and the Minister for Finance, Sir, going to the British Government for money to compensate the Europeans who owned the African land. Why can this same thing not happen at the Coast where we have Arabs? We could go to Zanzibar and ask for compensation; I know that the Sultan is not there but President Nyerere has taken over Zanzibar and he can compensate his people. We can go to India, Mr. Speaker, and see Mrs. Gandhi who might be able as well to compensate her people so that we could own our own land. This is a fact, Mr. Speaker. Whether or not the Government will compensate the landlords, we want the land. We are not interested in compensation. Mr. Speaker, during the colonial régime these landlords have been victimizing the poor people; they have left the squatters on the land, they have neglected them. The British Government paid no heed. But today, Mr. Speaker, we have our own Government bothering these people, calling them illegal squatters—they have now taken out the word "illegal"—and, to make it worse, Sir, our people are not allowed to reap their own trees, coconuts and cashew nuts are reaped by the landlords.

I wanted this assurance yesterday, just before I replied I would have withdrawn my Motion. I asked the Assistant Minister to confirm to this

House that the squatters were going to be left to reap their crops, but he did not give this assurance, or the assurance that squatters would not be disturbed, Sir, until this Ministerial Committee had given its ruling. He has never done this. And these same people, Mr. Speaker—

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, is the hon. Member in order to misrepresent me again in saying that I did not give that assurance when I said that I would give that assurance that the Government would be looking into the matter. I gave that assurance, and it is in HANSARD, Mr. Speaker.

The Speaker (Mr. Slade): Yes, quite. That is what you said, but an assurance of looking into is not the same as an assurance of a thing happening, and that is what Mr. Mwanzandi is on, I think.

Mr. Mwanzandi: Mr. Speaker, I went through the HANSARD today, he said "I can give that assurance". What does the word "can" mean? I can. He should have said "I give assurance", he said "I can give assurance".

Mr. Speaker, what we want is that the Government should go into this land problem. A lot has been said, that it would be too late should it take the next six months, Mr. Speaker, it would be too late. The public today is not to be told what to do, the public knows exactly what it wants. It has no confidence, Mr. Speaker, in Members themselves because of the Coast Province. The public does not even have confidence in the Government itself. I am sure that if the land problem is not settled in time, these people will not promote any General Election whatsoever. I wonder what would happen. We have been voted in to come and find them land, to come and find them jobs which we all say should be Africanized, not merely to be a Government rubber stamp. The Indians and Arabs have enjoyed the colonial régime, which they are still enjoying in this African Government, and the President seems to do almost nothing. When he comes to the Coast, Mr. Speaker, he says, "Go to the land", to what land shall we go? We are all squatters. "Go to the land, go to the land", and when we go to the land his policemen take the public to goal. Now, where is this land he is always talking about? If there is land in State House we can go there, but I am sure there is no land, so that phrase "Go to the land" is not sufficient until we are given the land.

Mr. Speaker, I do not know what is happening now. We have Mr. Chemzeru's Commission and there is another commission now. Does it mean

[Mr. Mwanzandi]

that the Government has already ruled out that that is not enough? I could not tell whether they have found that gentlemen unfit and they have formed another commission. What we want is not that these few people should discuss the land problem, we want the land problem to be discussed in this House. We would like it to be discussed in this House and so find out what the Members would have to say about it. You know what Members would say, Mr. Speaker. Members are really sympathetic with their own people, but with our Ministers—whenever we tell them of this—they say "Constitution, Constitution". This Constitution is flexible, it can be amended. Where is Zanzibar's constitution today? It is not there. We might have another revolution like in Nigeria, whose old constitution is no longer there. So, let us amend ours peacefully for our own people before we get another leader who can convince them and create trouble in this independent Kenya. We have not voted for this country to protect Indians' land. This is not Indian land, this is Kenya land, and whatever land was obtained by these people should have been acquired through the proper channels, not by false pretences, Sir. Some of these landlords could, I am sure, be taken to court for fraudulently obtaining this land without right. Yet the Minister here says that we cannot do anything. Tell the Cabinet you have chosen to go ahead, Mr. Speaker. The Assistant Minister should go ahead.

There is no use in always coming to the Coast. The President and Ministers, Mr. Speaker, will not see *ngomas* until they give us land. We are not there to have another wrong, where we are going to entertain the rulers as if they are looking at gladiators. No, we want business now, Sir.

We want to see business of land, and business of employment, and then we will be able to see that we are independent, but not to go into an office and see Europeans and Indians, as the big bosses who go to the land. What is this independence for? We are not independent.

With those few remarks, Mr. Speaker, Sir, I beg to move:—

THAT in view of the fact that Africans in the former Coastal Strip are all described as "squatters", as if the Asian and Arab land-owners were more African than the Africans themselves, this House urges the Government to form a special commission to investigate the historical background of how the Arabs and Asians got these lands and to bring the findings to this House for discussion.

Mr. Speaker, Sir, I beg to move.

## DIVISION

(Question put and the House divided)  
(Question carried by 31 votes to 18)

AYES: Messrs. Babu, Balala, Barasa, Biny, Dingiria, Ekitella, Gichoya, Kaggia, G. G. Kariuki, Kerich, Khalif, Kiamba, Komora, Lorena, Maisori-Tumbo, Makokha, Mate, Mbal, Muliro, Mwanzandi, Mwatsama, Ngala-Abok, Odeo-Sar, Okwanyo, Omweri, Sadalla, Seroney, Shikuku, Soi, Tialal and Warithi.

Tellers for the Ayes: Messrs. Njiri and Makokha.

NOES: Mr. Chirchir, Dr. De Souza, Messrs. Gachago, Gatuguta, Godia, J. M. Kariuki, Kubai, Malu, Mbogoh, Moss, Dr. Mungai, Messrs. Murgor, Muruli, Mutiso, Njeru, Nyamweya, Too and Wamuthenya.

Tellers for the Noes: Messrs. Kubai and Mbogoh.

Mr. Muliro: On a point of order, Mr. Speaker, in view of the fact that the Assistant Minister's pleas yesterday of having appointed some form of a commission which has a committee which has been rejected by this House, is it in order now, to ask the Government to decide on a special commission other than the committee of Ministers.

The Speaker (Mr. Slade): No, that is not a point of order in this House, Mr. Muliro; outside, of course, representations of that kind can be made.

## MOTION

## DISBANDMENT OF KENYA NATIONAL YOUTH SERVICE

Mr. Mbogoh: Mr. Speaker, Sir, I beg to move

THAT in view of the fact that Kenya National Youth Service is not achieving the aims behind its establishment, this House urges the Government to dismantle it completely and replace it by military service for all youths of this country with the priority given to those who are already in the National Youth Service.

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

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

Mr. Deputy Speaker, Sir, before I come to give my reasons for making this suggestion, I would like to quote a few paragraphs from this beautiful book called "The National Youth Service", as it was in October 1964. Mr. Speaker, when we come to this booklet we start with page 4. "What is the National Youth Service?" then "what life in the National Youth Service

**[Dr. De Souza]**

(Duration, Fees and Refund) (Amendment) (Rules) (Validation) Bill, 1966, and its approval thereof without amendment.

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. Murgor) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I beg to move that the Traffic (Vehicles Licences) (Duration, Fees and Refund) (Amendment) (Rules) (Validation) Bill be now read the Third Time.

The Minister of State, President's Office (Mr. Nyamweya) 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)

## MOTION

## INQUIRY INTO NON-AFRICAN OWNERSHIP OF COASTAL LAND

THAT in view of the fact that Africans in the former Coastal Strip are all described as "squatters", as if the Asian and Arab land-owners were more African than the Africans themselves, this House urges the Government to form a special commission to investigate the historical background of how the Arabs and the Asians got these lands and to bring the findings to this House for discussion.

(Mr. Mwanzandi on 4th February 1966)

(Resumption of debate interrupted on 9th February 1966)

The Speaker (Mr. Slade): Hon. Members will recall that this debate was resumed yesterday and then interrupted by an adjournment of the House. There now remain twenty minutes; I will call on the Mover to reply in ten minutes' time.

Mr. Gichoya?

Mr. Ngala-Abok: Mr. Speaker, Sir, on a point of order, when this Motion was being discussed, Mr. Kase was speaking and I think he had five minutes more to complete his speech. Now, in his absence, can any Member—can I speak?

The Speaker (Mr. Slade): If you catch my eye and there is still time. Mr. Gichoya got in ahead of you.

Mr. Gichoya: Mr. Speaker, I stand to support this Motion on the simple basis that we have accepted, as part of our cardinal principles of African Socialism, the principle of land. The very unfortunate part of it, Mr. Speaker, so far as the Coast area is concerned, is that most of the land in Mombasa, which is the one I know properly, is owned by the Arabs. It is very unfortunate that the Arabs did get this land in the Coastal area on the basis of racial superiority, as it used to be, namely, that the Africans were to be made slaves and the Arabs were to be masters. This is part of the historical background of this country. We had the British East Africa Trading Corporation which did play a very important role in preventing the Arabs from enslaving the Africans.

Now, this being the case, Sir, it is the duty of our Republic to see to it that the wrongs done in the past as far as possible should be corrected. It is not a question of forgetting that the wrongs were done and accepting the fact that these wrongs must be perpetuated. When we say, "Back to the land", Mr. Speaker, it means that we do not go to grab the land that is owned by So-and-so but we are going to till the land which we believe honestly is our own land. And in the Coastal Strip, that area is in defector ownership owned by the black people, but not the Arabs. If these facts are to be established properly, Sir, and in order to be fair to international feelings, we need a commission to investigate exactly whether these Arabs really acquired this land by grabbing it because they had their swords and weapons, and the Africans were unable to fight them, or whether it was given to them as a gift by the Africans.

If it can be proved that they got it as a gift and not by mere robbery, then they could maintain it. But in the eyes of the Africans, Sir, who apparently are the owners of this country, they feel that this land is their own.

An hon. Member: Apparently?

Mr. Gichoya: Mr. Speaker, it is in actual fact—the Arabs are the real owners of this country; the land belongs to them. If we are to be fair—even if it means compensation, compensation arrangements could be made—we cannot tolerate seeing a vast area owned by a lazy person who is sleeping while he waits to get money from the Africans whom he calls squatters. These are the things that even make our own Republic look to a certain degree like a semi-republic, not a

(Mr. Gichoya) comprehensive one. Our own sovereignty should not be curtailed by certain forces; it must be a whole. And if it is to be whole in the Coast, then I can never tolerate the Coastal Strip.

Mr. Speaker, there was a time that our President wisely managed to manoeuvre—this was a wise decision—the Colonial Government and agreed to pay compensation to the Arabs in the Coastal area or the Sultan of Zanzibar, for that matter, who claimed that part as his own.

But, graciously again, Mr. Speaker, these bad people managed to overthrow the monarch, consequently the Africans were left with no claim to the land and our Government has no claim to pay any compensation to anybody for that part of Kenya.

Now, this part of Kenya—the Coastal Strip—which was formerly African owned, and which is now occupied by Arabs, ought to be returned to the Africans. In order to assess a fair compensation we need a commission. It is not the question of historical background, the historical background, Mr. Speaker, is well known: any child who has gone to school knows exactly that there was a Sultan of Zanzibar with a part of his kingdom in Kenya, a kingdom which he never obtained by the will of the people but by conquest, by slavery. Now that we are free and that part of the country is our own part, it is our duty to see to it that the Africans get their own land back. This, again, Mr. Speaker, would make the phrase "Back to the land" meaningful.

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

Mr. Kaggia: Mr. Speaker, Sir, I beg to support this Motion very strongly. Before I give my points, Sir, I would like to draw the attention of the House to the fact that for a long time we have said in this House that the Government of Kenya needs a land policy. I, personally, have said that we do not have a land policy. That is why, now, after two years of independence, the Government has not been able to solve this question of the land problem.

It is a great shame, Mr. Speaker, for Africans of the Coast Province to continue to be called squatters in their own land while the land which belonged to them is owned by foreigners, either Arabs or Asians. It is also a fact, Sir, that the Coastal Strip is part and parcel of the Republic, and yet the citizens of this country are termed as squatters in this particular area.

Mr. Speaker, I was surprised to hear the Assistant Minister who was replying to this Motion, saying that there is nothing that the

Government can do because these people are protected by the Constitution. I think, Sir, that this is a great shame. The Constitution is made for the people and we are not prepared to be told by the Government that Asians are protected by the Constitution and there is nothing the Government of the African people can do to protect the Africans. The Constitution can always be changed. This House is capable of changing the Constitution, and if the Constitution protects the Arabs and it is now revealed that it does not protect Africans at the Coast it is high time that the Minister initiated amendments of the Constitution instead of telling us that there is nothing that can be done. Mr. Speaker, it is well known that the Coastal Strip was somehow sold to the British Government by the Sultan.

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, the hon. Member is alleging that the Minister said that we can do nothing. I was replying to this Motion and I do not remember saying that we can do nothing. Is the hon. Member not misrepresenting what I said?

The Speaker (Mr. Slade): To that extent I think the hon. Member is misrepresenting what you said. I do not think you ever said you could do nothing. You did say there were certain things you could not do because of the Constitution.

Mr. Kaggia: Mr. Speaker, I was not misrepresenting the Minister at all. What I said was that he said that he cannot do anything, and he put the responsibility of using ways and means of changing the Constitution to the Mover of this Motion. But, I would expect—

The Speaker (Mr. Slade): Order! Order! Mr. Kaggia, you are misrepresenting him completely. In the first place the Minister did not say that they could do nothing, he said what they were trying to do. In the second place they did not throw the whole responsibility on the Mover. You must not misrepresent what other hon. Members say.

Mr. Kaggia: Mr. Speaker, that is what—

The Speaker (Mr. Slade): I am afraid that it is now time for the Mover to reply. Sorry.

Mr. Mwanzandi: Thank you very much, Mr. Speaker.

It is surprising, Mr. Speaker, that this problem has been continuing at the Coast for the last three years. Nothing has been done one except that yesterday when the Assistant Minister was replying he said that the Government had gone into it and had gone even further. But one thing

Mr. Sagini: Mr. Speaker, Sir, this is another question altogether.

The Speaker (Mr. Slade): Yes.

Mr. Khalif: Mr. Speaker, Sir, perhaps the Minister did not hear very well. Let me be specific with regard to this particular question. It is this: is there any reason why the Minister should not agree that the District Commissioner, Isiolo, has used his powers as district commissioner to grant a contract to put up several buildings in Isiolo without any recommendation from the Isiolo County Council?

Mr. Sagini: Mr. Speaker, Sir, I think we will stick to the question, and the question in this connexion—

The Speaker (Mr. Slade): I do not think you need trouble, Mr. Sagini. If Mr. Khalif is referring to other contracts, it was not relevant to this question. If he is referring to this particular contract, the Minister has already said it was done with the authority of the council and that is the end of that.

#### QUESTION BY PRIVATE NOTICE

##### INCIDENTS AT MANYATTA POLICE STATION

The Speaker (Mr. Slade): I think you have a question by private notice, Mr. Mbogoh.

Mr. Mbogoh: Mr. Speaker, I beg to ask the following question by private notice.

What action is Government taking with regard to

(a) an incident at Manyatta Police Station on the 30th January 1966 when police officers there are alleged to have beaten Njeru Njuruitha so badly that he died; and

(b) an incident at the same police station on the 4th February 1966 when police officers there are alleged to have beaten Munyi Ismail and knocked out two of his teeth?

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I would like hon. Members to ascertain allegations and also facts. I would like to present the situation as it is, and I hope the hon. Member will listen very calmly and soberly.

(a) Mr. Speaker, Sir, the police patrol found a man, subsequently identified as Njeru Njuruitha, unconscious on the road. He was taken back to Manyatta Police Station and it was considered that he was drunk and incapable. From the police station, he was taken to hospital where he died. The post-mortem report stated that he died of alcoholic poisoning, that is, natural causes.

(b) Mr. Speaker, two police constables were in a bar after duty at 5.15 p.m.: Mr. Munyi Ismail was in the bar in a drunken state. Apparently there was a disagreement between Mr. Munyi and one of the constables. Mr. Munyi slapped the constable who hit him back and he lost two teeth. Both are being charged before the court with affray.

The Speaker (Mr. Slade): I would point out, Mr. Mbogoh, that obviously the second incident is *sub judice* so we will have to leave that.

Mr. Mbogoh: Mr. Speaker, Sir, I will direct my question to part (a). Is the Minister aware that the information he has received is just a lie—

The Speaker (Mr. Slade): Order! No. Use some other language. Just say "untrue", that would be all right.

Mr. Mbogoh: Mr. Speaker, is the Minister aware that he was misinformed, in view of the fact that the same police officers had arrested me during the day on Sunday, 30th January, and they had mistreated me, because they were too drunk and that after that they went to look for those people who were defking in their houses and Mr. Njeru Njuruitha was found in his house drinking and then, after that, he was arrested and beaten and taken to the police station?

Mr. arap Moi: Mr. Speaker, the hon. Member did say before that this was "alleged". Now he is suggesting that I am giving him false information. I asked the hon. Members to be calm. If the hon. Member would like to know more of this, I have given him the full facts, as he requested, and when the hon. Member asked me yesterday, I speedily acquired the information as it is. Therefore, if the hon. Member wishes to know more, he should come and see me; but the facts are as they stand.

Mr. Mbogoh: Mr. Speaker, is the Minister aware that this is not the first time that such an incident has occurred in that area, and that the police officer there cannot discipline his men because he is below the rank of a proper police officer, and they do not even obey him, and that is why they continue to mistreat people all the time at that police station?

Mr. arap Moi: Mr. Speaker, I am not aware of incidents of this nature, but definitely the intention of the police force is to protect innocent people and citizens, and should any police officer or policeman behave contrary to the code of discipline, as far as the police force is concerned, he is dealt with. Matters of that nature will be investigated; and if there is any discrepancy it will be rectified.

Mr. Gichoya: Mr. Speaker, Sir, arising from one of the Minister's replies, that the deceased was unconscious and sent into police custody, is it the routine of the police to send somebody who is unconscious into police custody or the hospital for treatment first?

Mr. arap Moi: Mr. Speaker, if the hon. Member was listening properly, he would have heard me say that he was taken back to Manyatta Police Station and it was considered that he was drunk and incapable. From the police station, he was taken to hospital where he died. I would like to assure the Members that the post-mortem report stated that he died of alcoholic poisoning. Therefore, if the hon. Members doubt the wisdom of the police action, then, further, they should query the report of the medical officer or hospital which gave this report. If there was any beating, it would have been reported.

Mr. Odiny: Mr. Speaker, Sir, on a point of order, I do not know whether I am right, but I seek your guidance on this. The Minister has just said if the Members doubt the reply he is giving, they should query the medical officer. According to our own Standing Orders, is there any section which allows a Member here to make a direct contact with the hospital without going through the Minister concerned?

The Speaker (Mr. Slade): No. I do not understand quite what you are saying, Mr. Odiny, but I cannot see a point of order anyhow.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, where he said that, after finding the deceased on the road unconscious, they took him to the police station, could the Minister tell us which was nearer, the police station or the hospital? And, if so, is it in accordance with police regulations that unconscious persons are sent to the police stations where there are no doctors? Might it not be because of the delay at the police station that this man died?

Mr. arap Moi: Mr. Speaker, Sir, if the hon. Member was listening properly, he would know that I stated that when the police were out on patrol they picked up this man when he was found on the road unconscious. And it was considered that he was a drunkard. Therefore, on reaching Manyatta Police Station, he was taken to the hospital where he died. And the post-mortem showed that he had died of natural causes.

The Speaker (Mr. Slade): We must go on now. Mr. Mbogoh: On a point of order, Mr. Speaker, in view of the fact that this man had eleven children and they have been left, suppose

I wanted to raise this matter as being one of national importance under Standing Order 14, what would be the position?

The Speaker (Mr. Slade): The usual procedure under an hon. Member wishes to raise a matter under Standing Order 14 is to come and consult the Speaker on the matter before the House sits, but I see very little prospect of this matter being found suitable under Standing Order 14. You can raise it on adjournment in the ordinary way.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

##### UNSATISFACTORY REPLY TO QUESTION BY PRIVATE NOTICE: INCIDENTS AT MANYATTA POLICE STATION

Mr. Mbogoh: Am I allowed to raise it on adjournment at the first time there is available?

The Speaker (Mr. Slade): Well, I cannot guarantee quite when, but if you give me notice of that, I will bear it in mind, Mr. Mbogoh.

#### COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

#### IN THE COMMITTEE

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

#### THE TRAFFIC (VEHICLE LICENCES) (DURATION, FEES AND REFUND) (AMENDMENT) (RULES) (VALIDATION) BILL

[Clauses 2 and 3 agreed to]

(Title agreed to)

(Clause 1 agreed to)

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Chairman, I beg to move that the Committee report to the House its consideration of the 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 TRAFFIC (VEHICLE LICENCES) (DURATION, FEES AND REFUND) (AMENDMENT) (RULES) (VALIDATION) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Traffic (Vehicle Licences)



**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, I beg to reply. The police are charged with the responsibility of the personal security of His Excellency the President. Therefore, any temporary closure of any road in the Republic when His Excellency is passing through it, facilitates maximum security and ease of movement.

During such temporary closures of the roads, the police are instructed to cause minimum inconvenience to the public. Normally, these closures are effected during ceremonial occasions and the Government is not aware of any undue prolonged hold-up of traffic. Hon. Members would agree, I hope, that it is essential and courteous to allow the President the maximum convenience to travel. Mr. Speaker, Sir, I may add that it would be unfair for the hon. Members of this House to claim privileges over and above other drivers on the Kenya roads.

**Mr. Kerich:** Mr. Speaker, Sir, is the Minister aware that we have been obstructed several times coming to attend the deliberations of this House and in that case, Mr. Speaker, Sir, he should instruct the policemen to have some manners.

**Mr. Nyamweya:** Mr. Speaker, Sir, the hon. Members of the National Assembly, including the Ministers, at any time when they are on the road, are treated as any other persons.

**Mr. Kerich:** Mr. Speaker, Sir, is the Minister implying that when we meet the President as Members of this House, we are so dangerous to him on the roads?

**Mr. Muliro:** Mr. Speaker, Sir, arising from the—

**The Speaker (Mr. Slade):** I had not called you yet, Mr. Muliro.

**Mr. Mbojoh:** Mr. Speaker, Sir, arising from the Minister's reply, is it not true that sometimes the police close the road two hours before the President leaves his house, and it causes inconvenience to everybody and nobody can travel within those two hours along that road?

**Mr. Nyamweya:** Mr. Speaker, Sir, most Members in this House are believed to be socialists who do not believe in privileges. Here, today, we are asked to create privileges—

**Hon. Members:** Question, question.

**Mr. Nyamweya:** We are asked to create privileges for Members of the National Assembly.

**The Speaker (Mr. Slade):** Order! I do not think you realize, Mr. Nyamweya, the question that was asked of you. It was something quite different. Order! Order!

**Mr. Nyamweya:** Mr. Speaker, Sir, I cannot answer while the House is so rowdy.

**The Speaker (Mr. Slade):** Quite so. The question that Mr. Mbojoh asked—and I think you must have missed it altogether—was: is it not a fact that the roads are closed two hours before the President travels, causing inconvenience to everybody? It was not any question of privileges of Members.

**Mr. Nyamweya:** With due respect, Mr. Speaker, Sir, the question refers to Members.

**The Speaker (Mr. Slade):** I am referring to that last supplementary question, though.

**Mr. Nyamweya:** It is not true. If I may add, Mr. Speaker, Sir, always when the President is to travel, the police make sure that there is a public announcement in the Press and on the radio about the roads which are bound to be temporarily stopped for members of the public, including—

**Mr. Masinde:** Closed.

**Mr. Nyamweya:**—closed, if you want the word, closed for a particular period when the President is passing by.

**The Speaker (Mr. Slade):** We will now go back to your questions, Mr. Shikuku.

#### Question No. 262

##### NAKURU ACCIDENT PILE-UP

**Mr. Shikuku** asked the Minister for Home Affairs what had caused the recent road accident at Nakuru, near the railway bridge on 30th December 1965, when seven vehicles had been involved in a pile-up.

**The Minister for Home Affairs (Mr. arap Moi):** Mr. Speaker, Sir, I beg to reply. An Asian driver has been charged in connection with this particular accident with: (1) Careless driving, and (2) Driving an unroadworthy vehicle.

He has pleaded guilty on the second count and not guilty on the first one. The first count is therefore *sub judice*.

**The Speaker (Mr. Slade):** I think if it is *sub judice*, we cannot get any further, can we, Mr. Shikuku?

**Mr. Shikuku:** Mr. Speaker, Sir, he has just told us about the Asian, but I am not interested in that. The supplementary I wanted to ask is about the situation in which the accident was caused. I remember having gone to the scene: it was round about the corner. Is the Minister aware that it was due to this corner that the police lanterns could not be seen from afar?

**The Speaker (Mr. Slade):** I realize, Mr. Shikuku, you are not concerned directly with the guilt or innocence of an individual, but if the circumstances matter is *sub judice*, all these circumstances which might or might not provide justification or extenuation are relevant to the trial and I think we have to leave it alone until the trial is over.

**Mr. Khalif:** On a point of order, Mr. Speaker, the Minister had two answers—(a) and (b)—and he said that the first part of the answer was *sub judice*. Therefore, is it not in order for the part which is not *sub judice* to be the subject of supplementary questions?

**The Speaker (Mr. Slade):** No. Next question.

#### Question No. 245

##### FALLOW LAND AT TURBO

**Mr. Shikuku** asked the Minister for Natural Resources and Tourism if he was aware that over 50,000 acres which had been set aside for afforestation in the Turbo area, was one of the most fertile areas in the whole country, within the rain belt, but which had been lying idle without being utilised to grow maize, sugar-cane etc. Could the Minister tell the House how long he intended to see this land lying fallow in view of the great shortage of foodstuff.

**The Minister for Natural Resources and Tourism (Mr. Ayodo):** Mr. Speaker, Sir, I beg to reply. It is rather misleading for the hon. Member to imply that 50,000 acres of usable land in Turbo area is lying fallow. A large part of the area belongs to the East African Tanning Co. Ltd. and as far as we know, it is being fully utilized. Arrangements are being made to purchase this land as the needs arise. Approximately 9,000 acres belong to various farmers. There is, therefore, only about 20,000 acres to which this question might apply.

In discussing the land in Turbo area, we must not forget that our primary objective is to grow trees to feed a pulp mill at Broderick Falls. In the course of doing this, however, my Ministry, in collaboration with the Ministry of Agriculture and Animal Husbandry, intends to make the best use of the area possible.

With regard to the 20,000 acres, various measures have been instituted to bring the area into full production. Acting as the Government's representative on the Agricultural aspects of afforestation, the Agricultural Development Corporation (A.D.C.) has already engaged a

manager with the special responsibility over the 20,000 acres. In addition, the A.D.C. is arranging to take over from the Department of Veterinary Services some 4,000 head of ALMO stocks and are now making financial arrangements in regard to the purchase thereof. Approximately 1,000 acres will be developed as a national farm for production of food as found fit by the representatives of the Ministry of Agriculture. In subsequent years, there will be an increase in the agricultural use of this land.

I must emphasize, however, that with regard to the agricultural use of this land, it is the normal practice of my Ministry to allow land for afforestation initially to be used for production of food by the forestry worker before it is planted with trees, but that the agricultural use of land in this area is a secondary objective. The establishment of a paper mill will, undoubtedly, have a greater effect on the economy of this country than would be the growing of food crops. The Government, therefore, considers it very important to grow timber to feed the proposed multi-million pound pulp and paper mill at Broderick Falls.

#### Question No. 240

##### ISILO COUNTY COUNCIL CONTRACTS

**Mr. Aremam,** on behalf of Mr. Bonaya, asked the Minister for Local Government if he was aware that a contract to build several buildings for the Isiolo County Council had been given to Ahmed Osman without the knowledge or recommendations of the members of the county council.

**The Minister for Local Government (Mr. Sagini):** Mr. Speaker, Sir, I beg to reply. The contract agreement in question was concluded by the Isiolo County Council Commission on 11th January 1965.

The county council commission functioned until the 30th June 1965, when it was dissolved.

All the contract agreement documents have been properly executed.

**Mr. Khalif:** Mr. Speaker, Sir, the Minister says that the county council was dissolved in June 1965. Is there any reason or reasons why the Minister should not agree with me to the effect that district commissioners have, to a very large extent, in all districts, formerly known as Northern Frontier District, used their powers as district commissioners to grant contracts to various contractors without the knowledge or recommendations, for that matter, of the county councils?

[The Minister for Home Affairs] district commissioner. This does not mean, however, that the district officer must be confined at his desk throughout the week waiting for passport applicants. He may have more important duties to perform outside the office, in which case, the passport applicants would, naturally, not find him there. In any case, the onus should be on the applicant to make an appointment with the district officer to deal with his application.

Mr. Bala: Arising from the Minister's reply, Sir, could the Minister tell the House when they changed the system so that the district officer could now deputise for the district commissioner, since we know that it is the district commissioner who is to testify the sureties and not the district officer?

Mr. arap Moi: I have stated, Mr. Speaker, that when applicants come to the district commissioner's office and they do not find the district commissioner, a district officer is normally in the office to help the applicants. If the district officer can make arrangements, sign and see that whoever signs the sureties can make arrangements for the applicant, then everything can be arranged in a way which will satisfy the Immigration Department.

Mr. Gatuguta: Mr. Speaker, Sir, arising from the Minister's reply in which he said that some sureties did not have resources, could he tell the House what the income of a person has to be for him to be considered a proper surety?

Mr. arap Moi: Normally, I think the hon. Members are knowledgeable because some of them have signed bonds and sureties, some up to Sh. 30,000 and I hope they will not be surprised when bills are sent to them should anyone overseas whose bond has been signed by an hon. Member, or anyone outside this House would have to pay the bill. The amount which is required by any person depends on the distance from Kenya to the country to which the student or person went; if he happens to be in New York then the amount which would be payable will be within the region of Sh. 5,000.

Mr. Gatuguta: Mr. Speaker, Sir, could the Minister tell this House whether there is any special need for two sureties? Why not one, if the one has enough money to give the security?

Mr. arap Moi: Mr. Speaker, Sir, a person is considered on his own merit. If he happens to have sufficient funds to enable the Government to secure that money, the Government would not be worried about a second surety.

Dr. De Souza: Mr. Speaker, Sir, would the Minister consider that those people who have sufficient funds to meet any such contingency, namely if they pay income tax or they have property or businesses, would not need any security whatsoever?

Mr. arap Moi: That one I will note.

Mr. Bahala: Mr. Speaker, Sir, can the Minister tell this House whether there is any limit to the number of security forms which an hon. Member of this House can sign?

Mr. arap Moi: Definitely. My Ministry traces—if, for example, Mr. Speaker, an hon. Member signs a security of a certain student, my Ministry will have to trace how many sureties he has signed, or how many people he has sponsored to go overseas. If it happens to be ten or so, the sureties are reduced, depending on his resources.

Mr. Oselu-Nylick: Mr. Speaker, Sir, arising from the Minister's reply, could he tell the House why it is not expedient to have passport offices opened in Mombasa, Kisumu, Nakuru and Eldoret to cater for the people in these areas?

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member ought to acquaint himself with facts, and I think the best thing for him to do is to visit Mombasa and he will find that there is a passport office and an immigration office in Mombasa. Similarly, I have indicated that district commissioners' offices in other areas deal with these matters.

Mr. Makone: Mr. Speaker, Sir, in view of the fact that many Kenya students went abroad to study before we were independent, what arrangements is the Minister making to provide these students with passports when they come back home?

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

Mr. Bahala: On a point of order, Mr. Speaker, Sir, the question of limitation of security bonds for hon. Members has not been answered by the Minister, would it be in order for me to press him to answer the question?

The Speaker (Mr. Slade): Not as a point of order, I am afraid.

Next question.

#### Question No. 266

##### POLICE POST FOR NYABASI TRADING CENTRE

Mr. Malsori-Itumbo asked: The Minister for Home Affairs if he could tell the house when he was going to fulfil the promise of building a police post at Nyabasi Trading Centre.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. I am not considering the building of a police post at Nyabasi at present because of the lack of funds but I intend, when funds become available, to establish a frontier patrol check point at this place.

In the meantime, I am satisfied that Nyabasi is adequately policed by personnel from Kibancha Police Station which is strategically about twelve miles away.

My information shows that criminal activity in the Nyabasi area is not unduly high. In 1965, only six cases of crime were reported to the police.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, arising from the Minister's reply, could he tell us how many people, since 1963 to date have been beaten to death? Also, Mr. Speaker, Sir, could he tell us how many people have been deprived of their properties from that time up to this moment by the Tanzania people, because this trading centre is on the border of Kenya and Tanzania? Also, Sir, the Minister must assure this House of how many cases, not merely inform us of six cases.

Mr. arap Moi: Mr. Speaker, Sir, I do not know whether the hon. Member is confusing the two points. I did mention, Mr. Speaker, Sir, that when funds become available, we will establish a frontier patrol check point which means that the frontier or the boundary between Kenya and Tanzania will be looked after by police patrol, and the question which he asked with regard to the people being beaten to death, since 1963, then I think that is another question which should be asked separately.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, since this case is a chronic case, in fact, the trading centre has been in a chronic situation and every Member is aware of the trouble in this particular place, would the Minister investigate and have a full report made from this particular area before he gives the House false information?

Mr. arap Moi: Mr. Speaker, Sir, I must protest, and ask the hon. Member to be sane and talk sense.

Mr. Malsori-Itumbo: On a point of order, Mr. Speaker, Sir, since the word insane is a criminal and unlawful word, would the Minister assure the House that I am not insane?

The Speaker (Mr. Slade): Order! No, insanity is not itself a crime. On the other hand, it is out of order to impute insanity to an hon. Member, so I will withdraw that imputation, Mr. arap Moi, I am sure?

Mr. arap Moi: Mr. Speaker, Sir, I did not say insane, I said sane—

The Speaker (Mr. Slade): Order! You make it quite clear—

Mr. arap Moi: I withdraw that one. I would like, Mr. Speaker, Sir, to say that the Member suggesting that I give false information—

Mr. Masinder: On a point of order, Mr. Speaker, Sir, with due respect to the hon. Minister, would it be in order for the hon. Minister to address any hon. Member here as a Member, but not using the actual qualifications of the Member which is hon. Member.

The Speaker (Mr. Slade): You will remember that, Mr. arap Moi.

Mr. arap Moi: Mr. Speaker, Sir, as I said the hon. Member keeps on saying that I give false information. The other day, not long ago, about four days ago, when he had made a false allegation in this House, we flew over his area—

Mr. Malsori-Itumbo: On a point of order, Mr. Speaker, Sir, what I want is the answer to my question. I am not prepared to—

The Speaker (Mr. Slade): Order! You cannot rise on a point of order like that. Sit down, Mr. Malsori-Itumbo.

Mr. Khalif: On a point of order, Mr. Speaker, Sir, when the Minister is answering a specific question on the Order Paper, is it in order, Sir, that the Minister should refer the House to a question, or a discussion, which a Member has brought to this House some time ago? Is it in order, Sir?

The Speaker (Mr. Slade): So long as it is relevant, I think, in this case, it is. Continue, Mr. arap Moi.

Mr. arap Moi: Mr. Speaker, Sir, if the hon. Member wants to know about something, then he must accept the information given. I did mention that in the whole of 1965, there were only six cases reported to the police, and therefore, there was no need at all to build a police post at Nyabasi.

#### Question No. 234

##### TRAFFIC PRIVILEGES FOR MEMBERS

Mr. Kerich asked the President if he would tell the House what privileges were available to Members, who were occasionally obstructed or delayed by the police when coming to attend the deliberations of the House, when the President happened to be going on tour out of Nairobi and the roads he was supposed to travel along were cleared of traffic and the Members travelling along such roads were affected.

The Speaker (Mr. Slade): Order! No, what I said was that if you want to criticize the Chair, you must do that.

Mr. Gichoya: No, Mr. Speaker. I am not talking about the point of the Chair but about the Minister—

The Speaker (Mr. Slade): Well, I think you misunderstood me; I was referring to criticism of the Chair.

Mr. Gichoya: You did put it previously, Sir, before the hon. Mr. Oduya talked about his own dissatisfaction; I am referring to your previous ruling which stated that if we wanted to discuss anything to do with a failure on the part of a Minister, it must be done on a substantive Motion—

The Speaker (Mr. Slade): No. I must ask hon. Members to listen to what I say. If they have not heard, they will have to be content to read it in HANSARD afterwards, instead of asking the same question again. What I told Mr. Muliro was that if hon. Members are dissatisfied with the conduct of Government, they have a variety of procedures open to them, a substantive Motion being one of them, raising the matter on an adjournment another, questions another, and reaction to question yet another. There are all those different procedures. I do not want, after I have said all that, an hon. Member to get up and say I said something else, please. We are wasting a lot of time that way.

Mr. Ogile: On a point of order, Mr. Speaker, we are continually reminded that Ministers are at complete liberty to decide whether they will reply to a question or not. In the Ministry of Education, we have the Minister and two Assistant Ministers, and the fact being that the Assistant Minister, who was trying to reply to this question, is always, more or less, inefficient—

The Speaker (Mr. Slade): Where is your point of order?

Mr. Ogile: I would like to know, Mr. Speaker, whether it is in order for us to decide that this question should be answered by another Assistant Minister in the same Ministry.

The Speaker (Mr. Slade): No.

Mr. Khalif, On a point of order, Sir—

The Speaker (Mr. Slade): No, Mr. Oloitiptip, Mr. Khalif is now on a point of order. We get these, spates sometimes; we have to be patient.

Mr. Khalif: Mr. Speaker, Sir, I am very serious about this. Is it not within our Standing Orders that when an hon. Member of this Chamber, whether he is a Minister or a Back-bencher, does

want to move that the House do adjourn, with the necessary support of other Members, he can do so without getting the opinion or the approval of the Speaker?

The Speaker (Mr. Slade): I think you had better study your Standing Orders, Mr. Khalif, if you are not satisfied with what I have told you about them.

#### POINT OF ORDER

##### RULING ON POINTS OF ORDER

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. Oloitiptip): Mr. Speaker, you will excuse me because my voice is not very good today. Mr. Speaker, my point of order is this. It appears that this afternoon this question has delayed us in carrying out the rest of the business of the day, and the Members have kept on raising points of order all the time. You, Mr. Speaker, as the Speaker of the House, have ruled and have given enough replies to the Members. Is it not in order for you, as Speaker, to rule that we move to the next Order so that we do not just come here and sit and waste taxpayers' money for nothing and—

The Speaker (Mr. Slade): Order! Will hon. Members preserve order, if they want to continue business at all this afternoon? I think you have made your point, Mr. Oloitiptip.

Order! I do not know what has come over the House this afternoon.

The answer, Mr. Oloitiptip, is that however dull it may be—and sometimes wasteful of time—the Speaker must go on hearing any points of order which are raised. We do sometimes get, as I say, these spates of points of order; it seems to be infectious. But he must go on hearing them unless he thinks that they are fraudulent or frivolous. We are not far off the frivolous now, I think.

#### POINT OF ORDER

##### RULING ON GIVING NOTICE OF MOTION ON ADJOURNMENT IN ORDER TO EXPRESS DISSATISFACTION AT ABSENCE OF MINISTER

Mr. Muliro: On a point of order, Mr. Speaker, in view of the dissatisfaction of the Members in connexion with this particular Minister, who is incapacitated from doing his work, would I be in order to move a Motion on adjournment about the behaviour of the Minister in question?

The Speaker (Mr. Slade): Yes, if you gave written notice, you could do that.

Can we go on now?

Several hon. Members: Yes!

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 259

##### NYANDU ROADS: IMPROVEMENT

Mr. Bala asked the Minister for Works, Communications and Power if he was aware that the following roads were very poorly maintained and required immediate improvement before the long rains in March, 1966; Katito to Kusa, Ramula to Kibigori; Sonda to Nyabondo; and Kisian to Bondo.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): I am aware and am very concerned that the standard of maintenance of certain roads in the Kisumu County Council area require improvement, and the provincial engineer of my Ministry is already investigating and advising the county council on the matter.

However, all the roads mentioned by the hon. Member, with the exception of the Paponditi-Kusa section of the Katito-Kusa Road and the Sonda-Nyabondo Road, are secondary roads which attract Government maintenance grants from my Ministry totalling £5,390, including approximately, £950 for administration charges in the present financial year.

If these grants are spent efficiently, there is no reason why the roads should be poorly maintained.

The Sonda-Nyabondo Road and the Paponditi-Kusa section of the Katito-Kusa Road, are minor roads, which must be maintained by the Kisumu County Council from its own revenue, such as from Graduated Personal Tax.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, and in view of the fact that the road from Kisian to Bondo goes as far as the Vice-President's home, could the Assistant Minister consider tarmacking this road so as to dignify it?

Mr. Bomett: Mr. Speaker, Sir, the tarmacking or improvement of any road is done depending on the estimates and depending on priorities given by a particular province; and I am not aware, Sir, that the Nyanza Provincial Council has earmarked the particular road in question for tarmacking. If it does, and we have funds, it will be done.

Mr. Kall: Mr. Speaker, can the Assistant Minister assure this House that all the public services cannot, and will never, be performed according to somebody's position in public?

Mr. Bomett: Mr. Speaker, Sir, I can give that assurance and I hope that nobody will press for public services as a result of his own Government status.

Mr. Khassakbala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that as the vehicle owners operating on these roads pay the same amount as other people who run on tarmac roads, and they are not making use of their vehicles on these particular roads, special rates and licences should be considered for these people who cannot use their vehicles because of the bad roads?

Mr. Bomett: Mr. Speaker, Sir, no. It is the view of this Government that all roads will eventually be improved and we are expanding slowly.

The Speaker (Mr. Slade): Next question. Mr. Shikuku? Mr. Shikuku?

I called your name twice, Mr. Shikuku. We have gone on now to Mr. Bala's question.

##### Question No. 258

##### HARDSHIPS ENDURED BY PASSPORT APPLICANTS

Mr. Bala asked the Minister for Home Affairs whether he was aware of the hardships experienced by applicants for new passports in that:

- a district commissioner required before him two sureties and three witnesses, in addition to the presence of the applicant, before he signed the necessary certificate;
- and that there was no officer on duty at district headquarters to handle this work throughout the week days.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. (a) The Government has spent almost Sh. 200,000 on repatriation of Kenya nationals from abroad and when the issue was examined, it was found that some of the sureties who were signatories to the bond were not men of resources. The Government decided that in order to save the public money, a Government representative in the field should certify that sureties are men of resources, and that is why the D.C. has to make sure that whoever signs as a surety fulfils the conditions required by the Government. The Government only requires two sureties and if they are able to satisfy the D.C. that they are men of resources, then they sign the bond.

(b) The allegation that duty officers at district headquarters are not usually available to deal with passport applicants cannot be accepted. I am informed by the President's Office that there is generally a district officer at district headquarters who deals, among other matters, with applications for passports in the absence of the

The Speaker (Mr. Slade): No, that particular Motion would not be within the purpose or meaning of Standing Order 14.

Mr. Masinde: Mr. Speaker, Sir, on a point of order, as a matter of national importance, that the whole House and the nation at large has no confidence in this Minister, is it not in Standing Order 14 as a matter of national importance?

The Speaker (Mr. Slade): Order! Order! I have already said no, but if you want further reasons, the main reason is that the only thing you can raise under Standing Order 14 is a matter of administration, and that does not include your own lack of confidence in a Minister.

Mr. Khalif: Mr. Speaker, Sir, on a point of order, and in view of the fact that the majority of Members of this House have indicated today that no answer at all has been put up by the Ministry of Education in respect of this particular question, would it be in order, Sir, to request you to order the Ministry concerned to answer this question at a later date when they have all the information?

The Speaker (Mr. Slade): Order! Order! I gather the Minister has in effect said that he will answer it at a later date. He might, perhaps, be prepared to say how soon.

Mr. Masinde: On a point of order, Mr. Speaker, Sir, —

The Speaker (Mr. Slade): Order! I am dealing with a point of order now. Will you sit down, Mr. Masinde.

Mr. Mutiso: Mr. Speaker, Sir, I will be able to give the required answer next week.

The Speaker (Mr. Slade): Before we take your point of order, Mr. Masinde, I would point out that in view of the nature of the required reply as described by the Minister, it should be a written reply and not an oral reply. But, in a week's time.

## POINT OF ORDER

### RULING ON SUSPENSION OF BUSINESS

Mr. Masinde: On a point of order, Mr. Speaker, Sir, in view of the fact that this House is not interested in the answer from the Assistant Minister whom we have heard several times, would I be in order to move that we suspend the business of the day to enable the Minister to come at six o'clock, from wherever he may be in the country, so that he can answer?

The Speaker (Mr. Slade): It is in order for an hon. Member to move not the suspension of business but to move the adjournment of the House, but the House only entertains that Motion

if the Speaker thinks it's proper it should be entertained. We have dealt at length with the right way of handling questions, particularly this question, and it is not justifiable to insist on the Minister providing, in four hours, information which he says he does not have. He has promised a written reply within a week and that is perfectly reasonable.

## POINT OF ORDER

### RULING ON WRITTEN REPLIES

Mr. Gichoya: On a point of order, Mr. Speaker, Sir, how shall we get a written answer to this question because, apparently, some of us are prepared to raise it on an adjournment. Are we going to get a copy of the answer so that we could, at a later stage, raise the issue if we are not satisfied?

The Speaker (Mr. Slade): I think hon. Members are aware by now that written replies, just like oral replies, are published in HANSARD. Hon. Members can see them there, and there is always the right to raise a matter of administration on an adjournment by notice to the Speaker.

## POINT OF ORDER

### METHODS OF EXPRESSING DISSATISFACTION AT ABSENCE OF MINISTERS

Mr. Muliro: On a point of order, Mr. Speaker, Sir, I would like to seek your guidance on how best this House could conduct itself in order to get the best possible answer from the Ministers who are paid a salary and not from the Assistant Ministers. It is becoming a custom, Mr. Speaker, Sir, for the Ministers to absent themselves continuously from the House.

The Speaker (Mr. Slade): I am always prepared to advise hon. Members on procedure though, I think, it is usually better outside the Chamber than in the Chamber, in the course of business. There are so many different procedures open to hon. Members whereby they can express their dissatisfaction. They do it at the time of question very often, as they are doing today. They can do it by raising a matter on an adjournment. They can do it by substantive motion. They have all those opportunities of expressing their dissatisfaction with Government or any particular Minister in the Government. I would recommend any one of those ways.

Mr. Masinde: On a point of order, Mr. Speaker, Sir, in view of the fact that this House has tried to pursue the line that the Minister be recalled to answer the question and the Speaker continues to rule it out, under which Standing Order of this House can we get the

[Mr. Masinde]

answer from the Speaker to enable this House to discuss the matter in question: the particular Minister? It is not a question of the Government, it is the particular, given Minister.

The Speaker (Mr. Slade): If you did not hear or understand my answer to Mr. Muliro, I am sorry.

## POINT OF ORDER

### RULING ON ADJOURNMENT OF THE HOUSE

Mr. Khalif: On a point of order, Sir, supposing that the majority of Members present in this Chamber now resolve that they would like to discuss this matter and would like to adjourn the House to discuss it, what would be the position, Sir?

The Speaker (Mr. Slade): If the hon. Member is proposing a substantive Motion for the adjournment of the House, I have explained that it can only come for decision of a majority if the Speaker allows it. You will find it in Standing Orders. If the hon. Member is suggesting a Motion for the adjournment of the House under Standing Order 14, that again can only come if the Speaker rules that it is a definite matter of urgent public importance, and it has to be a matter of administration, and it has to be supported by at least ten Members.

Mr. Khalif: On a point of order, Mr. Speaker, following your ruling, Sir, in respect of Standing Order 14, in which ten Members have to support a matter being a definite matter of national importance, would it be in order for me to suggest that we discuss this matter under that Standing Order by having at least ten Members on their feet?

The Speaker (Mr. Slade): What particular matter do you want to discuss under that Standing Order, Mr. Khalif?

Mr. Khalif: The matter which I would like to be discussed under Standing Order 14 is the administration of the Ministry of Education, the continued absence of the Minister.

The Speaker (Mr. Slade): No, I have to rule that that particular matter is not sufficiently definite or urgent for Standing Order 14 to be applied.

## POINT OF ORDER

### HOW TO EXPRESS DISSATISFACTION OF THE CHAIR

Mr. Oduya: On a point of order, Mr. Speaker, Sir, I seek your ruling or guidance on this issue. What other chances are left to the Members of this House if they decide that possibly the Chair

might be sort of trying to defend the Government machinery, the Government or the Minister? How will the Members express their dissatisfaction of the Chair?

The Speaker (Mr. Slade): Dissatisfaction with what, Mr. Oduya?

Mr. Oduya: No, I mean when the Members are —

The Speaker (Mr. Slade): No. Order! Order! You were saying you wanted some way of expressing your dissatisfaction of the Chair. I want to know dissatisfaction with what.

Mr. Oduya: I think I had better repeat the whole thing.

The Speaker (Mr. Slade): I should not think you need to do that, no. Are you asking how you can express dissatisfaction with the Speaker's ruling?

Mr. Oduya: Supposing the Members felt that possibly the Chair is trying to help cover up the Government's mistakes what chances are left to us if the Members feel they are really dissatisfied with the ruling of the Chair? How do they express their dissatisfaction?

The Speaker (Mr. Slade): Yes, I will answer that question. I think I have told you the answer to this one before. Hon. Members are always free to come and speak to the Speaker privately, expressing their dissatisfaction; and they have on certain occasions. In the House, your only way of expressing dissatisfaction is by a substantive Motion. If you want to criticize the conduct of the Speaker, you have to move a substantive Motion expressly for that purpose, which you are entitled to do. You can even move that his services be dispensed with, but you would need a three-quarters majority to carry it through.

Mr. Kalli: Mr. Speaker, I would like to repeat some comments I made when we were in the other side of the building, namely, that I feel —

The Speaker (Mr. Slade): This is a point of order, is it?

Mr. Kalli: Yes, I feel our Standing Orders are very strict, and you find that even in the House of Commons, a topical matter can be discussed on the same day as it is happening. So in our case, Sir, I think the Orders we have made for ourselves are very strict and we ought to reconsider them.

The Speaker (Mr. Slade): That is hardly a point of order. It is up to the House to amend Standing Orders by resolution at any time.

Mr. Gichoya: Mr. Speaker, on a point of order, you have stated clearly that if we want to have anything discussed on the side of the Government, it should come in terms of a substantive Motion, and we have already —

Thursday, 10th February 1966

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

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

#### PRAYERS

#### ORAL ANSWERS TO QUESTIONS

Question No. 235

##### TEA FACTORY IN BELGUT

Mr. Kerich asked the Minister for Agriculture and Animal Husbandry if he would tell the House when the Kenya Tea Authority was going to build a tea factory in Belgut to serve the people growing tea in that area.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The first factory in Kericho will open in March. This factory should be able to process all the tea grown in the Kericho area until around 1970. But, if it cannot cope with the crop, the hon. Member need have no fear as the second factory will probably be put up by 1970.

Mr. Kerich: Mr. Speaker, Sir, is the Assistant Minister aware that the said factory is about fifty miles from my constituency?

An hon. Member: So what?

Mr. Kerich: In that case, we need a factory as soon as possible.

Mr. Osogo: Mr. Speaker, Sir, factories are put up to process the available tea leaves, and the factory that is going to be opened in March will be able to process all the leaf that is grown at present in Kericho, including the hon. Member's constituency.

Question No. 220

##### PUPILS EXPELLED FROM SECONDARY SCHOOLS

Mr. Godia asked the Minister for Education if he would tell the House the number of pupils who had been expelled from secondary schools in the year 1964/1965 and the circumstances that had led to such an action.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. It is not the policy of my Ministry to expel any pupils from school, but from time to time, it becomes necessary to do so for disciplinary reasons. No statistics are compiled in my Ministry for such depressing cases, and therefore, Sir, such information would necessarily take a long time to complete, but action has already been initiated to obtain the necessary information.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, does he mean to tell the House that the secondary school headmasters do not give the information when they expel pupils from their schools?

Mr. Mutiso: Sir, what happens is that when a certain school decides to expel some pupils, before that action is taken, we are informed of the intention of the school to expel these pupils. Although we also give some directions, the whole responsibility lies with the board of governors.

Mr. Omweri: Mr. Speaker, Sir, since the Education Ordinance requires an expelled pupil to be reported to the education officer and thereby the Ministry of Education is informed, would the Assistant Minister assure this House that, in future, his Ministry will take action and compile a list of the pupils so expelled, so that this House is informed when it requires to be so?

Mr. Mutiso: Mr. Speaker, Sir, I did not say that there is no list which can be found. I said that this process will take a long time, going through many files of different schools, so as to know and obtain the number of pupils who have been dismissed. Therefore, Sir, if the hon. Member wishes to get this information, I can definitely supply it, but it will take a long time.

Mr. Malsuri-Itumbo: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House any number which is available, because the question has been in his Ministry for more than ten days?

Mr. Mutiso: As I said earlier, Sir, this requires a lot of time and ten days are not enough, bearing in mind the number of secondary schools throughout the country and also the difficulty of communications in various parts of the country. Therefore, if the hon. Member or the House requires a compiled list of the pupils who have been dismissed, as I have assured the House, I will give this at a later date.

Mr. Tuwel: Mr. Speaker, Sir, what is the future of the pupils expelled from schools as regards employment?

Mr. Mutiso: This is not the business of my Ministry, Sir.

Mr. Gichoya: In view of the fact that the Assistant Minister has explained to the House that the Government does not have a list whereby they know the number of students expelled from each school, is the Assistant Minister prepared, from today, to put this as a principle, that in every secondary school, whether Harambee or otherwise, the list of expelled students and the

[Mr. Gichoya] reasons behind the expulsion should be submitted to the Ministry, so that this House does not face the same problem of failing to get the facts?

Mr. Mutiso: Mr. Speaker, Sir, as I said earlier, there are lists of the expelled pupils already in the different schools. If the hon. Member wants the Ministry to make it a policy of compiling a list of those who have been expelled, this, first of all, has to be discussed with the board of governors of the various schools.

#### POINT OF ORDER

##### TIME FOR PREPARING ORAL REPLY

Mr. Ngala: On a point of order Mr. Speaker, I am querying the right of the Minister to have ten days of warning that the question was coming on the Order Paper. I also presume that when a question comes on the Order Paper, the Minister has been well informed and has signified his readiness to give a reply. Now, when a question like this comes up asking for the numbers of expelled children from the various secondary schools, which requires telephone calls to get the information, is the Minister right in saying that he is not prepared to answer this question when he was given ample time to get this information, and allow it to come on the Order Paper?

The Speaker (Mr. Slade): The purpose of our Standing Order, which requires a question for oral reply to appear on the Order Paper within ten days, is to ensure that the House hears from the Minister what answer, if any, he is prepared to give, and he cannot delay that answer indefinitely. Yet there may be times when ten days is not enough to provide the information required, and it is always open to a Minister to come here when the question appears on the Order Paper and say that he has not had enough time to do the research required. Whether the House accepts that answer or not, is entirely a matter for the House, just as it is a matter for the House always how far they are satisfied with any answer given by the Minister. But, as I have said many times, there is no order whereby the Minister can be required to give a particularly specific answer or even an answer at all. It always comes back to the question of how far the House is satisfied with what he has said. That I have to leave the House to judge.

#### ORAL ANSWERS TO QUESTIONS

Mr. Ngala-Abok: Mr. Speaker, Sir, since the question is specifically asking for those boys who were expelled in 1964 and in 1965, and since there is a list at all provincial headquarters of

such boys, will the Assistant Minister tell the House what he did, in his efforts to answer this question, as far as contacting the provincial education officers so that they could supply him with the lists which they hold in their offices? This would enable him to answer the question half-way.

Mr. Mutiso: Mr. Speaker, Sir, I said earlier that the time which was available in which to get the necessary information on this question was not enough, and I said, Sir, that this required a lot of research in many schools where—

Hon. Members: Sit down.

The Speaker (Mr. Slade): Order! Order!

Mr. Mutiso: I did indicate, Sir, to the House that should it be necessary for the Members to know the number of pupils who have been dismissed, I promised the House that I would be able to supply the list at a later date.

#### POINT OF ORDER

##### STANDING ORDERS: WHETHER QUESTION CAN BE DELAYED

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, since our Standing Order requires that any Ministry must be prepared to answer a question within ten days after receiving a Member's question, is there any means by which the Ministry might ask the Speaker to have the answer delayed while that Ministry is still collecting more information? Or, must answers be given, even if they are going to be unsatisfactory, within ten days? Is there any clause in our Standing Orders which can allow a Ministry to delay answering a question when it is still investigating or still seeking more information?

The Speaker (Mr. Slade): Yes. As I said, the question has to appear on the Order Paper within ten days, but it would be in order for a Minister to come to the House, as Mr. Mutiso has done today, at the end of ten days and say he has not had time to gather all information required and he proposes to answer it at a later date. That would be in order.

#### POINT OF ORDER

##### NO CONFIDENCE IN MINISTER

Mr. Masinde: On a point of order, Mr. Speaker, Sir, in view of the fact that this House has demanded, more than twenty times, that the Minister himself should be present to answer some of these questions, is it in order for me to move—as a matter of national importance—a Motion of no confidence in the Minister?

**[The Minister for Economic Planning and Development]**

our job becomes very difficult when all we are being faced with is a set or series of generalizations devoid of facts.

Mr. Speaker, Sir, the hon. Member for Buret has spoken, and I am sure that the public and the Press listening here would be led to think that in this country, and the Government, there is no place for people of his tribe. Mr. Speaker, Sir, the position is this, and I would like him to listen and also the House to note this.

I will give only very few examples to disprove the impression that is being conveyed, that people from his own area have been completely ignored in this Government and since independence. Mr. Speaker, our ambassador to Peking is none other than Mr. Koske, from this gentleman's district. Mr. Speaker, the District Commissioner of Nairobi is from his area. The District Commissioner, Mombasa, is from his area. The District Commissioner, Lodwar, is from that area. The District Commissioner, Kirinyaga, is from that area. The District Commissioner, Machakos, is from that area. The District Commissioner, Kisumu, is from that area. These are the people who are being ignored! This is the Kalenjin tribe which, we are being told, is being ignored!

Mr. Speaker, the hon. Member wanted to make a case here that in education the Kalenjin in the Rift Valley are being ignored because people of other tribes are sitting on top of them. Mr. Speaker, the Provincial Education Officer, Rift Valley, is a Kalenjin from his district, from Nandi. The District Education Officer, Kipsigis, from the area represented by this gentleman, is a Kipsigis. Now, Mr. Speaker, where are these mysterious Kikuyu and Luo sitting on top of the Kipsigis in education in his district? Mr. Speaker, the hon. Member is suffering from a figment of his imagination.

Mr. Shikuku: On a point of order, Mr. Speaker, is the Minister in order to infer that the hon. Member is suffering from whatever he calls it?

The Speaker (Mr. Slade): Order! Order! The hon. Member did not allege any unpleasant disease; he alleged a figment of the imagination. That is not an offensive expression of opinion. Most of us do it some time.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I have the greatest respect for the hon. Member, but when he gets up here with the support of the hon. Member for Butere, who has become a professional Seconded of Motions, to try and mislead the House, then, Sir, something is wrong.

Mr. Shikuku: On a point of order—

The Speaker (Mr. Slade): Order! Order!

The Minister for Economic Planning and Development (Mr. Mboya): I withdraw that, Mr. Speaker.

Mr. Shikuku: On a point of order, Mr. Speaker, will he apologize?

The Speaker (Mr. Slade): He has withdrawn it.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I could go on mentioning many other people of this area and tribal group who are holding very responsible positions. The Director of the Broadcasting Services is from his area; the man who is in charge of our police training at Kiganjo College is from his area. I mean, there are so many of these people all over the place. Mr. Speaker, what is even more, the hon. Member is himself here.

Mr. arap Biy: On a point of order, Mr. Speaker, is the Minister in order to refer to me as having been brought here by the Government and not by my own people?

The Speaker (Mr. Slade): You are quite right. Mr. arap Biy, it is no mark of credit to the Government that your constituents elected you.

The Minister for Economic Planning and Development (Mr. Mboya): But, Mr. Speaker, what I was really saying was that the Government enabled him to be so educated as to come here.

Mr. Speaker, let me also repeat one thing, because suggestions have been made that the Government selects students from certain tribes and does not give opportunities to others. The position is this. The Government, since internal self-government, decided that the fairest way to ensure that all parts of Kenya are considered in the selection of students, is to place selection in the hands of an impartial body, comprising persons elected by the people from those areas, and this is the committee now which selects the students to go overseas. It consists of the following members: the hon. Masinde Muliro, from the area which the hon. Member for Butere was speaking for, or the tribal group and he is the leader of the tribe—

Mr. Shikuku: On a point of order, is the Minister in order to tell the House or to mislead the House that the hon. Mr. Masinde Muliro comes from Western Kenya when he comes from the Rift Valley, constitutionally, and the Constitution has not been amended? Read your geography.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I will go even further and tell the House that the hon. Martin Shikuku is on the committee—

Mr. Shikuku: On a point of order, Mr. Speaker, I have just questioned a statement by the Minister, that Mr. Muliro comes from Western Province, when he does not. Is the Minister in order to mislead the House?

The Speaker (Mr. Slade): Hon. Members must be correct in their description of the constituents.

The Minister for Economic Planning and Development (Mr. Mboya): I am quite correct, Mr. Speaker. I said the hon. Mr. Masinde Muliro comes from the tribe for which the hon. Member, Mr. Martin Shikuku, was speaking:

the Abaluhya tribe. He is the elected leader of the Abaluhya people, under whom the hon. gentleman serves.

Mr. Speaker, the other members of the committee are Mr. Robert Matano from the Coast, Mr. ole Tipis from the Rift Valley, Mr. J. Njeru, hon. C. H. Wariithi, hon. W. K. Chirchir, hon. M. Shikuku, hon. A. Khalif and hon. Odero-Jowi. Mr. Speaker, it can be seen that every area of Kenya is represented. If we tried to have a committee representative of every tribe, it would be larger than this Assembly; it would be an impossible assembly.

**ADJOURNMENT**

The Speaker (Mr. Slade): That is the end of our half-hour. The House is adjourned until tomorrow, Thursday, 10th February, at 2.30 p.m.

*The House rose at Seven o'clock.*



**[The Minister for Economic Planning and Development]**

When a Minister—in this case, the Assistant Minister—states in this House that the selections are done by headmasters, and some Members persist in questioning that statement, what position does the House take to ascertain the facts and the truth?

**The Speaker (Mr. Slade):** As I have explained many times, this House cannot actually sit as a jury on fact. What can be done, and what is done, is to ask a Member for substantiation of the fact that he alleges, which is simply to ask on what grounds; it is not asking for proof, it is asking on what grounds he said it. I have no doubt that, if asked to substantiate on this particular occasion, the Assistant Minister would say, "Because those are the directions that go from my Ministry." And there is the substantiation. That is all it amounts to.

What does happen, as I have said again on other occasions, is that if, after substantiating giving reasons for his statement, a Member—Minister or otherwise—is proved untrue, he is required to come to this House and acknowledge that it was untrue. That comes afterwards.

**POINT OF ORDER****PROOF OF STATEMENTS**

**The Minister for Economic Planning and Development (Mr. Mboya):** On a point of order, Mr. Speaker, I think we will be running into difficulties when, in fact, some Members in the House virtually shout that the Assistant Minister is telling a lie in this House. I would have thought that that was a serious allegation and those Members should either substantiate the position or else the House, I would have thought, should require that the issue is clarified, because, in the interests of the public and of the functioning of the Government, this kind of issue does create difficulties.

**The Speaker (Mr. Slade):** Order! Order! Statements by Members, including Ministers, are very often questioned by other Members in this House, and this is one of the privileges of Members, to question the veracity of what is said. The words "liar" or "lies" are unparliamentary words which must not be used in this House, but I say that the right to shout "Question" or otherwise doubt the veracity of what is said must remain in this House.

**Several hon. Members:** Point of order, Mr. Speaker.

**The Speaker (Mr. Slade):** There is only one minute left in which to hear the Minister, if you want any more points of order—

**Mr. Anyien:** On a point of order, the point I want to raise is this, Sir. Some Members here are contending that what they are saying is correct and the Minister here is contending that what he is saying is correct. In that case, is it not fair that, when things are at that stage, before they are proved any further, everyone should stick to his own guns?

**The Speaker (Mr. Slade):** That is what happens; that is exactly what happens. Let us get on with it.

**Mr. Makone:** Point of order, Mr. Speaker. This point arises from the point of order raised by the hon. Minister, Mr. Mboya. Mr. Speaker, without doubting the ability of the Assistant Minister—

**The Speaker (Mr. Slade):** That does not come into it.

**POINT OF ORDER****ATTENDANCE OF MEMBERS AND MINISTERS**

**Mr. Makone:**—what shall we do when we get into a situation where we get replies from time to time from the Assistant Minister and the Minister himself does not appear in Parliament? What powers do we have to bring him to Parliament and ask him questions? What powers have we to force him to come to Parliament?

**The Speaker (Mr. Slade):** Hon. Members will persist in raising the same question over and over again. I have told the House so often that no one can force any Member—Minister or otherwise—to attend this House, apart from any amendment to the Constitution which will penalize absentee Members. But the House has that ultimate sanction of registering disapproval, and finally, if the disapproval becomes so great and so unanimous, it can amount to a vote of no confidence. That is the ultimate power of the House; but it is not a power to bring one particular Member to this House. It is now time for the interruption of business.

**MOTION FOR THE ADJOURNMENT****TRAINING FOR "HIGH-LEVEL" MANPOWER**

**The Speaker (Mr. Slade):** I will now 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 Information and Broadcasting (Mr. Achieng-Oneko)** seconded.

**(Question proposed)**

**Mr. arap Bly:** Mr. Speaker, Sir, I beg to move the following Motion on adjournment as regards the unsatisfactory reply to Question No. 58 which asked the Minister for Economic Planning and

**(Mr. arap Bly)**

Development what his Ministry was doing to correct the imbalance which existed now in training high-level manpower, both at home and abroad between the former follower tribes of Kisan and Kadu. The question, Sir, was answered by the Assistant Minister for Education and his answer, was not satisfactory, because, as far as my own constituency stands, there is not even a single student who has been given any place abroad to further his education in order to have a good position in this Government, to work, either tomorrow or in some years to come.

**Mr. Speaker, Sir,** the Assistant Minister for Education, in his reply, gave information to the House that the 5,000 young Kenyans who were studying overseas for high-level manpower were mainly from various corners of this country, and he failed to tell us exactly what the tribal breakdown of the students was and of their places of origin. When the Assistant Minister comes to reply today, I hope he will tell us exactly where these 5,000 students who are studying abroad come from, and what their places of origin are and, also, their tribal breakdown, because some tribes of this country are completely neglected. I want say, Sir, before I go any further than that, that I fully and loyally support the Government and I usually work to see to it that this Government of ours goes ahead with its work and meets with success in its deliberations, and I am not, with this point, Mr. Speaker, trying to quarrel with the Government. But it is a matter of asking the Government to adjust and correct its own way of implementing its policies, mainly the policy of training this high-level manpower.

**Mr. Speaker, Sir,** when we look around and see various Ministries today, let us take for example the Ministry of Education, I could question very highly, Sir, whether there was any—I should refer to my own tribe—Kipsigis promoted to be provincial education officer? Where is a Kipsigis education officer anywhere in the Ministry of Education? There is nobody like that, and this, Mr. Speaker, shows us that there must be something wrong somewhere. Not only the Kipsigis, I should take Kalenjin as a whole, and this group belonged mainly to Kadu and they were strong Kadu supporters. I am not trying to say, Sir, that since we were Kadu supporters we still have that mentality of supporting Kadu and not the Government. No, we are supporting the Government and we are even more—I should assure this House as a matter of national importance—stronger in the support that we give to the Government than even the original Kisan tribes. There is something that should be corrected, Mr. Speaker.

Furthermore, Mr. Speaker, I must mention to the Minister concerned that Kadu as well—which was not a party alone, it was a party of enthusiastic people in it—was very strongly fighting for the *Uhuru* of this country, which, indeed, Mr. Speaker, was achieved successfully. And now, Mr. Speaker, it is very unfortunate that our own Government, which we fought for, is now being dominated by a few tribes, and this should be corrected before it goes too far. These tribes, Mr. Speaker, I could quote and say that they are the Kikuyu brothers of ours and also the Luos. They dominate every Ministry, every department in this country. Furthermore, an hon. friend of mine suggested that it is because they had higher educational attainments, which I do not refute at all. Now then, what about those who were left behind? Could they not be given chances to further their education, Sir? What this House is now asking is that the Government should do something about these people who are forgotten, and I do not think this Government is doing anything to correct that imbalance.

**Mr. Speaker, Sir,** I must honestly say this again, and repeat it openly, that even our own local training colleges such as Kericho Teachers College when we talk of local training institutes, we have at the moment no Kipsigis P.1 teacher being trained, and it is the fault of the Ministry, it is not the fault of the Kipsigis students. They applied in thousands and none of them was taken and this is because that college is being run by an expatriate and some non-Kalenjin tutors who are biased and they want to further this suppression. They want to keep on doing that. This, Mr. Speaker, should be stamped out immediately, otherwise this will bring a lot of bitter repercussions in the future.

**Mr. Speaker, Sir,** I am not trying to ask too much from the Government, but it is the duty of the Government to correct such imbalances.

**Mr. Speaker, Sir,** when I go to the question of in-service training, such as that which usually takes place in the Kenya Institute of Administration, few Kalenjin are taken. We regret to see only one or two from such a large grouping of tribes. Now, what is going on there? Our people should be given chances and we are denied this right, Sir, simply because we were strong Kadu followers. I must say this even when the hon. Minister for Home Affairs who is from the Kalenjin tribe, the forgotten tribe, and I must assure him that we are very strongly backing the Government and trying to see that our Government works successfully but that they must correct this imbalance. We are tired of saying, "Ndio Bwana."



[Mr. Anyieni]

Mr. Deputy Speaker, I do not see why anybody should try to whitewash this. The Government should accept that if this is true, we are going to consider giving the parents around Nimagwa some five or six chances to encourage *Harambee*, instead of trying to whitewash this.

With those few words, Mr. Deputy Speaker, I beg to support.

The Assistant Minister for Education (Mr. Mutiso): Mr. Deputy Speaker, Sir—

Mr. Omar: On a point of order, Mr. Deputy Speaker, I am rising to seek your guidance. This is a national issue and a Member from Western Province has stated the problems he is having in this matter, and a Member from Nyanza has also done so, but no Member from the Coast Province has spoken. I want to know if a Member from the Coast can speak on this matter before the Assistant Minister replies.

The Deputy Speaker (Dr. De Souza): Order! I see your point, Mr. Omar, and I sympathize with you, but if there are seven or eight provinces and we have only one speaker between the proposer and seconder and the Government repplier, I am afraid it is little difficult to get all the provinces in.

Mr. Omweri: On a point of order, Mr. Deputy Speaker, when notice was given this afternoon, it was Members from the areas affected who stood to support the Motion, and Members from the Coast were not among them. In this case, would it not be in order and fair if we were given a chance to speak.

The Deputy Speaker (Dr. De Souza): Carry on, Mr. Mutiso.

The Assistant Minister for Education (Mr. Mutiso): Mr. Deputy Speaker, Sir, if the hon. Members regard this as a matter of national importance, I am sure they will be silent and listen to the reply I am going to give.

Mr. Deputy Speaker, Sir, this afternoon when notice was given of this Motion, the Government did raise some objection to the fact that there was not adequate time in which we could get material in order to reply to this Motion. The Members insisted that the Motion should be discussed. However, I would like to say this. The hon. Member who moved the Motion, Mr. Masinde, said that after he gave notice of this Motion, he went to the Ministry of Education and obtained the information that all the headmasters have submitted their selection reports to the Ministry and that there were no children selected from his own constituency. Now, Sir, it is difficult to believe such a statement.

I, as an Assistant Minister in that Ministry, saw, Mr. Deputy Speaker, immediately walked out of this Chamber. I tried to get in touch with the Provincial Education Officer in Western Province, but I was unable to get through to him. Mr. Deputy Speaker, the hon. Members may shout that it is inefficient, but it is a well-known fact that in Kakamega there is not sufficient accommodation for Government officials to live in and, as a result, our provincial education officer lives away from the Kakamega headquarters. Therefore, he—

Hon. Members: Whose fault is that?

The Deputy Speaker (Dr. De Souza): Order! Order!

The Assistant Minister for Education (Mr. Mutiso): Now, Sir, the Members may say it is the Government's fault. It may be so, but anyway, Sir, let me say this. The position is this. The allegation that the whole of the Western Province has been penalized by the Ministry is unfounded. I am sure I will, at a later date, be able to verify this statement when I get a report from the Provincial Education Officer in Western Province, but so far, Sir, as the Member said—

Mr. Maisori-Itumbo: On a point of order, Mr. Deputy Speaker, in view of the fact that the Assistant Minister has no material, is it not in order to give another Member a chance to speak, instead of him?

The Deputy Speaker (Dr. De Souza): Order! Order! Mr. Maisori, you have been in the House long enough to know that this is not a point of order. Please do not interrupt a Minister or anybody speaking. Whether you think he is speaking to your satisfaction or not is totally irrelevant. The question is that he is speaking, he is entitled to speak, and he will continue to speak.

The Assistant Minister for Education (Mr. Mutiso): Mr. Deputy Speaker, as you have rightly ruled, it is wrong for the hon. Member to say that I do not have material on this Motion. I have a lot to say. Further, I will proceed by proving that I have material on this Motion.

First of all, Sir, let me say this. In the whole of Western Province, in the thirteen national schools, this is how the pupils have been placed.

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

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

Mr. Speaker, out of forty-one applicants in Busia District, three pupils have been admitted in national schools. In Bungoma, Sir, out of ninety-six applicants, five have been placed in national

[The Assistant Minister for Education] schools. Mr. Speaker, in Kakamega alone, where the hon. Member, the Mover of this Motion—when he was moving this Motion, he did say that in Kakamega there were only six pupils who had been admitted. Mr. Speaker, Sir, in Kakamega alone there have been 120 pupils placed in the national schools, out of 394.

Now it is clear that when I get the report from the Provincial Education Officer, Western Province, the figures whereby the hon. Member tried to prove to the House that there were no admissions in Lurambi or Bungoma or Busia or wherever it might be, will be shown to be completely false, because, so far in the national schools, there have been 128 places from the whole of Western Province. This is exclusive of the local placings. As I said earlier, it was not possible to get in touch with my Provincial Education Officer in the Western Province because it was too late, but I am sure that when I get in touch with him tomorrow I will get a report on the local schools, how the placings have gone on.

Sir, it is not enough for us to come to this House and allege that the Ministry of Education or the Government, for that matter, has—

Mr. Oduya: On a point of information—

The Speaker (Mr. Slade): Point of information?

The Assistant Minister for Education (Mr. Mutiso): No, Sir.

Mr. Oduya: Point of order, then.

The Speaker (Mr. Slade): Order! Not even the hon. Member for Teso can convert a point of information into a point of order!

The Assistant Minister for Education (Mr. Mutiso): I was saying, Sir, that it is not enough for us to come here and allege something which eventually will be disproved. Sir, it is true that there are a lot of difficulties facing the Ministry of Education as far as secondary school places for Kenya Preliminary Examination pupils are concerned, but, Sir, the hon. Members are also well aware of the fact that, since this Government took over, the number of the children who sit the Kenya Preliminary Examination has risen to such a size that even the hon. Members, if they were fair, will see that this is something which is really very difficult for us to cope with. We are doing our best—

Mr. Oduya: Point of order.

The Speaker (Mr. Slade): Is it really a point of order this time, Mr. Oduya?

Mr. Oduya: Yes Mr. Speaker. My point of order is this. I rise to seek your guidance because the Motion wanted the Government to

clarify the telegram from the headmasters who protested, who are employed by the Government and paid, so would you—

The Speaker (Mr. Slade): Order! I do not think you have a good point of order there. The Minister is giving a direct answer to the points raised in this Motion and you have no good point of order there.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, if I may even comment on that telegram, that telegram was talking about the Kenya Preliminary Examination results; it had nothing to do with the selection of candidates.

I am sure that the hon. Member for Lurambi had made an allegation that we were dictating the selection of candidates and another Member—I think it was the hon. Mr. Anyieni—also alleged that the provincial education officer made the selection of pupils. But, Sir, the fact of the matter is that the selection of pupils to go to secondary schools is not done either by my Ministry or the provincial education officers; it is done by the headmasters of the various schools.

Several hon. Members: No! Shame!

Mr. Omar: On a point of order, Mr. Speaker. I rise to seek your guidance because of the misleading statement made by the Assistant Minister that the selection of Kenya Preliminary Examination candidates for secondary schools is made by the headmasters, whereas the instruction comes from the—

The Speaker (Mr. Slade): Order! You had better be sure you are on a point of order, Mr. Omar. You are not yet. If you are asking for substantiation of something that is alleged, you are, but not otherwise. You do not have to make a speech about that.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, Sir, the emotional reaction to this point is understandable, but the point I want to make is this—

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

#### POINT OF ORDER

#### SUBSTANTIATION OF ALLEGATIONS

The Minister for Economic Planning and Development (Mr. Mboya): Yes. When a Member makes a statement, we often ask him to substantiate it.

**The Deputy Speaker (Dr. De Souza):** Mr. Muliro, I am sorry I do not like interrupting you, I do not like interrupting any Member, but I have been instructed by the Speaker, and I think quite rightly so, to confine this debate very strictly to the question on which the adjournment Motion was moved, namely the fact that in some areas no students at all have been admitted for secondary education. Not to go into the whole gamut of the educational system or leakages or anything like that. I am sorry I do not like interrupting you but do restrict yourself to this point.

**Mr. Muliro:** That is all right, Mr. Deputy Speaker, that is your work to put me back on my rails.

**Mr. Deputy Speaker:** I am submitting that the Government must re-examine the whole basis on which they have selected the pupils, because in all these areas, if you take a huge area like the Lurambi division, with no children going to secondary schools, then this must be examined by Government. If you take the whole of Bungoma District not having enough children with four secondary schools and all the headmasters agreeing that there was definitely something wrong, this was below the standard that we expected in this area, then Government must do something or else I think we are treading on very dangerous ground.

With these few remarks, Sir, I beg to second the Motion.

*(Question proposed)*

**Mr. Anyieni:** Mr. Deputy Speaker, thank you very much for giving me this opportunity to give instances where I think the Government should reconsider its stand. Mr. Deputy Speaker, when I was in my constituency last week and the beginning of this week I discovered that there were some boys from my constituency who had got five points and some who had got four points and all places had been filled in the area, that is in the secondary schools and these boys had not been taken. I also discovered that from some other areas there were boys who had got seven points and six points and they had got a chance to go to a secondary school. Now, Mr. Deputy Speaker, this shows that there is a certain amount of favouritism which the Government must look into.

**The Deputy Speaker (Dr. De Souza):** Mr. Anyieni, I am sorry I think you did hear what I said to Mr. Muliro just now, that we are not going in this particular case into an examination of the whole principle of examinations, either as a general principle or as far as Kenya is concerned on this particular examination. We are

only discussing this one point, please understand this: that is whether, in some areas, students of that area have been denied access or admission to secondary schools. I want this to be quite clear. I realize that it is confining this to a very small topic, but that is the only ground on which this is admitted as a Motion which is urgent and of definite public importance. One cannot, under such a Motion, bring in the matters of general administration. Please understand that.

**The Minister for Information and Broadcasting (Mr. Achieng-Onyko):** On a point of order, Mr. Deputy Speaker, I would like to know categorically what the hon. Member is referring to when he speaks of points.

**The Deputy Speaker (Dr. De Souza):** Order! Order! Mr. Onyko, I have already ruled him out of order on that particular point. If I now ask him to elaborate that, I am afraid he will be speaking on something that I have already said he should not speak on. So I think he had better confine himself to the Motion.

**Mr. Anyieni:** Mr. Deputy Speaker, you should have allowed me to inform the Minister for Information.

**The Deputy Speaker (Dr. De Souza):** No, no. You can inform him outside.

**Mr. Anyieni:** Thank you very much, Mr. Deputy Speaker. The reason why I was quoting this is because this led to the exclusion of some students from my constituency who had rightly qualified to go to a secondary school. I thought that the point of this Motion was to discuss and find out why some areas had been rejected.

Another thing, Mr. Deputy Speaker, which I wanted to say was that in my constituency there is one school which is partly Government and partly *Harambee*: that is, the Government has given money, provided salaries for the teachers, and built teachers' houses. But this is intended to be a day school. The people around this area—the people of Bassi Location—have built three dormitories. Their children did pass the examination, and they are some of the children I was speaking about here. Of these parents who put up the dormitories so that the school is now a boarding school, not one child was admitted into this school, and there were only three children from this area who were given places elsewhere. The parents in this area know very well that some of their children had an A, B, A. The Minister for Information knows that A means one and if it is one, it is very good. He also knows that B means two, and so on.

**Mr. Deputy Speaker:** when a thing like this happens, it is very discouraging. When I was there I heard parents say, "If they do not admit

**[Mr. Anyieni]**  
our children into this school, we're going to go there and with the same *Harambee* spirit which we used to put up these buildings, we shall pull down these buildings." If these buildings are pulled down, Mr. Deputy Speaker, this school will not be able to run and as such—

**An hon. Member:** Threats, threats.

**Mr. Anyieni:** I hear one Member saying, "Threats, threats", but he does not understand what he is talking about. I am talking about an area where the Member has never been, and it is my duty to present this case. If he wants to present a case—

**The Minister for Economic Planning and Development (Mr. Mboya):** On a point of order, Mr. Deputy Speaker, this is a rather difficult matter. I was going to ask the hon. Member for Majogo-Bassi to substantiate the statement that a self-help secondary school built in his area has rejected all students from that area. The point is that the selection is done by headmasters in that particular school, and the suggestion by the hon. Member, after the ruling you made, in order to sustain his argument, is that a school in his area has not accepted a single child from that area. Now, how do we get substantiation of this? If we find that the Member was merely speaking to comply with your ruling but without foundation, how do we deal with the matter?

**The Deputy Speaker (Dr. De Souza):** Order! The answer, of course, is that Mr. Anyieni was, I think, following up my ruling that he must only refer to those areas where children have been denied access to secondary schools *in toto*. I think as you have now stated this fact, Mr. Anyieni, you might be able to tell us which school you are referring to and on what evidence you base your statement.

**Mr. Anyieni:** May be, Mr. Deputy Speaker, because this gentleman is from the Luo tribe he does not understand—

**The Minister for Economic Planning and Development (Mr. Mboya):** On a point of order, Mr. Deputy Speaker, when there will be a Parliament in the Kisii language, I will not belong to it. The hon. gentleman was speaking in English; I hope he understands what that means. All we want is for him to tell us the name of the school. The Government is being accused of not having exercised its authority and responsibility. We are entitled to know which school he is referring to, so that the House can be assured of the facts.

**The Deputy Speaker (Dr. De Souza):** Mr. Anyieni, I do want at least to stress this, that I think when you are asked to substantiate a

fact or an allegation made by you, it is quite unnecessary and irrelevant for you to refer to the tribe of a particular Member who may ask you to substantiate. It is quite unnecessary in this Parliament.

**Mr. Anyieni:** Mr. Deputy Speaker, the reason why I said that this gentleman comes from a different tribe from me is that I said the name of the school is Nimagwa—and I said here—but Nimagwa is not like Kisumu, it is not like Homa Bay; he could not hear it. Mr. Deputy Speaker, the school I was talking about is situated in Bassi Location, it is Nimagwa Secondary School. I made it very clear that it is Government-aided and is supposed to be a day secondary school. In this school, Mr. Deputy Speaker, the people of the area have put up three dormitories which has enabled the school to become a boarding school. The parents who put up the dormitories have been denied the opportunity of sending their children there who have made the grade. This is the point I was making and I do not see why my friend, the Minister for Economic Planning is trying to chase me on this. I thought I was putting the case of the people of this area.

**Mr. Deputy Speaker:** I believe very many Members would like to speak on this. I feel that in order to encourage this *Harambee* spirit, if the people themselves have contributed something—some Sh. 30, some Sh. 50, and they want to work there—surely, in the spirit of *Harambee* the children of these parents should have been taken into account.

Also the Minister who interrupted me is out of date. He does not know very much about what is going on. The fact is that the Provincial Education Officer, Nyanza, was the person who selected the students and gave the list to the headmasters. The headmasters had no say at all. I remember in this particular place, Mr. Deputy Speaker, very many parents came to Nimagwa and said, "If you do not take any of our children who have the grades"—Mr. Deputy Speaker, Sir, in this respect, some children who obtained five points—that would mean A, B, B—were refused admission, and some children who obtained seven points, which is worse, were given admission. Now, when the headmaster was given this information, he rejected the list given to him by the provincial education officer and, as a result, he came to Nairobi to see the Ministry. I came to look for him, but I did not find him here. Maybe he went to Kisumu, and he has now maybe gone back to Kisii. I am going there this weekend and I will get more information to bring here.

Mr. Masinde: Mr. Speaker, coming to the actual point, as I have said it is very true that in the selection for the 1966 intake, headmasters were faced with the problem, and they had to carry out the instructions from the Ministry of Education, particularly in the Western Province, that pupils who appeared on the list from No. 1 to No. 1,300 were the only pupils to take places in Form I classes throughout the Western Province, and even, possibly those who could get places in some other national schools. Now, Sir, with this order of the Ministry it was that not a single school, for instance, in Bungoma District if I can use that, could get one boy or girl into a secondary school. Because of this, the headmasters of these secondary schools saw fit to write and send telegrams to the Minister for Education protesting against the idea and the plan which the Ministry of Education is pursuing in selecting pupils for Form I.

Sir, here are telegrams, and if you can allow me to quote the exact wording of the headmasters, for me as a layman in the country, I suppose that headmasters of schools in this country, they have to work, and possibly they are the immediate advisers of the Ministry of Education. But here in the case of selection they were not even advised. Because of that, headmasters decided not to take the instructions of the Minister for Education and they say that the Ministry of Education was very wrong. The headmasters of schools tell even the parents "It is upon your Government, that it is upon your Members of Parliament that now you are faced with this problem, I cannot do anything, I am told to carry out instructions." Sir, here they wrote to the Minister.

**The Speaker (Mr. Slade):** Order! Order! Please keep quiet, Mr. Oduya.

Mr. Masinde: If I can read one paragraph which says, "We wish to protest unanimously about the results of the Kenya Preliminary Examination 1965, Bungoma District. We are concerned at the low percentage of passes revealed by the pass list issued for the selection of Form I. The result bears little relation to the known standard of primary education as also revealed in our own testing and interviews. The most important thing is that the headmasters of secondary schools went around and tested and interviewed people and they knew the right pupils who could qualify for Form I, but after the results it proved that none of them who could be suitable at the secondary education level would be admitted to the Form I classes." Sir, here they signed. Some of them went even further to select pupils without following the

order of the Ministry of Education. Now, Mr. Speaker, here is possibly one district which was fortunate enough to have a number of schools in a given district, therefore they decided to help that particular district. But the worst thing is—like in my constituency—which happens to be the Kakamega District, that we do not have those headmasters that acted in the same way as they did in the case of Bungoma District. Pupils who appeared for the Kenya Preliminary Examination were 6,781 and, out of those, 4,000 passed the Kenya Preliminary Examination, and out of those 4,000 who passed the Kenya Preliminary Examination, only six have been admitted to secondary schools. What can we do with 4,000, unless the Minister decides to do something now, what is going to happen to the future of these children? For us to be told that the selection is not yet completed, here is a list of one of the secondary schools already in the office of the Ministry of Education—

**An hon. Member:** Where did you get it?

Mr. Masinde: That is my job. Mr. Speaker, Sir, if hon. Members are interested to know how I got it, I am an Elected Member and my job is to represent my people and that is why I got it. I have a right to get it and all of you have a right to get it. That is why we have our offices there.

Mr. Speaker, this is the only thing that I am questioning—

Mr. Komora: On a point of order, Mr. Speaker, you are hearing Members of Parliament shouting "You don't have a constituency", is that not a serious insult to the Specially Elected Members and does not the hon. Member need to withdraw that remark.

**The Speaker (Mr. Slade):** Order! Order! No, it is perfectly true. Order! I would not say that it is offensive to point out that some hon. Members are Specially Elected Members, but in any case hon. Members who interject are liable to get something offensive sometimes.

Mr. Masinde: Mr. Speaker, since this matter is a straightforward one that I have placed before the Government, Government has to find a solution very quickly, otherwise we cannot go on, and I do not think that there is anybody alive today who can agree to say that a given area and a given population of such young men and women must fail to get their opportunity just because the Ministry of Education is inefficient, confused and they do not even obtain advice from the headmasters of schools. They are prepared and they say "We are prepared, if the Ministry of Education will only consult us

(Mr. Masinde)

as to how we can tackle this educational problem with the limited places that we have in Kenya today, we can help", but instead a few people sitting in Gill House do not have any idea about the problems in Kenya are mounting up, particularly in the educational field. Sir, we want the Ministry of Education, and the Minister is particularly—unfortunately the hon. Minister is somewhere in the office—in this issue for me to be told and to be assured of what is going to happen to those pupils who passed their examination and yet there are no places for them to go to. This is not their mistake at all, it is the mistake of the Ministry of Education.

The other thing, Sir, that I would like to mention, is that I have here a list of a number of schools whose pupils sat for the Kenya Preliminary Examination and you will find that in a given school there are seven or eight names of pupils missing. Where do these names disappear to? What happens to the files of the Ministry of Education? Who handles these papers right from school level up to where they sit for the examination in examination centres? Is this not real inefficiency on the part of the Ministry of Education? Are we going to allow this inefficiency to go on, mishandling our future, because the future of this country depends upon the young men and women of this country, and are we going to allow possibly someone who is old and finished who has had his time, to mess about with the future of our children? Because they are the future of this country.

Mr. Speaker, I do not want to pursue this straightforward case too much, but what we want is a straightforward answer as to what is going to happen to these children. Mr. Speaker, I beg to move.

Mr. Muliro: Mr. Speaker, Sir, I find that this is a very serious issue, bearing in mind the ages of the children this year who do the Kenya Preliminary Examination. The children who write the examination, Sir, are in the region of twelve or thirteen years of age. Now a child of twelve or thirteen being thrown onto the streets of Nairobi or being thrown into the bush is completely lost, he cannot get anywhere else. As far as the story goes, Sir, it was rumoured that some schools had examination papers with them. The story goes that Nyert was one of the places which had the examination papers, then it came that somewhere in the Rift Valley they had the examination papers, and then it dawned—

**An hon. Member:** Where?

Mr. Muliro: Well, one of those places in the Rift Valley, Eldoret possibly. Then it came out that in the Western Province the examination papers were discovered in one of the schools in the Bungoma District. Now, what makes things more serious is the decision of the Ministry of Education to down-grade all the schools in the Bungoma District. All the schools in the Bungoma District were down-graded, as a result of that they have hardly any children going to a secondary school. This, Sir, is a very serious issue. In the whole province to find out of 31,000 children who wrote the examination, only a miserable 1,300 are going to secondary school, this is a case that cannot be defended by the Ministry of Education.

Sir, it would be much better to institute an inquiry into the whole affair of the business that is going on in the Western Province at least, if other areas are happy about it. When the hon. Member for Lurambi gave notice of this adjournment Motion earlier on, one Minister said—the Minister for Health in particular said—this might be, this is a Government policy. I want to find out from the Minister—Assistant Minister—the Minister himself is not here or another Minister in charge of the whole issue, the reason why the Minister for Health, which is on record in this House today, said here that this is the policy of Government, that the whole examination selections was Government policy which affects the Western Province. If, out of 31,000 children in the Western Province it was Government policy to take only 1,300—

**The Deputy Speaker (Dr. De Souza):** Order! Order! Mr. Muliro, I was here present when Mr. Otieno made this interjection on a point of order. What he did say, if I remember rightly, is that this is a question of examining the whole Government policy and as such it should be moved by a substantive Motion. He did not say it was Government policy that only 1,300 people should be promoted.

Mr. Muliro: Thank you, very much, Mr. Deputy Speaker, I accept your correction. When Members are making a lot of noise, sometimes one mishears something.

Mr. Deputy Speaker, Sir, my point is this, I would like to find out why the whole district was penalized because of the leakage of the examination papers. When those papers, Sir, were printed in London, these papers were printed in the United Kingdom, they came here with every secrecy and yet they say there was leakage. This discloses terrible inefficiency in the Ministry of Education. These schools—

[The Assistant Minister for Lands and Settlement] over 70,000 acres is outside the Coastal Strip. That means, Mr. Speaker, Sir, that out of the 400,000 Africans, about 70,000 Africans are from outside the Coastal Strip and it has been found that those people who form a good number of the people who are supposed to be squatters come from outside the Coast and they have land in their own provinces. Mr. Speaker, Sir, the total area of the Coastal Strip is approximately 2,116 square miles of which nearly 800 square miles is trust land where the people either have title deeds or rights to the land and therefore cannot be classified as squatters. This is why, Mr. Speaker, Sir, I say that all people who squat on some land at the Coast cannot be classified as squatters. There are approximately 200 square miles of leasehold land, about 150 square miles of freehold land and about 890 square miles of State land.

The State land includes 170 square miles of forest and 83 square miles of land reserved for a holding ground and an experimental station. Mr. Speaker, Sir, the squatters are mainly located on the freehold land and reserved State land lying to the south of Malindi and to a lesser degree on a certain proportion of the leasehold land. Asian and Arab landowners are mainly located on freehold land which was largely in private ownership when the British Government concluded its agreement with the Sultan of Zanzibar back in 1895.

Now, Mr. Speaker, this is where I said there is a constitutional implication, because if hon. Ngala remembers very well, during the Constitutional Conference in London—it was not necessary for me to be there—there were assurances given to the Sultan of Zanzibar. Mr. Speaker, they were not given about the Sultan himself, these assurances were given on the people of the Coastal Strip who were actually governed by the Sultan. These assurances, Mr. Speaker, included undertakings by the Government of Kenya in relation to freedom of worship, which I am sure the hon. Members do not dispute, and also, Mr. Speaker, included the titles to the land of all the people who were the subjects of the Sultan of Zanzibar. Mr. Speaker, the hon. Member will appreciate that it is not in the jurisdiction of my Ministry to alter the Constitution. If the Constitution was to be altered or amended to eliminate these assurances, then, Mr. Speaker, the hon. Members know the ways and means of amending the Constitution. As I mentioned, Mr. Speaker, these assurances were embodied as far as land was concerned and entrenched in clause, section 203 of the Independence Constitution, Kenya, in December 1963, and contained in Legal Notice 718, and this guarantee

in respect of titles and claims of land was confirmed in the Constitution of Kenya Amendment Act No. 28 of 1964. This means, Mr. Speaker, before the Government can do anything on the land in question some investigations have to be carried out, and the Government has to be equipped with a number of facts before the Government can even think of amending the Constitution to suit the claims of the Motion. Mr. Speaker, the most important part of my reply is that the Government has already done what is actually necessary to meet the land problem at the Coast. I am sure the hon. Members will agree with me that the best thing is that instead of passing a Motion moving that the Government will not go back and start again, is to accept the steps already taken by the Government, so that when the Government reports to this House, then if the House is not satisfied, Mr. Speaker, a Motion like this could be tabled, but at the moment, what I am trying to say is that this Motion will not help in anything if it is passed in this House. I appeal to hon. Members to see, that if this Motion seeks to help the people of the Coast, the Government has gone miles and miles towards helping the people of the Coast, and I do hope that the hon. Members will see this for themselves.

Mr. Speaker, Sir, I do not wish to force the opposition of this, but the Government cannot accept something that it is not going to do. Government cannot accept that it will go on doing something that it has already done. Therefore, Mr. Speaker, I do hope that the hon. Member of the Motion will find his way to keeping to our arrangement to withdraw this Motion, so as to give the Government the opportunity for doing what is beneficial to the country and to the people of the Coast.

Mr. Kase: Mr. Speaker, I want the Assistant Minister to know this. People who go to seduce girls to marry, talk a lot of sweet talk. When the lady finds out that the man is talking lies, then that woman will run away.

Mr. Speaker, the Assistant Minister has said the hon. Member should think of withdrawing the Motion and he will look into it. Is this an assurance, Mr. Speaker? I remember, Mr. Speaker, the former Prime Minister of this country—he is now President—promised the people of the Coast he was going to look into the matter. The Minister for 1964 promised that he was going to look into the matter. In 1965 the Minister for Economic Planning promised that he would look into the matter, and now the Assistant Minister is telling us the same thing. Who is going to agree with this rubbish? Mr. Speaker, we must tell this

[Mr. Kase] Government in no uncertain terms that the Coast people have decided to wake up, and wake up in the proper sense. We shall pursue the land problem, Mr. Speaker, even if by force. The Arabs are not as many as the Africans.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, on a point of order, Sir, a few days ago police officers, constables and so on, were injured on the same problem when the Government wanted to solve the problem. Is the hon. Member suggesting that the Coast people are going to pursue their problems by violent means?

The Speaker (Mr. Slade): Order! Order!

I think the point of order that the Minister intends to make is whether it is in order for hon. Members to suggest unconstitutional action as part of the activities which they favour. I would say most definitely it is out of order for any Member of this Constitutional Parliament to propose any unconstitutional activity whatsoever. It is in order for hon. Members to warn the House that in certain circumstances there is a danger of other people doing so, but that is quite different from hon. Members themselves, in this House suggesting that they favour breach of the law.

Mr. Kase: Mr. Speaker, it might be unfortunate that this statement is being made in this House, but I warn the Government, Mr. Speaker, constitutions come and go. Mr. Speaker, we know that when you pursue a matter peacefully, you think that if you use force you will get it out, we shall try, Mr. Speaker, there is nothing wrong about it.

The Speaker (Mr. Slade): I think I must intervene to get things quite clear. Order! It is true enough to say that constitutions come and go, but so far as hon. Members are concerned they come and go only by constitutional means.

Mr. Kase: Now, Mr. Speaker, what we are trying to tell this House is empty promises, we have swallowed too many empty promises. We are not prepared to swallow any more. The Assistant Minister has not told us about the setting up of a Ministerial subcommittee, but the Ministers who have been to the Coast since 1963, up to now, are the same ones he has selected again. This is a delaying tactic. He has not told us when this report is coming to this House. The word "soon", Mr. Speaker, is a very awkward word. When I was a teacher I was told do not always tell your children "soon, soon", because soon does not specify time, it can mean 1991. It does not mean tomorrow. The land problem is most urgent. If possible we want the report—

### MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

#### KENYA PRELIMINARY EXAMINATIONS SELECTIONS FOR SECONDARY SCHOOLS

The Speaker (Mr. Slade): Order! I am afraid I have to interrupt you, Mr. Kase. You will have another five minutes in which to speak when the debate is resumed, but I must now call on Mr. Masinde to move the adjournment of this House.

Mr. Masinde: Mr. Speaker, Sir, I beg to move that the House do now adjourn to allow me to move the Motion which deals with the matter of the areas from which not one successful Kenya Preliminary Examination candidate has been selected for a secondary school, and the urgent need of finding places for some of these students.

Sir, this afternoon when I rose in this House to mention that I intended to move this Motion, we had some objections from hon. Ministers, I suppose they are here, that the matter of the selection of students for Form I classes in 1966 is not yet finalized. Immediately I rushed to the Ministry of Education and the truth is that they have selected all the people to join Form I class in 1966. The provincial education officers have now submitted complete lists for all secondary schools for whom they have suggested that such and such pupils are going to go in Form I. Whether the Ministers were suggesting that they have not announced this publicly, or the letters have not reached the particular pupils who are to join Form I, that is a different matter. The principle is this: and it is what I intend to pursue in this House, and I hope is what all hon. Members will see fit to support me, because it is a very alarming issue in the country. We have been told from time to time, even in our Sessional Paper No. 10, the way to approach our development programme in this country, we are told that by 1970, there will be places for up to 70 per cent of our young men and women going to secondary schools. It is now 1966, and in the whole of the Western Province where 31,000 pupils sat for the Kenya Preliminary Examination only 1,300 can qualify for places. What is going to happen to the remaining 29,700? This is not even 2 per cent.

The Speaker (Mr. Slade): Order! Mr. Masinde, it was not on that point that I allowed this procedure. That is a matter for debate at any time. The point of urgency, the definite point of urgency on which I allowed you to move the adjournment, was that some districts and areas had been completely left out of any selection of people to go forward to secondary schools this year. You must keep to that point.

[Mr. Jahazi]

We cannot go back to the land because we have no land to go to, and we want to be obedient to Azeze's call and go to the land cultivate it. But if there is no land to go to, we have to take the land back and then go back to it, otherwise there is no land at the moment.

Therefore, Mr. Speaker, Sir, we do not want to be abusive, we do not want to appear subversive, we do not want to speak as if we want to cut somebody's throat, but the Government cannot blame us for being what we are at the moment because despite having told them of all these problems they are sitting on these problems and they are doing nothing about them. We cannot go on like that, and even the landlords are not to blame because the Government has not approached them with anything, they are just left there and recognised as landlords and we as squatters. This cannot go on under the free, independent Government of Kenya. We are going to act if the Government does not act for us, because this is a place where we can tell the Government our problems truly and sincerely without hiding anything, so that they know how burning the issue is. If we do not tell them that, and we just show them our fears as if the problem is not big they will not actually take us seriously.

Therefore, Mr. Speaker, I want to request the Government, and pray to the Government, that the problem is reaching a climax now. We can no longer wait and be squatters in Kenya. If we are squatters in Kenya, what about in England, India and where, what would we be. We would be rightly squatters there, but not in our homeland. You cannot even build a hut near the sea because all the sea from Vanga to Lamu, all their lordships have settled around there and we have been pushed inland. You cannot build there because the plots there are so valuable and cost so much that only the privileged few are allowed to have land empty, and yet they will not allow anybody to settle on this land. Therefore, Mr. Speaker, the problem of how to get the land is not ours, all we want is the land, and whether the Government will grab it, that is their problem, whether they pay compensation, that is their problem. All we want is the land. Land by all means. We are not going to tell the Government how they are going to solve it. If they are going to tell the British Government or the Sultan of Zanzibar to give some of the money received to buy out these people, and they are ready to be bought out, Sir, and to be bought out very, very cheaply, they are not expensive landlords. You can buy them anything. Therefore, the Government must wake up to this problem which is truly facing us.

The Assistant Minister for Economic Planning is here, and he will not be planning anything if he does not plan about buying out these people. The Minister for Land Settlement will not be settling anything if he is not going to settle people on this land. Otherwise, the Minister can remain in Nairobi and we will appoint our own Minister for Settlement there and settle.

The Speaker (Mr. Slade): Mr. Gachago, you speak for Government and claim twenty minutes, do you not?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Yes, Sir.

Mr. Speaker, Sir, when this Motion first appeared on the Order Paper, I was rather perturbed because I, in the first instance, did not want to oppose the Motion, but on the other hand, the Motion called upon the Government to do something that the Government has already done and it has gone a long way towards the solution of the land problem in the Coast.

The only difference is that the steps taken by the Government so far have not been made public and I am not, therefore, surprised that the hon. Members are questioning this. In the first instance, Sir, the Motion asks the Government to appoint a special commission to investigate the historical background of the Arabs and Asians who have land, and how they acquired this land in the Coast.

Now, Mr. Speaker, the Government has already — In actual fact when the debate on this Motion started, my Ministry had already submitted to the Government a Paper about the land problems at the Coast and the Government at the time was studying this Paper and today, Sir, I am glad to report to the House that the Government has already appointed a Ministerial subcommittee to go into the whole question of land—

An hon. Member: Why not let us do it?

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, if only the hon. Members would give me a chance! This information is not only in the best interests of the Members of this House but also in the best interests of the people at the Coast, who this Motion is supposed to help.

The hon. Members would like to know that the Government has already appointed a subcommittee consisting of the Minister for Lands and Settlement as the chairman, the Minister for Finance, the Minister for Economic Planning and Development, the Minister for Agriculture, the Attorney-General and the Minister of State to the President's Office, and the Minister for Labour

[The Assistant Minister for Lands and Settlement] and Youth Services, and their first meeting to consider the land issue, which is very complex at the Coast, will take place tomorrow.

Not only that, but it is expected that after meeting the subcommittee will visit the Coast and spend as much time as possible investigating all the problems of the land there, and also the subcommittee is expected to report to the Government as soon as possible so that the Government may implement the findings of this subcommittee as quickly as possible.

Now, Mr. Speaker, Sir, returning to the Motion—it is all right for Members to shout an allegation that it is a delaying tactic, but I feel, and I am confident, that the Government has done the best it can under the circumstances, and, in fact, if the Government were merely to accept this Motion, for instance, if I just say, "We accept this Motion", then the Government would be promising, in accepting this Motion, to do what it has already done, and I feel, Sir, that is not necessary. I can promise the House now that what has been done by the Government— Sir, what the Motion is asking the Government to do is to appoint a commission, which has already been appointed, to find out how the Arabs and the Asians obtained this land and bring the findings to the House, but, Sir, the Government has already looked into this, and we have already investigated. We know how the land was acquired. There are constitutional implications involved.

Mr. Speaker, Sir, if the hon. Members want information, then I can give them information, but if they are only interested in shouting me down, then I will give them a chance to do so. However, Sir, I will continue to give this House the information which is good in the interest of the House and the country.

So, Mr. Speaker, Sir, what the Motion has asked the Government to do has already been done. We know how the Asians and the Arabs acquired land at the Coast, and at the moment, Mr. Speaker, Sir, we already have a senior African Government officer who is adjudicating over some land claims—

The Speaker (Mr. Slade): Order! Order! If the hon. Members want to debate seriously, then they must not interrupt so much that the hon. Member on his feet cannot be heard. The whole point of the debate is gone if you go that far. Please restrain yourselves.

The Assistant Minister for Lands and Settlement (Mr. Gachago): In fact, Sir, I know that the House is disturbed because they do not know

the facts, but I have communicated the facts, since the beginning of this Motion, of what the Government has done, to the Mover of this Motion who has seen the truth and has honourably, privately, promised me, with the approval of the House, that if I can assure him that the Government will continue in this step, he is prepared to withdraw this Motion. If the hon. Member changes his mind, I will not mind, but I can assure the House—

Mr. Mwanuzandi: On a point of order, Mr. Speaker, Sir, in spite of all the facts that the Assistant Minister has given me, I told him that I could withdraw my Motion, if I had the following assurances. Firstly—

The Speaker (Mr. Slade): Order! I think it would be better if you waited and heard what the Assistant Minister is prepared to assure, and then tell the House if you are prepared to withdraw the Motion.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, in fact, after communicating the facts and the truth to him, all the hon. Member wanted me to assure this House is that squatters who are being prevented from harvesting their crop on some of the land they are supposed to be squatting on, that the Government will look into this question, and I am prepared to give that assurance. Therefore, Sir, what I am trying to tell the House is that this Motion, and, in fact, I am prepared to accept this Motion, although this Motion will not add anything new, nor will it take the Government to do any job, because the Government has already done it and it has also gone miles and miles from what this Motion is asking the Government to do, and this is exactly what I am trying to tell the House. Mr. Speaker, Sir, if the House feels that it will be an advantage if they accept this Motion, then, Sir, let me tell the Members that I find no difficulty in accepting this Motion but, Sir, I can assure the House that if what the Motion aims at is helping the people of the Coast, then the Government has gone a long way, and the substance of this Motion will not help the people of the Coast at all.

Now, Sir, to go to some of the facts of appreciation of the matter. In the first instance, the Motion describes the people of the Coast as being all landless and described as squatters. It is not true that all people at the Coast are squatters. Mr. Speaker, Sir, the truth of the fact is that it is estimated that approximately 20,000 Africans representing approximately 100,000 people are occupying land to which they have no legal title. It also is estimated that there are about 400,000 Africans living in the Coastal Strip on which

[Mr. Omar]

the British of the East Africa Corporation. Now all these visitors were foreigners in the former Coastal Strip, and when they came there they knew very well that the land belonged to nobody but the Coast Africans themselves. They played a trick. In the early days, when the British Government was ruling the country, it asked the people to go to the land office and register the land. Now the Coast Africans were illiterate and ignorant and never bothered to go to the land office to register the land because they knew very well that it belonged to them. But the Arabs and Indians, who were very clever, went and registered the land, and this was accepted and recognized by the Government. After this registration, all the Coast Africans became squatters.

At that time, the land value was not so great, and therefore the Indian and Arab landlords never bothered to ask a plot rent from the African squatters. Three-quarters of the coastal Africans today are supposed to pay plot rent to the Arab and Indian landlords.

Now, because the Africans did not know that the Indians and Arabs had registered the land, they worked on this land, developed it, planted permanent crops, such as coconut trees, cashew nuts and mango trees, and so on; and when these permanent trees were yielding cash crops, the Indian and the Arab landlords came in and demanded plot rents, therefore causing inconvenience and misunderstanding among the coastal people. It was most unfortunate that the Coast Africans never bothered to register the land, so all the Coast Africans, in Kilifi District, Mombasa District, Kwale District, Tana River District, Lamu District and Malindi District, all the Africans living on such land were squatters, supposed to pay their plot rents to the Arab and Indian landlords.

Now the Africans fought for independence, thinking that once independence was achieved this problem would no longer exist in the Coastal Strip. We fought for our independence and both Kanu and Kadu, which were fighting for independence, promised that once it was achieved the problem of squatters along the Coastal Strip would come to an end. Independence was achieved in 1963, and representations have been made to the local authorities, to the Ministry of Lands, so that a solution to this problem can be found. But from then until now, Sir, no solution to this problem has been found. In fact this problem is now becoming greater every day. So there is really no peace or stability in the former Coastal Strip because the African

squatters are always bothered by the so-called Indian landlords and Arab landlords. These people never brought the soil from India or from Arabia. The soil was found there and it belongs to no one but the Africans.

Now our Government here seems to recognize that the land belongs to the Arabs and the Indians because it is pursuing the same policy as that pursued by the British Government and the Sultan of Zanzibar. If they did not pursue that policy, they would agree to appoint a special commission, as requested by this Motion, to make investigations as to how this land was owned by the Indian and Arab landlords.

The facts are that the Africans knew that the land belonged to them and so they did not bother to go to register it. So what is important now is this, Sir. We Coast Africans are good people, humble people, but we cannot tolerate such conditions; we cannot tolerate paying plot rents to the landlords every month or every year; we cannot tolerate seeing that the soil of the former Coastal Strip is not in the hands of the Africans themselves. In fact, now, Sir, if one goes to Mombasa one sees that the chief problem is that people there are complaining that they are paying very high rents to the landlords; if a man does not pay the rent, he is taken to a magistrate by an Indian advocate and, because the present Government's policy is just the same as the Sultan of Zanzibar's policy and British colonial policy, the Indian landlords and Arab landlords are given the rights. Now we do not want such a thing, Mr. Speaker, because we do not advocate trouble, but if the Government is not going to appoint a commission of inquiry, it will mean that the Coast Africans will be at liberty to take the law into their own hands. They are fed up with the conditions there and it is high time the Government did something about this. We had two incidents recently, Sir. One was that which happened at Ukunda and the other one happened at Ramisi, where a dam belonging to the Ramisi Sugar Estate was damaged by the local people. This is an indication that the people are not satisfied with the present Government policy on the former Coastal Strip land.

We would like this commission to be appointed so as to make enquiries as to how these foreigners acquired this land. The Europeans, who were also colonialists, never bothered very much. Of course, there are Europeans who are landlords, but they are not as bad as Indian and Arab landlords. Speaking without any prejudice, I can say that the European landlords in the Coastal Strip are much better, they are more co-operative, more

[Mr. Omar]

friendly with the Africans there than the Indians and the Arab landlords. When we ask the Indian and Arab landlords to be as co-operative as the European landlords are, they say that, "Oh, the Government respects the constitutions of the country". This is true, but by respecting the constitutions the Africans are suffering, they are the victims of the Indian and Arab landlords. So, I think this Motion is very straightforward and it should be accepted by the Government by appointing this commission to go into the matter.

Mr. Speaker, we will remember that even the Vice-President, when he visited the Coast Province last November, he was reported in the Press and it was mentioned in this House that at one of the meetings in Kwale District he said that the Coast people should defend themselves and that the Arab and Indian landlords should be co-operative so that such a situation as occurred in Zanzibar should not be repeated in Mombasa.

The Speaker (Mr. Slade): That is the end of your time, Mr. Omar.

Mr. Jahazi: Thank you, Mr. Speaker. I would very much like to support the Motion very, very strongly and, in fact, I would go further to say that what is going on in the Coast—I do not know whether the Government is deliberately trying to make things worse so that something could happen, or what, I do not know, because people, leaders and everybody have tried to be co-operative in approaching the Government and to use all means at their disposal to tell the Government about the problem of the land at the Coast. They have moved Motions in this House. Every Minister who has visited there has been told about this land hunger there. But all that they do is to nod their heads, pretend to understand and appreciate the situation, but when they come back here everything is forgotten.

Now, we wonder as to whether the Ministers come there for a holiday or what, or whether they appreciate what we tell them—

The Speaker (Mr. Slade): Order! Mr. Malu, you are forgetting the rule that hon. Members do not walk past the Member who is speaking, between him and the Chair, without bending low down.

Mr. Jahazi: Mr. Speaker, Sir, the problem is not too big for the Government to solve. If Government could solve the problem of land in the Central Province, I do not see why they could not solve the problem at the Coast. I say this, Mr. Speaker, because the cost per acre at the Coast is not as high as the cost per acre here in the highlands. Land is very cheap and of the people who are occupying this land you will find

very few who will come and say that they bought this land from Alderman So-and-so who sold it to me. All of them give fictitious land titles which anyone can contest everywhere in court, but the Coast people, being good as they are, and having lived with these people for a very long time, and these people being so unco-operative that they grabbed everything that they had under the protection of the Colonial Government who only favoured these races, so they could own everything shamelessly, we expected that when the African Government came, at least they would understand. All right, the Government is very shy about taking the land by force. O.K., let them pay something to these people. I know a landlord who owns 800 acres in Malindi, he bought this land thirty years ago, he has never even been to the land. He does not know where it is, he confessed to me, and he said, "Really this trouble over land I hear a Member talk about is real, you know, Jahazi, because I own 800 acres in Malindi, I bought it thirty years ago and I have never even been to the land. But, if the Government come out with a proposal, we are ready to sell". This means that Government has never gone there with a proposal, because there was no difference between the conditions in Zanzibar and the conditions on the Coastal Strip before the Zanzibar revolution. If it was not for the Kenya Government having taken over this strip or the ten-mile strip, the revolution would have spread to the ten-mile strip. That is true, because that was the Sultan's land, the Sultan's people, the Sultan's land, and I do not see who would have prevented the revolution from spreading to the Coastal Strip. We used to have that funny red flag flying at the Coast, the Sultan's flag, and now it is no longer there. But the conditions are still there, the flag has left, and the problems, Sir, are not so great to solve because so many landlords are ready to surrender, they are not using the land, they only wait until squatters start cultivating and growing something, and then the next day from nowhere you will see somebody coming with a turban *dhothi* and claiming that place as his and requesting you to move because he has seen you already developing the land. The so-called squatters are under fear, they cannot cultivate big acreages because they know that at any time from the blue someone will come to claim the land, and the crops. Therefore, Sir, that is why we are short of food and the land is there and it is plentiful, and, Sir, we do not see what our Government is doing. Does the Government want us to solve the problem, because it would not take one day before we had solved it? If that is the way, we want to go ahead and say that if that is what they want, O.K.

**[The Minister for Finance]**

why it was necessary to guarantee this, to enable it to thrive and thrive more, and therefore there is no fear that the money would not be forthcoming.

*(Question of the amendment that the words to be inserted be amended put and agreed to)*

*(Clause 6 as amended agreed to)*

*(Clause 7 agreed to)*

**Clause 8**

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

THAT clause 8 of the Bill be amended by deleting subsection (1) thereof and by inserting in place thereof the following subsection—

(1) Subject to subsections (2) and (3) of this section, the guarantees given by the Government before the passing of this Act that are specified in the Schedule to this Act shall be deemed for the purposes of this Act to be guarantees under this Act, and to have been approved, given and executed within the powers conferred by, and in accordance with the provisions of, this Act.

The whole thing here is to remove the possible doubts as to the legal validity of charging to the Consolidated Fund any moneys required under the guarantee listed in the Schedule.

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

*(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 be inserted proposed put and agreed to)*

*(Clause 8 as amended agreed to)*

**Clause 9**

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

THAT the Bill be amended by deleting clause 9 thereof.

On further consideration I think that it is unnecessary.

*(Question of the amendment proposed)*

*(Question that clause 9 be deleted put and agreed to)*

**Schedule**

**Mr. Warilthi:** Mr. Chairman, I am just more or less seeking for information here. The Schedule as laid out does not show any county

council or local authority except the City Council of Nairobi. There are a number of other bodies. What I would like to know is why it is that there is no local authority except the City Council of Nairobi. Is it that none came forward to apply for a guarantee, or did some apply and were found not suitable to be given the guarantee?

**The Minister for Finance (Mr. Gichuru):** There is a Local Authority Loans Board and the reason why this is left out is because the board has the money and if any local authority or area council could justify and show from its own performance that it could pay the Loan Authority Board will lend them money. That is why they are not in this particular Schedule.

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

THAT the Schedule to the Bill be amended by adding to columns 1, 2 and 3 respectively of Part I the following—

National and Grind-	Industrial Develop-
lays Bank Ltd.,	ment Corporation
Barclays Bank D.C.O.,	£500,000
Standard Bank Ltd.,	
and	
Ottoman Bank.	

*(Question of the amendment proposed)*

*(Question that the words to be added be added put and agreed to)*

**The Minister for Finance (Mr. Gichuru):** Secondly, I beg to move further amendment to the Schedule by adding to Part II the following—

Guarantee in favour of the Savings and Loan Society Ltd., Kenya Building Society, and First Permanent Building Society in respect of advance made to various persons for the purchase of houses.

Contingent liability	£40,107
----------------------	---------

*(Question of the amendment proposed)*

*(Question that the words to be added be added put and agreed to)*

*(The Schedule as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**THE INCOME TAX (ALLOWANCES, RELIEFS AND RATES) BILL**

*(Clauses 2, 3 and 4 agreed to)*

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*(Third Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Minister for Finance (Mr. Gichuru):** Mr. Chairman, I beg to move that the Committee do report to the House its consideration of the Income Tax (Allowances, Reliefs and Rates) Bill without amendment and secondly the Loans (Guarantee) Bill with amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*(The Speaker (Mr. Slade) in the Chair)*

**REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS****THE LOANS (GUARANTEE) BILL**

**Dr. De Souza:** Mr. Speaker, I am directed by the Committee of the whole House to report its consideration of the Loans (Guarantee) Bill and its approval thereof with amendment.

**The Speaker (Mr. Slade):** Then we will take the consideration of the Report tomorrow, unless it is a matter of great urgency, Mr. Gichuru?

**The Minister for Finance (Mr. Gichuru):** It is, Mr. Speaker.

**The Speaker (Mr. Slade):** If no hon. Member objects to our taking the consideration today, then we will do so.

Very well, Mr. Gichuru, will you move the consideration?

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

**The Assistant Minister for Lands and Settlement (Mr. Gachago) seconded.**

*(Question proposed)*

*(Question put and agreed to)*

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to move that the Loans (Guarantee) Bill be now read the Third Time.

**The Assistant Minister for Lands and Settlement (Mr. Gachago) 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 INCOME TAX (ALLOWANCES, RELIEFS AND RATES) BILL**

**Dr. De Souza:** Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Income Tax (Allowances,

Reliefs and Rates) Bill, 1966 and its approval thereof without amendment.

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

**The Assistant Minister for Lands and Settlement (Mr. Gachago) seconded**

*(Question proposed)*

*(Question put and agreed to)*

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to move that the Income Tax (Allowances, Reliefs and Rates) Bill be now read the Third Time.

**The Assistant Minister for Lands and Settlement (Mr. Gachago) 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)*

**MOTION****INQUIRY INTO NON-AFRICAN OWNERSHIP OF COASTAL LAND**

THAT in view of the fact that Africans in the former Coastal Strip are all described as "squatters", as if the Asian and Arab landowners were more African than the Africans themselves, this House urges the Government to form a special commission to investigate the historical background of how the Arabs and the Asians got these lands and to bring the findings to this House for discussion.

*(Mr. Mwanuzi in the Chair)*

*(Resumption of debate interrupted on 4th February 1966)*

**The Speaker (Mr. Slade):** I would remind hon. Members that the question of this Motion, as on the Order Paper, was proposed when the debate was interrupted and that there is still one hour and three minutes of the debate to go; but that at a quarter to six there will be the adjournment of the House moved by Mr. Masindi.

**Mr. Omar:** Mr. Speaker, Sir, I rise to support this Motion because it is of great importance as far as the Coast people are concerned. Sir, we read in history that the former Coastal Strip was visited by the Portuguese, the Indians and the Arabs a long time ago, and afterwards by

**[The Minister for Works, Communications and Power]**

Malinda said that he wanted more clerks employed in order to check these licences. It is all right for him to say this, but he must understand that it costs a lot of money to employ more staff and so on in order to check on these licences. I would like to appeal to the public that when they renew their licences they should give the right information to the present clerks, who are doing a very good job, and the right licences will be issued to them.

Mr. Deputy Speaker, Sir, with these few words I would like to appeal to hon. Members to support the Bill because it does not, in any way, inconvenience the public. 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)*

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

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

**IN THE COMMITTEE**

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

**THE LOANS (GUARANTEES) BILL****Clause 2**

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo):** Mr. Chairman, I beg to move:—

THAT the definition of "local authority" in clause 2 of the Bill be amended by—

- (a) deleting the word "or" after the words "municipal council" and inserting in place thereof the expression "and"; and
- (b) inserting after the words "a county council" the words "or an area council".

Mr. Chairman, this is the definition of local authority that the Government or the Minister would guarantee loans too. I feel very strongly that area councils which are actually the councils which touch people, the taxpayers of this country, should also have their loans guaranteed by the Government. It may be that the Minister will tell us that some of the area councils are very unstable financially, which is true. This would be covered in section 3 where "the Government may guarantee in such manner and upon such conditions as it may think fit the due performance of any covenants on the part of a local authority".

Here the Government may guarantee if it is satisfied that an area council could repay the loan the Government is going to guarantee. I do not see the reason, Mr. Chairman, why a club like the United Kenya Club could have this privilege of having its loans being guaranteed by the Government. The Jockey Club of Kenya can also have its loans guaranteed in the Schedule Part I. I do not see how these organizations can have their loans guaranteed by the Government, and not an area council. An area council which is always, as far as we are concerned, in difficulties for building their school, in difficulties for building or assisting in Harambee health centres, and also in difficulty in carrying out their social services in the locations. I hope, Mr. Chairman, that the Minister will find this amendment reasonable because if he only guarantees the local government which are county councils as far as I am concerned from the reserves, he should also be in a position to guarantee loans for area councils, who I am sure will not be applying for loans as big as those shown now in the Schedules that are covered by this Bill.

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

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

Mr. Ngula-Abok: Mr. Chairman, I stand to support the amendment and I have very little to say, in fact, but seeing that area councils are so important and so engaged on development, I feel that Members will find it reasonable to support that particular amendment, because, Mr. Chairman, the Ministers who have answered questions in this House are stating, when you ask whether a health centre could be taken over by a county council, or whether a Harambee primary school could be assisted, Ministers have always replied that if your county council has approved the Harambee secondary school or the health centre concerned, then the Government is prepared to give some aid or subsidy to the county council concerned and in the majority of cases when you go back to the county councils to try and convince them that they should approve of the Harambee project concerned, you may be told that there is no money, but if area councils are entitled to this guarantee then they could turn to the Government to guarantee loans, so that the area councils could assist the county council in the matter of the approval and also in allocating some funds, which have been guaranteed by Government, so that the health centre or the project concerned can get going. I think, therefore, that if this amendment is accepted I would be the first to come to this House next week with a good

**[Dr. Ngula-Abok]**

number of projects and ask Government to give guarantees to my area council and I think this would assist development almost immediately.

Mr. Chairman, I am sure the Minister for Finance is convinced if a club—for example, if I started a club tomorrow and it was well organized—a loan would be guaranteed under this particular Bill, then I do not see why the—

**An hon. Member:** Night club?

Mr. Ngula-Abok: Night club or any club, provided that it is a club with some progress.

Now I do not see why an area council should not be accepted to be subject also to this guarantee. So Mr. Chairman, I support this one.

*(Question of the amendment that the words to be left out be left out put and negated)*

*(Clause 2 agreed to)*

**Clause 3**

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

THAT clause 3 of the Bill be amended in subsection (1) thereof, by inserting immediately after the words "The Government may" the words "with the prior approval of the House of Representatives signified by resolution."

*(Question of the amendment proposed)*

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

*(Clause 3 as amended agreed to)*

*(Clauses 4 and 5 agreed to)*

**Clause 6**

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

THAT clause 6 of the Bill be amended by renumbering subsection: (1) thereof and by inserting at the end thereof the following subsection—

- (2) Where any moneys are paid out of the Consolidated Fund in pursuance of this Act the Minister shall lay before the National Assembly a report on the payment specifying the guarantee in respect of which the payment was made and the circumstances giving rise to the payment and such further information as he considers appropriate.

I wonder if I could say a few words on it?

**The Chairman (Dr. De Souza):** Yes.

**The Minister for Finance (Mr. Gichuru):** The reason for this is the moneys that would be spent in this manner will have been approved and, therefore, at the moment I have in mind,

as I said yesterday, that most likely I may be called upon to honour the guarantee on the question of the Mombasa Pipeline which amounts to about £1 million. We had borrowed this money from the Uganda Government and we have been doing our very best to try and get them to extend the time; they are reluctant to do so, so I may be called upon to honour the guarantee and in those circumstances, if Parliament is not sitting, I would honour the guarantee and report thereafter. If, on the other hand, the House is sitting, I would definitely inform the House, but the money will have been agreed to under clause 3, so no new money would be spent without the knowledge of the House.

*(Question of the amendment proposed)*

Mr. Malinda: I have no quarrel with the insertion of the words, but there is only one small point that I would like to have cleared. I raised it in the general debate, but I do not know what the Minister said.

Now, Mr. Chairman, when the Minister for Finance is called upon to honour the guarantee that the Government has given, he does not stipulate what relief the Government will have in recovering the money from whoever the money was being paid in respect of. For instance, Mr. Chairman, if this £1 million happens to be paid out of the Consolidated Fund instead of being paid out of the Mombasa Pipeline Board, then it will mean that a guarantee which the Government stood for is called upon to make good. Now, what provision is there for the Government to recover the money so paid to the Uganda Government from the Mombasa Pipeline Board. That, Mr. Chairman, is the only query that I have in respect of this subsection.

**The Minister for Finance (Mr. Gichuru):** Mr. Chairman, Sir, if anybody looks at the number of guarantees that have been given, they have been looked upon and it is known that they are all viable and therefore if the Government was called upon to honour its guarantee on the question, say, of the Mombasa Pipeline—I am taking that as an example—Mombasa Board still has the obligation to pay out that money, it does not mean that if the Central Government honours its pledge that the board goes scot-free, as they say, they will still have to pay.

**An hon. Member:** What if they don't pay up?

**The Minister for Finance (Mr. Gichuru):** Well, that would be just too bad. But I mean Mombasa at the moment, and there are some Mombasa people who will tell you that Mombasa is thriving, doing very well, and that is



[Mr. Shikuku] to misrepresent what I said? I reserved my decision on this Bill, but is he in order to say that I objected when I did not?

The Speaker (Mr. Slade): Order. I think Mr. Kibuga is misrepresenting what Mr. Shikuku said. I understood, but I may be wrong, that it did not seem to me that he objected to the principle of the tax, he just objected to the belated introduction of the law to justify something which, according to him, had been done already. It is a different thing.

Mr. Kibuga: Mr. Speaker, Sir, if that is the objection which the hon. Member was objecting to, then I would like to support him, because we are now in the middle of February, and the whole of January has finished, but the hon. Minister for Finance said that from January up to this time no money has been collected and this is most unfortunate, because his appeal is to collect money from the people who have cars, and therefore he should collect from every individual. Now, Sir, we see that because the Bill was not here in time, no taxes have yet been collected. If it was collected, then it was collected illegally. I think, Sir, that in the future we should be very, very strict when a Minister fails to bring a Bill at the proper time, then he should be charged something so that it makes a difference on him.

Apart from that, Mr. Speaker, Sir, I support the idea that we should have to pay for the cars. It is true that most of the hon. Members own cars here and even people outside, but they are not very rich, but yet, Sir, who are the rich persons and who are the poor persons? If we compare a person who is not employed, who does not have any land and no means of livelihood, then that is a poor man. An hon. Member of Parliament earning a few days' salary is probably quite poor, but compared to a poor man who has no land, no job and no means of livelihood, then he appears quite rich. So, Sir, although it is painful to pay taxes, we should realize that now we are independent we should pay our taxes willingly.

Mr. Speaker, Sir, all that I am asking is that in the future we hope that such a Bill will come at the proper time. It is rather unfair to the people who are going to buy cars after we have passed this Bill, because the people who should have paid for the licences should have been the owners of the cars before we passed this Bill. The Bill seems to be in favour of them.

Apart from that, Sir, I do not wish to say much more, except that I support the Bill very much.

Mr. Omar: Mr. Speaker, Sir, I rise to support this Bill and in doing this I will probably repeat what other Members have already said, that in future the Minister should bring this Bill in advance so that it can be debated before it is applied.

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

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

Mr. Deputy Speaker, Sir, I would like to have seen a provision in this Bill whereby those motorists who did not pay their licence fees for their vehicles should go and pay it even before the renewal time is due, because if there was such a provision in this Bill then it would have given the motorists time to go there at any time and pay the difference between the fees that one is supposed to pay even before the paying time of his licence fees. Mr. Deputy Speaker, Sir, I am saying this for the sake of those people who are going to buy cars and then after some time will be told to pay the difference in the fees, which during that time was used by somebody else.

So, Mr. Deputy Speaker, Sir, with these few words, I support this Bill, because I believe that if we do not approve of this Bill our revenue will be less £100,000, which is a great loss. From time to time we have asked the Ministers here to improve the roads, build bridges and make all-weather roads, and so if we lose this big amount of money, then the Minister will not get this money in order that improvements can be made to our roads.

So, Sir, with these few words, I beg to support this Bill very, very strongly.

Mr. Mallada: I think Mr. Deputy Speaker, there is no one who has any substantial quarrel with this Bill, because it is quite clear that those who have should contribute to the development of this country. Amongst those who have are the motor vehicle owners. I should like, Mr. Deputy Speaker, to reiterate what my hon. friend Mr. Ochwada said that it seems rather procrastinating too much for the Government to have to wait until a person goes to renew the licence of the vehicle to be asked to pay the difference of the licence. Here, Mr. Deputy Speaker, I would like to make a suggestion to the Minister which, if it is implemented, would have this money accruing to Government much faster and much earlier than hitherto provided in this Bill.

Sir, I remember once that I bought a new car for which the licence fee was, let us say, Sh. 180 per annum, and I paid a full year's licence fee. When the particulars of the car were scrutinized in the motor vehicle department, it was

[Mr. Mallada] found that the licence fee I paid was less than should have been charged for a car of that class. Before the end of the first two months I received a bill from the motor vehicle office saying that there was a difference of so much, which had to be paid. Mr. Deputy Speaker, I wonder why it is not possible for the Ministry to employ that system, that those people who had paid a certain fee, and consequential to the Budget speech the fees went up Sh. 20 or Sh. 30, to be sent bills saying that the difference in fees is so much please go to have it. That, Mr. Deputy Speaker, will have the money coming in much faster than it would if we wait for this to come through. Maybe, Mr. Deputy Speaker, the Minister might say that it is going to involve a lot of expenditure or a lot of clerical work, but, Mr. Deputy Speaker, what expenditure is that compared to the money which is going to come? It is a matter of economics, you employ a few people, or even the staff who are there, one clerk can be put on to sending bills because, after all, they have all the records of the vehicles, they have all the licence fees that should be paid in respect of these vehicles, and what is needed is a printed form to be filled in with the name of the person and the registration number of the vehicle and the amount of fees which it is necessary to pay to cover what is outstanding. Therefore, Mr. Deputy Speaker, it would come in much faster because if for instance, a person took out a licence for twelve months in October last year, he is not due to renew that licence until the end of September this year. Therefore, during this time the money will be lying idle, will not be coming to the Government for the purposes for which we want it to be spent.

With those few remarks, Mr. Deputy Speaker, I think the Minister has heard and he will be able to tell us whether it is possible for this method to be employed so that we can get this money quicker, for the benefit of this country.

With those few remarks, Mr. Deputy Speaker, I support the Bill.

The Deputy Speaker (Dr. De Souza): If no hon. Member wishes to speak I will call on the Mover to reply.

The Minister for Works, Communications and Power (Mr. Mwangyumba): Mr. Deputy Speaker, Sir, I am grateful to those Members who have contributed to this debate and who have shown their willingness to support the Bill.

I will like to mention one thing that the Bill might have been late but it is not because it was anyone's fault. The Legal Department, the

Attorney-General's Chambers are very busy drafting many Bills and, unfortunately, this was one of the Bills which took a long time to be drafted. My Ministry did what it could to speed it up and this was the earliest we could bring it to the House.

I would like to tell the House also that it is fair that everybody should be taxed the same. If we are to ask for motor vehicle owners to pay their licences differently then it is not fair. What we are asking the House to do is to implement what the Minister for Finance said when he was giving his Budget speech, that he wanted £100,000 from motor vehicle licences. He said that new rates for motor vehicle licences would begin in January this year. We are informed that already the new rates are in operation, what we are only asking the House to approve is the arrears of licences by a few people who had bought their licences in mid-1965. Arrangements have already been made that when such a person goes to renew his licence, for example this year, any time this year, he has to pay for the difference between the new licence and the old one. There is no difficulty at all in implementing this. As I said earlier, the sum of money which is involved in this exercise will amount to something like £22,000 in arrears.

Hon. Members who spoke, some said, for example, hon. Mr. Kamau, he said that we are charging the poor. We are not charging the poor. If someone has a motor vehicle surely he is not a poor person. We are charging these new licence fees in order to help the poor, and we are trying to charge it from the relatively better placed people in this country who can afford to own a car, or a motor-cycle, or a lorry, a bus, or something like that. The hon. Mr. Shikuku blamed the Ministry for being lazy, and, in fact, said that I am lazy. I would like to assure him that he is quite mistaken, because if my Ministry was lazy we would not be doing what we are doing in his constituency now. We would not be doing the work in his district. He should be grateful for that. The money which is doing that work in his district is coming from these very licences, which I am sure he is going to support. The hon. Mr. Ochwada said that we are trying to rob the public. I was very surprised at an hon. Member saying that the Government is robbing the public. In fact it is not true. We are taxing the public, I agree, but it is for the benefit of the public in Kenya that we are doing this, because without it there are some social services which will have to be closed down. I was glad that the hon. Mr. Gatuguta supported the Bill, and also the hon. Mr. Omar who did the same. The hon. Mr.

[Mr. Shikuku]

enough and very smart, and quick enough, he should have had this Bill in this House by August so that we should at least not have had to wait all this time and then chase these people round again.

Mr. Speaker, I find that it would be unfair, in my opinion, because of the laziness or because of the apparent laziness of the Ministry for all people to be punished and pushed around because the Minister was late in getting this thing. I might as well suggest, Mr. Speaker, which is perhaps not a very reasonable suggestion, that perhaps because of the laziness and slowness of the Minister, that these people should only pay for this year so as to penalize the Ministry concerned—because of its laziness—it should be penalized for being late.

**The Minister for Works, Communications and Power (Mr. Mwanyumba):** On a point of order, Mr. Speaker, is it in order for the hon. Member to call a Minister lazy when he is not lazy?

**The Speaker (Mr. Slade):** If an hon. Member gives his reason for thinking that a Minister, or anyone else, has been lazy, I think it is in order for him to do so. The epithet lazy is not so terribly offensive.

Mr. Shikuku: I know, the hon. Minister is a friend of mine but he realizes my feelings and that I tend to feel that he is lazy, because, Sir, we are told that the Financial Statement is top secret and is top secret to the public and to the Members of Parliament until it is read by the Minister in this House. The Minister for Communications is a member of the Cabinet, and surely the Minister should have been informed—we are told that we have what is called collective responsibility—that this was going to be the position and he should have drafted the Bill so that it could have gone out immediately after the Minister had announced this. But he just did not do anything, and now we are being asked to get this Bill through in order to enable the Minister to recover the money which—

**The Speaker (Mr. Slade):** I am sorry to interrupt you, Mr. Shikuku, but I must ask Mr. Osogo whether that publication is connected with some business he has in the House, otherwise it is out of order even to bring it into the Chamber. Would you put it right out of sight, Mr. Osogo, please?

Mr. Shikuku: Thank you very much, Mr. Speaker, for your ruling. The hon. Member is old enough to know—

Mr. Speaker, I wish only—because this concerns the raising of the revenue of this country—to warn the Minister that in future we are not

going to have Ministers bringing Bills which have already been put into action.

With these few remarks, Mr. Speaker, I beg to reserve my comment.

**Mr. Ochwada:** Mr. Speaker, Sir, the Minister being a good friend of mine, I therefore do not intend to challenge him too much, but I would like to support my two hon. friends who have spoken before me, in that in future we do not want Bills brought to this House after the intended intentions of the Bill have already been implemented. I am quite sure, Mr. Speaker, Sir, that in future you will also come to our aid when we reject such Bills and send them back to the Ministers.

Now, Mr. Speaker, Sir, in this Bill it is suggested that the difference between Sh. 160 and Sh. 200 for any vehicle which was registered last year, or whatever the fee might have been, will be paid by the registered owner of the vehicle this year. But, Sir, I would like to know from the Minister as to whether there has been any effort on the part of the Minister to inform the public, because, for example, Sir, one might have registered his vehicle towards the end of October last year for a full year and he sells it to someone else on the 30th August, this year, that means that the person who has purchased the vehicle from the person who has used it for eight months of this year will be asked to pay the difference—

**The Speaker (Mr. Slade):** Order! Mr. Gachago, you are forgetting the rule of walking in front of hon. Members when they are speaking.

**Mr. Ochwada:** They will be asked to pay the difference between the fee for last year and the fee for this year. What justification is there in penalizing the person who never used the vehicle? Why did the Ministry not devise a measure whereby a person who owns a vehicle as from the first of this year and registered it either in July last year or August, September, or even in November, for that matter, to pay the difference between the licence for last year and the remaining part of this year, after the expiry of the licence this year?

Mr. Speaker, Sir, I notice that apart from the fact that the Minister is acting illegally by taxing us under the new proposed Bill, it is not only that he is doing that, but he is also trying to penalize some innocent person who might want to purchase a vehicle from somebody else and be forced to pay money for which they have not enjoyed the privilege. I would like to suggest to the Minister that from now on some measure

[Mr. Ochwada]

be introduced whereby the difference between the fee for last year and the new fee which was introduced this year should be collected immediately from the owners of the vehicle who are using them now, rather than wait until a person sells the vehicle to someone else and then penalize the person who is purchasing the vehicle.

Now, Mr. Speaker, Sir, I have no other quarrel with the Bill, apart from that and apart from the fact that in the future we do not want to be robbed of our money by Ministries before the law is passed in this House.

With those few remarks, Sir, I beg to support the Bill.

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I only rise to remind the hon. Members that in my Budget Speech I did indicate that it would be necessary to find additional revenue of some £3.58 million, and I said that that £3.58 million would come from changes in the customs duty, and £100,000 would come from motor vehicle licences. I did indicate that the motor vehicle licences tax would come at the beginning of the year. My speech was debated here and my hon. friend was there, and he accepted and supported it. All we are now trying to do is to get the authority. He said that the money which is collected now is illegal and that is quite true, and therefore all we are trying to do is to legalize that position. I mean, the decision was taken and we cannot go back on it.

Mr. Speaker, Sir, might I add that the money is not being collected until this Bill goes through, and, as I said yesterday, this is a measure to raise £100,000 between now and June. If we do not get this £100,000 it simply means that somebody is going to run short of £100,000.

**Mr. Gatuguta:** Mr. Speaker, Sir, I do not think there is much quarrel with this Bill even from the point of view of the speakers who have spoken before me. There is one misunderstanding and that is with regard to the collection of the fees.

Mr. Speaker, Sir, in section 3 (2), it says, "A Licensing officer shall not issue any licence on or after 1st January . . ." without having collected the difference. This really means that no money can be collected until this Bill is passed.

The other point I would like to raise, Sir, is one which has been raised by other hon. Members here and that is with regard to the person who purchases the vehicle who will be required to pay the difference. Of course, Sir, that must be the case, because if you do not do

that, then how can you possibly expect to collect the difference once the vehicle has been sold? If you insist on collecting the difference from the original owner, then how will you be able to trace him? Surely, Sir, if you want to collect the money for the State, you must go about it the right way and the only way of getting the money—

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir, in view of the fact that the hon. Member who is now speaking is the Chairman of the Licensing Board and he seems to be very conversant with the subject, may we know if he is speaking on behalf of the Licensing Board?

**Mr. Gatuguta:** Mr. Speaker, Sir, the Members of the House do not see the difference. I am the Chairman of the Transport Licensing Board which has nothing to do with this particular department. This Bill deals with the traffic section.

As I was saying, Sir, that when we were debating this Budget we did agree that we were going to raise so much money, and that this £100,000 is included in this figure. Now, Sir, if we do not collect this £100,000 we are definitely going to reduce our Budget for this year. Sir, the other thing that the Members should remember is this. The majority of the motor vehicle people renew their licences at the beginning of each year, that is, with effect from the 1st January, so this Bill is going to affect very few people, those who obtained their licences in July last year instead of January this year. The amount is not very big as far as I know, and if you compare them there would be very many people with the total number of motor vehicles in this country.

So, Mr. Speaker, Sir, I support this Bill, and I do not see any difficulties about it at all. If some motor vehicle people are going to pay full licences this year, then why should we allow some other people not to pay full licences? I think it is fair that all people should be treated on the same level, and this legislation is trying to bring this section of the people into the same category.

**Mr. Kibuga:** Mr. Speaker, Sir, I wish to support this Bill because it is necessary to get the money that we want for the development of this country. I am surprised about one thing, Sir, and that is the objection of the president—as he calls himself, the president of the poor people—because, Sir, the hon. Shikuku is the president of the poor people. Mr. Speaker, Sir, we want to raise money from the rich people to help the poor people, but the hon. president says—

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir, the hon. Member has just stated that I objected, when I did not object. Is he in order

**[The Minister for Works, Communications and Power]**

Mr. Speaker, hon. Members will remember that on 10th June 1965, the Minister for Finance announced that certain motor vehicle licences would be increased with effect from 1st January this year. These increases were published in Legal Notice No. 292 of 12th November 1965, and as those of you who have taken out licences this year know, you have paid more for your car licence at the new rate. For example, if you paid an annual fee of Sh. 160 last year, you are required this year to pay Sh. 200. And if you took out a licence for four months for Sh. 64 last year, this year you are required to pay Sh. 80 for the same licence.

The House is not being asked, in this Bill, to say whether or not the new rates contained in Legal Notice No. 292 should be approved. The new rates have already been approved by the under section 119 of the Traffic Act. All that the House is required to approve is a Bill which will enable the Government to collect arrears of motor vehicle fees from motor vehicle owners who, having learned that motor vehicle licence fees would be increased from 1st January this year, took out licences in 1965 for twelve months or four months, avoiding the payment of the additional fees introduced from 1st January this year.

The Bill will not affect any motor vehicle owner who took out his licence before the Budget announcement on 10th June last year, nor will it affect those who took out or renewed their licences in 1965 and whose licences expired on 31st December 1965. It will, however, affect those who took out licences in 1965, after July 1st, and whose licences were to expire some time in 1966, that is, this year. Since it is the intention of the Government that all those who took out licences this year should pay at the same rate, I am sure the House will agree that it is only fair that those who took out licences last year for this year should pay at the same rate. If this Bill is passed it will mean that Government will collect a revenue of some £100,000; and, in fact, the arrears which the Government want to collect from motor vehicle fees will amount to something like £22,000.

Mr. Speaker, this is a straightforward Bill and a very short one. I hope Members will agree with me and pass this Bill so that we adjust the licence fees. Mr. Speaker, I beg to move.

**The Minister for Economic Planning and Development (Mr. Mboya) seconded.**

(Question proposed)

Mr. Kamau: Mr. Speaker, Sir, it is actually very interesting to find that we Members of Parliament are always brought Bills and as the Minister has already stated, this Bill has been passed and executed. He has stated that when the Minister for Finance decided to increase the fees on vehicles, this was approved by the Minister for Works and Communications, and it has now worked. Now, Sir, from the psychological point of view I do not see how, after killing a person, you come to ask permission to kill him.

Mr. Mwanuzandi: On a point of order, Mr. Speaker, could we have this matter of Bills explained to us, because it seems that the hon. Member is out of order. When a Bill is published it becomes effective immediately. Is this the procedural way, or is it not the right way? What I would like to be told now is whether this is how a Bill works? In talking as the hon. Member is talking, it is as if we are not aware of how Bills work, and that is the way in which we know they work.

The Speaker (Mr. Slade): A Bill does not become law until it has passed the Third Reading of this House and the Third Reading in the Senate and has received the President's assent. When it is published that is merely notice to the public of Government's intention to ask Parliament to pass that law. So the hon. Member is quite right if he is saying that this law is asking us to ratify something which Government has done already.

Mr. Kamau: Mr. Speaker, Sir, I would sympathize with my hon. friend here who tried to establish his ignorance of the procedure of this House, and I think he cannot be blamed because he is a new Member in the House—

Mr. Mwanuzandi: On a point of order, Mr. Speaker, I wonder whether the hon. old gentleman is in order in saying that I am exposing my ignorance?

The Speaker (Mr. Slade): Well, I think he was just speaking the truth on this particular matter. He is only referring to your ignorance on this particular matter on which you asked information and found that you had the wrong impression. He is entitled to say that you are ignorant on this matter.

Mr. Kamau: Mr. Speaker, Sir, what I am trying to say is that it is clearly known that Members of this Parliament are supreme in passing any law which affects this country. But it has come to be a tendency or a practice that we are always informed of Bills after they have been considered and executed by the Ministers, and it is our

[Mr. Kamau]

that we are here to represent the strong feeling that we are here to represent the public outside. I think this is the opinion of the hon. Members that before any Bill is brought to this House such drafted Bill should go to the Parliamentary Group, where we should exchange views with the Ministers. I say this because, Sir, it is my right to say that a Minister was elected by people like myself and when we came to this Parliament we gave power to the President to appoint some Ministers to assist him. To assist him does not mean to execute and decide before they bring any case to this Parliament.

Now, on this Bill dealing with motor vehicles, Sir, we know how much this has hurt many people. I know that when the Minister comes to reply he will say that no poor man can buy a motor car. We know very well that most of the motor cars here are bought on a hire purchase basis and, therefore, there is no question of coming to try to say that people are rich. This should have received the approval of this House.

Now, Mr. Speaker, Sir, as the Minister has stated already that under a certain Legal Notice number he has approved this and it has gone through, I have seen many Bills which have come to this House, and if the Members of this House reject them, then Government redrafts them. At this stage, Sir, I should tell the Minister that this vehicle licence tax is very high, and that it has hurt many people tremendously. He has now asked whether this House would approve that the same fees should be charged this year as were charged last year. In my opinion, Sir, I think that had the Minister asked us before he approved this Bill we should have given him directions and assistance, but, because there are so many hon. Members who will probably wish to speak on this, I would only request the Minister that in future before any Minister goes to the extent of giving any Bill power, he should bring the Bill to this House so as to hear the views of the Members. We know that the Government wants money for various social services, and it is also our intention to assist the Government in getting this money, but we should also give our views before any Bill affecting money, or any law of this country, is executed, we should be consulted.

Mr. Speaker, Sir, because there are so many people who will want to speak on this Bill, I would reserve my decision and I will give my decision at a later stage.

Mr. Shikuku: Thank you, Mr. Speaker. I do not really have much to quarrel with the Minister about, he is a friend of mine, but I have one or two observations to make.

One is that whereas we appreciate the fact that we must have good roads in this country so that the cars for which we are going to pay licences can last longer and so become economical, I think the Minister must consider very seriously that this House is the only supreme authority, and that there is not any other House, not even the Cabinet under which he serves is greater than we who are here in this House. Therefore, I would like him and his colleagues to note that this House is the only supreme authority and we are not going to become rubber stamps, where the Cabinet decides, executes and comes here to receive an O.K.

Mr. Speaker, the Ministers seem to be becoming too big for their boots, and when they get too big for their boots they need a bit of thinning, and probably one day when they bring such Bills before us, we will—to teach them a lesson or to show them that they are not the only big fellows in this country by refusing to pass the Bills which would not be in the interests of the country, but it would be because of their own sleepiness, that they are too tired to act on time. The hon. Ministers, Mr. Speaker, are, I think, overworked. Since independence they have been working very hard and they require a holiday, and therefore a reshuffle would probably help so as to wake these Ministers up.

Mr. Speaker, the Minister has just stated that he requires this money and those people who paid in 1965, let us say even those who renewed their licences on the 31st December 1965, will be required to pay a sum of Sh. 40 I think, more. I stand for correction on this and if the Minister could inform me of the correct figure I will give way to him.

**The Minister for Works, Communications and Power (Mr. Mwanuzandi):** It is in order that I should do that, Sir. What I have said is this: last year, 1965, if somebody paid a full licence for a car he paid Sh. 160 for a year, but this year, in 1966, he will be required to pay Sh. 200 for a year. The Government is making arrangements as to what somebody will be asked to pay if he paid his licence from 1st July last year, which ends some time this year.

Mr. Shikuku: Mr. Speaker, Sir, if the argument is that those who paid in July last year for this year, what about those people who paid on 31st December 1965, and this will expire in 1966? The same thing will happen. You can see the inconvenience the people will have, where a lot of people will be stopped on the road, and so forth. If the Minister had found it reasonable, in order to comply with the Minister of Finance's statement, if he had only been keen

**[The Speaker]** express the thanks of the House. The fact is that the Speaker will always make any representation elsewhere, to the President or to anyone else, by resolution of the House that he should do so; but he has no authority to do that except by resolution of the House, except when he acts in his other capacity as custodian of the rights of hon. Members and sometimes takes action on his own account on behalf of the House.

#### NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

##### KENYA PRELIMINARY EXAMINATION SELECTIONS FOR SECONDARY SCHOOLS

Mr. Masinde: Mr. Speaker, Sir, I was wondering whether I would be in order at this stage to raise a matter of national importance under section 14 of our Standing Orders, a matter which deals with areas from which not one successful Kenya Preliminary Examination candidate has been selected for secondary school and the urgent need for finding places for some of these students.

The Speaker (Mr. Slade): Now, as hon. Members know, I am very chary of allowing this procedure to be used, but it has to be allowed where, in the opinion of the Speaker, the matter is both definite and urgent, that is to say, calling for some urgent action, and is of such public importance as to invite ten Members to signify their view that the matter should be ventilated then and there.

Now this is definite and it is urgent, if places are to be found in schools; and it seems to me to be of some public importance, if ten hon. Members support, I will allow this Motion.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, there is no doubt as to the importance of this matter but, with due diffidence, I would like to have your guidance as to the definiteness of the matter, in that the selection of students is currently taking place. It is still going on, and will do so until the 16th, all over the country. Could we have your guidance, Sir, as to whether, in the circumstances, a debate would not be influencing the selection and prejudicing it, rather than pronouncing on the results?

The Speaker (Mr. Slade): I see that the allegation by Mr. Masinde is that the selection is finished, and that it has resulted in some districts being left without any pupils going into secondary schools. Now he must be allowed to bring this allegation by this procedure if more than ten

Members want him to do so. He may well receive the answer which Mr. Mboya has given, but that will be in the course of the discussion.

Now I want to know whether ten Members or more support this matter being raised.

(A number of hon. Members stood in their places)

The Speaker (Mr. Slade): Order! There are eleven hon. Members who wish to see this matter ventilated so I will allow Mr. Masinde to move the adjournment of the House at a quarter to six, or at any earlier time when we finish the business on the Order Paper. I would warn the hon. Member and the Minister concerned that we might run out of business before a quarter to six and they should be ready for this matter to come straight on at that point.

#### POINT OF ORDER

##### MATTERS WHICH HAVE NOT BEEN RESOLVED MAY BE BROUGHT UP AGAIN IN THE HOUSE

Mr. Anyleni: Mr. Speaker, while this has been decided upon I want to find out from you, Mr. Speaker, as to whether next week, when we know more facts about this matter, if there are new complaints and facts, shall we again be allowed to raise this matter in the House, or will this block it?

The Speaker (Mr. Slade): I am afraid I am not prepared to answer hypothetical questions of that kind. We have to wait and see what happens and then you will get an answer.

I cannot answer hypothetical questions, I am afraid.

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, is it hypothetical? I thought that the point which the hon. Member for Majengo-Bassi was raising was that, under Standing Orders, a matter which has been debated may not be raised again for a set period. Does that part of the Standing Orders apply in a case such as this?

The Speaker (Mr. Slade): Oh, that could not possibly apply, because, when you have a matter discussed on an adjournment, you do not reach a resolution of the House, and it is only matters on which the House has resolved that cannot be brought again, without the leave of the Speaker, within a certain period. So what is raised in an adjournment debate, with no conclusive result, can be the matter of further discussion under various kinds of procedure, according to the nature of the matter. But until one knows exactly

**[The Speaker]** the nature of the matter and the circumstances, what can be done or not be done, I am not prepared to say.

Mr. Gatuguta: Mr. Speaker, Sir, if this Motion is being raised on the assumption that the Kenya Preliminary Examination results are over, and yet the Minister has just told us here the the selection is not yet over, then where do we stand in this case?

The Speaker (Mr. Slade): Order! I have said, Mr. Gatuguta, that that will be brought out in the discussion, if it is known.

I would remind hon. Members that on the interruption of business today, which will be after this Motion of Mr. Masinde's has been dealt with, there is a matter to be dealt with on the adjournment in the ordinary way which is to be raised by Mr. arap Biy. That is on the Order Paper.

#### POINT OF ORDER

##### TIME FOR GOVERNMENT TO PREPARE REPLY TOO SHORT—RULING

The Minister for Information and Broadcasting (Mr. Achieng-Oneko): On a point of order, Mr. Speaker, is it not unfair to the Government and especially the Ministry of Education, which is going to deal with this particular matter, to be given only one hour in which to prepare their case? So far, this Motion has been allowed because the matter is of national importance; but if it is of national importance, the Minister must be given time to prepare and answer adequately.

The Speaker (Mr. Slade): Order! Whenever you get a case to which Standing Order 14 can be applied, it is only because it is so urgent that the House must have a chance of discussing it immediately. Naturally, there are occasions when the Minister cannot prepare very fully for the discussion, but still it is so urgent that he must hear the views of the House and give whatever answer he can give. I do not really know on this occasion how difficult it will be for the Minister to answer, but if it is difficult the House will, of course, excuse him.

The Minister for Health (Mr. Otieno): On a point of order, Mr. Speaker, with due respect to all that has been said, is it not right that the matter under discussion is a matter of policy, and whatever has been done by the Ministry of Education has been done according to a certain policy? Therefore, would it not serve this House better if this matter were made the subject of a substantive Motion to be discussed fully rather than being brought under this Standing Order 14 about matters of urgent national importance?

The Speaker (Mr. Slade): Order! Every Member is entitled to his own opinion as to what procedure would be best, but if an hon. Member seeks to raise, under Standing Order 14, a definite matter which is quite clearly a matter of urgency—and, without question, the matter of placing children in secondary schools this year is a matter of urgency—then he is entitled to ventilate it by this particular procedure if he is supported by ten Members. He is so supported and there we are.

Next Order.

#### CONSIDERATION OF REPORT AND THIRD READING

##### THE PIG INDUSTRY BILL

The Speaker (Mr. Slade): Hon. Members will recall that this Bill was reported from the Committee of the whole House as having been agreed with amendment, so consideration of the Report was deferred until today.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to move that the House does agree with the Committee in the said Report.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to move that the Pig Industry Bill be now read the Third Time.

The Minister of State, President's Office (Mr. Nyamweya) 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 TRAFFIC (VEHICLE LICENCES) (DURATION, FEES AND REFUND) (AMENDMENT) (RULES) (VALIDATION) BILL

The Minister for Works, Communications and Power (Mr. Mwanumbwa): Mr. Speaker, Sir, I beg to move that the Traffic (Vehicle Licences) (Duration, Fees and Refund) (Amendment) (Rules) (Validation) Bill, 1966, be read a Second Time.

[Mr. Kall] and in view of the fact, Mr. Speaker, that the taxpayers' money has been squandered on—

The Speaker (Mr. Slade): Order! Order! We cannot have a long speech. Are you wanting to raise it on the adjournment?

Mr. Kall: I want to raise it on an adjournment.

The Speaker (Mr. Slade): That is all right. You will remember to give me written notice, Mr. Kall?

### ORAL ANSWERS TO QUESTIONS

#### Question No. 267

#### RESIDENT MAGISTRATE'S COURT FOR KEHANCHA DIVISION

Mr. Malsori-Itumbo asked the Attorney-General when he would allow the resident magistrate to hold a court in Kehancha Division when statistics showed that there were over 300 cases per month in that area.

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to reply.

The nearest resident magistrate to Kehancha is at Kisii and he is so heavily engaged with criminal work there that he cannot go to Kehancha. I hope that it may be possible to arrange for a resident magistrate to visit Kehancha when the establishment of resident magistrates is up to full strength, but at the moment I cannot say what that will be.

I would like to add this, Mr. Speaker. Only very recently, the Member for Majoge-Bassi did ask me a question relating to the Government's assistance to newly-qualified lawyers. My rejoinder to that is this, on which I would like the support of the hon. Members. Please encourage Africans who have recently qualified as lawyers to join Government service as magistrates, and we will be able to establish more resident magistrates.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, while thanking the Attorney-General for his satisfactory answer to the House, is he aware that about 75 per cent of these criminals who are crowding the magistrate at Kisii, most of them are from Kuria?

Mr. Njonjo: Mr. Speaker, I am most grateful to the hon. Member for giving me that piece of information.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, is he also aware that the distance between Kisii and Kuria is over 99 miles and communication between my constituency and Kisii is very difficult, so that some of these people are being convicted before reaching the magistrate because they are late? What steps is he taking so as to alleviate the difficulties my people are getting right now, and how soon?

Mr. Njonjo: Mr. Speaker, of course, I am aware of the distance between that area and Kisii, and, in fact, I am surprised that these people travel such distances to go and commit offences in Kisii, but what I said earlier on is that we are trying to do our best and, as soon as we get Africans to—

Mr. Malsori-Itumbo: On a point of order, Mr. Speaker, do I understand that the Attorney-General is trying to allege that my people travel to go and commit crimes in Kisii?

The Speaker (Mr. Slade): Order! I do not know what the Attorney-General was alleging, but it was not a point of order.

Mr. Njonjo: Mr. Speaker, I apologize: that is the impression I had when the hon. Member spoke, but I apologize; I misunderstood him.

The Speaker (Mr. Slade): Order! Will hon. Members stay seated, please.

Mr. Njonjo: My answer Mr. Speaker, is this, and I will repeat it. As soon as we get more Africans taking up judicial work—and there are some hon. Members in this House who could be very good magistrates—we will put one in your area.

#### Question No. 208

#### MUKOGONDO A SPECIAL AREA

Mr. G. G. Karinki asked the President if he would tell the House why Mukogondo area in Laikipia District was still a special area and when the Government was considering allowing people from other parts of the district to move freely without permits.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. This place—Mukogondo—is still a closed area under the Special Districts (Administration) Act. The Government has already explained, in details, the purpose and application of the Special Districts (Administration) Act in reply to Question No. 149 tabled in this House by the Member for Majoge-Bassi to my learned friend, the hon. Attorney-General. Mr. Speaker, I would like to reassure the House that the operation of the Act is constantly under review, and that necessary amendments to the Act will be effected as soon as the Government is satisfied that the Act no longer serves any useful purpose to the area of Mukogondo.

Mr. G. G. Karinki: Mr. Speaker, is the Minister aware that even a Member who represents that area is not allowed to visit his voters without a permit from the district commissioner?

Mr. Nyamweya: It may be serious. Mr. Speaker, as the hon. Members are alleging, but it would be serious if the Government did not guarantee the security of the hon. Member for that area.

Mr. Areman: Mr. Speaker, may we know from the Minister whether Mukogondo is a separate district from Nanyuki?

Mr. Nyamweya: Mr. Speaker, Sir, I am not taking geography lessons here.

Mr. Kagga: Mr. Speaker, Sir, arising from the Minister's reply, saying that this Act is for the protection of the people, and in view of the fact that during the whole time we were struggling for freedom we were fighting against these restrictions, would the Minister tell the House whether the Government policy is to maintain this colonial legacy or whether it has changed from that policy which we have suffered from all the years when we were fighting against these restrictions?

Mr. Nyamweya: Mr. Speaker, I am most obliged to the hon. Member for Kandara for his question. The Government intends to abolish all the colonial legacies, including that one which deals with the Special Districts (Administration) Act, but the hon. Members should be patient, particularly as to this one. I have assured the House that the matter is receiving attention and when the Government is satisfied that the question of security involving these areas where this Act applies is no longer necessary, the Bill to amend such an Act will be brought to this House.

Mr. Kamau: Mr. Speaker, on a point of order, I wonder if the Minister is in order in replying, in one of his answers, to the Member that he is not here to teach a geography lesson, instead of replying properly, that he does not know the geography of the area or otherwise.

The Speaker (Mr. Slade): Yes, he is in order. We will move on now. I think you have a statement to make, Mr. Nyamweya.

### NOTICE OF MOTION FOR THE ADJOURNMENT

#### UNSATISFACTORY REPLY TO QUESTION No. 208: MUKOGONDO AS A SPECIAL AREA

Mr. G. G. Karinki: On a point of order, Mr. Speaker, I would like to raise this on adjournment.

### MINISTERIAL STATEMENT

#### THE MAYORAL ROLLS-ROYCE CAR

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, His Excellency the President wishes it to be known that on 4th February 1966, the Minister for Local Government, the hon. Mr. Sagin, appealed to His

Excellency the President to stop the importation of a Rolls-Royce car ordered by the Nairobi City Council.

In considering all the circumstances connected with this matter, His Excellency the President has stopped delivery of the car to Kenya.

Mr. Anyieni: Mr. Speaker, in view of the fact that we understand that this car had been shipped and was almost in Mombasa, would the Minister give us an assurance that the ratepayers' money will not be used in the expenses which will be incurred in the returning of this car? Would the Minister assure this House that the culprits or the people will be the only people to—

The Speaker (Mr. Slade): Order! No, a Ministerial Statement is not an opportunity for hon. Members to follow up by expressing their opinion on what should happen. It is only an opportunity for Members to ask further questions for sheer information, questions of fact. Now if Mr. Anyieni was merely to ask who will bear any wasted expenditure, that would be in order.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, the Government is informed that the car is not in Kenya and that the order has been cancelled.

Mr. Shikuku: Mr. Speaker, I rise to seek your guidance, not so much to ask a question. I was wondering whether it would be in order for the Speaker of the House of Representatives to thank the President, on behalf of hon. Members, for the action he has taken.

The Speaker (Mr. Slade): It would not be correct for the Speaker of the House to express the opinion of hon. Members in a matter of that kind, but it is in order, on an occasion like this, for hon. Members to express their thanks. And I think Mr. Shikuku is speaking for quite a number of Members in this House in doing so.

Mr. Shikuku: Thank you very much, Mr. Speaker, for giving me this chance. I wish wholeheartedly to thank the President of the Republic of Kenya for having taken such a timely step to stop this terrible extravagance by the City Council. And I wish also, Mr. Speaker, on behalf of the poor people in Kenya, to extend their thanks to the President; we wish him the best of luck in his job and we shall always be behind him democratically.

### CONSIDERED RULING

#### POSITION OF SPEAKER AS HOUSE'S REPRESENTATIVE

The Speaker (Mr. Slade): I think it would be useful if I went a little further in answer to Mr. Shikuku's suggestion that the Speaker should

Mr. Muliro: On a point of order, Mr. Speaker—

The Speaker (Mr. Slade): Sit down please, Mr. Maisori-Itumbo.

Mr. Maisori-Itumbo: No, I will not sit down.

The Speaker (Mr. Slade): When I am hearing a point of order, all hon. Members will sit down please and be silent. You will have your chance afterwards.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

#### UNSATISFACTORY REPLY TO QUESTION No. 265: INSPECTORATE RANK FOR KURIA POLICEMEN

Mr. Muliro: Mr. Speaker, as I was saying, in view of the most unsatisfactory reply from the Minister, which has shown his inability to answer the question, could I move a Motion on the adjournment with the permission of the Member for Kuria?

The Speaker (Mr. Slade): Order! Order! I think, Mr. Maisori, you want to raise this on the adjournment?

Mr. Maisori-Itumbo: Yes, Mr. Speaker, and the hon. Muliro can second it.

The Speaker (Mr. Slade): Very well.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 233

#### KENYA DELEGATION TO O.A.U. MINISTERIAL COUNCIL

Mr. Obok asked the President if he could tell the House if it was correct that the Kenya delegation at the recent Ministerial Council of O.A.U. had Government authority to commit the Republic to any resolution of that council, including the resolution on Rhodesia.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. The mandate of the Kenya delegates to a recent Organization for African Unity Conference was to represent Kenya and speak on behalf of the Republic of Kenya and its Government. The delegation could even vote on the resolutions but always on the understanding that the resolutions passed there were still subject to the approval of the Kenya Government.

Mr. Obok: Mr. Speaker, Sir, arising from the Minister's reply, since the delegation had the authority of the Government to commit the Republic to any resolution passed there, would the Minister tell the House why the Republic has not broken off diplomatic relations with Wilson's Government?

Mr. Nyamweya: Mr. Speaker, Sir, may be my friend the hon. Member for Alego did not understand what I said.

The delegates of Kenya in the Conference had the mandate to speak and even to vote on behalf of the Government of the Republic of Kenya and its people, on the understanding that that was still subject to the approval here. This is simple and is the common procedure in international matters.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that this conference did take place after Members, including the Ministers, who dominated the whole debate on Rhodesia having expressed their strong views about Rhodesia and that these people took this into account and voted? Therefore, it is a complete shame on this Government to have failed to acknowledge the feelings of this House. It is useless.

The Speaker (Mr. Slade): Order! Mr. Shikuku, be careful of your language.

Mr. Nyamweya: Mr. Speaker, Sir, with due respect, the question asks, "is it correct that the Kenya delegation at the recent Ministerial Council of Organization for African Unity had Government authority to commit the Republic to any resolution..." Mr. Speaker, Sir, I have replied, and I have not said that the question of commitment is there. What I have said in my reply is that at any international conference, the delegates have a mandate to vote for certain resolutions, and they do so and it is not only in Kenya, Sir. Everywhere in the world it is done, it is universally done in international affairs, that the country which is represented at an international conference will have to ratify the decisions of such conferences.

Mr. Anyieni: Mr. Speaker, Sir, on such an important matter which entails the breaking off of diplomatic relations with a friendly country, would the Minister deny that the Minister of the delegation, which was sent there was not in constant touch with the Kenya Government before they decided to vote on such a serious resolution?

Mr. Nyamweya: Mr. Speaker, Sir, I deprecate the pushing of the wedge into the Government machinery in some of these conferences. It is understood that Ministers, not only in Kenya, are in constant touch with their Government when representing their Government abroad, and this was done in this case.

Mr. Anyieni: Mr. Speaker, Sir, if this was done, and the Minister agrees that the head of the delegation was in constant touch with the Kenya

[Mr. Anyieni] Government, how is it that Kenya voted with the other countries in connexion with breaking off of diplomatic relations with Britain, and if the Minister returned here, nothing was done? Why did the Kenya Government not instruct the Foreign Minister or the Minister for External Affairs to reserve his vote, rather than expose Kenya to the charge of insincerity?

Mr. Nyamweya: Mr. Speaker, Sir, that question of implying that our Minister exposed Kenya to the charge of insincerity, as a matter of fact, Sir, it exposes the questioner's insincerity. What I want to say in this respect, Mr. Speaker, Sir, is that the question deals specifically with the question of committing the Government of Kenya to some of these resolutions. If the hon. Member for Bassi-Majoge wants to pursue the question of Rhodesia—

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, the hon. Minister is referring to me as the hon. Member for Bassi-Majoge. I am the Member for Majoge-Bassi Constituency.

Mr. Nyamweya: Mr. Speaker, Sir, I stand corrected in that very minor, trivial correction.

Mr. Speaker, Sir, the question of the breaking off of diplomatic relations between Kenya and Britain is a separate matter, and if any Member is interested to pursue that point, he will have to give notice to the Minister for Foreign Affairs.

The Speaker (Mr. Slade): If, Mr. Nyamweya, you are suggesting that these supplementary questions coming from Mr. Anyieni are different questions from what is before the House now, that is not so. The question here is quite clearly relating to the authority of the Minister to commit the Government and all these questions are relevant to that. You may not want to answer them.

Mr. Nyamweya: Mr. Speaker, Sir, I did not get the question.

The Speaker (Mr. Slade): Would you repeat your last question, Mr. Anyieni?

Mr. Anyieni: Mr. Speaker, Sir, I have forgotten what I said.

Mr. Speaker, Sir, I think I asked that in view of the fact the Minister has said, the Minister replying to the question, that the delegation was in constant touch with the Kenya Government and when they took the decision to vote in favour of breaking off diplomatic relations with Britain, they were doing this with the full mandate of the Government. How is it then that when the head of the delegation returned here the Kenya Government was not able to break

off diplomatic relations, thereby exposing us to the charge of insincerity?

Mr. Nyamweya: Mr. Speaker, Sir, on the 10th December 1965, His Excellency the President gave reasons for rejecting the resolution to this House. I have no intention of repeating the reasons given by His Excellency to this House and I advise the hon. Member for Majoge-Bassi to do a bit of homework.

Mr. Anyieni: Mr. Speaker, Sir, is the Minister aware that in this House, when this matter of Rhodesia was debated, from the Ministers up to the Back-benchers, we were all unanimous that very strong measures should be taken? Since we were all unanimous about these strong measures, is the Minister aware that failing to take these—

The Speaker (Mr. Slade): Order! We are getting away from the point now. The merits of the decision on Rhodesia are not the point of this question; the point of this question is the authority of a delegate at a conference, the extent to which he was in touch with the Government here; and the question of how Government came to repudiate his action if they were in close touch. That is all relevant, but not the merits of the Rhodesian decision.

Mr. Ngala: Mr. Speaker, Sir, since a Minister attended this meeting and voted for the resolution, and since this has caused a bit of confusion and reflected badly on Kenya as a whole, would the Minister arrange for future conferences or meetings, so that a Minister does not appear to commit the Government before a resolution is passed? What assurance can the Minister give?

Mr. Nyamweya: Mr. Speaker, Sir, I would like to say this in reply to the question of the hon. Member. A resolution passed at any ministerial conference of the Organization for African Unity or for that matter, any other international conference is a recommendation and a recommendation to be approved by the countries and the governments of States participating in that conference. I have said a little earlier that such resolutions which are, in short, recommendations to the respective governments which are participating in that kind of conference are always subjects to the approval of these governments.

The Speaker (Mr. Slade): Next question.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

#### UNSATISFACTORY REPLY TO QUESTION No. 233: KENYA DELEGATION TO O.A.U. MINISTERIAL COUNCIL

Mr. Kall: On a point of order, Mr. Speaker, in view of the fact that this is one of the most serious subjects which concern our foreign policy,

Mr. Gachago: Mr. Speaker, Sir, such an assurance is completely unnecessary since the reply is self-explanatory.

Mr. Ngala-Abok: Mr. Speaker, Sir, since it is possible that the people of Busia did not have proper advertisements and were not invited in a manner which would make them avail themselves of the plots, would the Assistant Minister tell the House what they did to make sure that the people knew about the availability of these plots, which they did not avail themselves of?

Mr. Gachago: Mr. Speaker, Sir, the method adopted to call those who came up for their plots was the same as the method adopted to call those who failed to come up. Therefore, there is no variation and no one can complain that there was a difference in the method of advertising these plots.

Mr. Masinde: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that up to date we have fifty-six people in Busia who have been selected for the allocation of plots and who have not yet been given them?

Mr. Gachago: Mr. Speaker, Sir, the allocation of these plots is in the hands of the district administration, assisted by the various district selection committees. There are different factors in different districts which govern the allocation and also the selection of the settlers. Unless I am informed of the reasons for such a thing, I cannot tell the hon. Member; but if this is happening, Sir, we would like to investigate it and find out why such plots, when selection has been made, are not being allocated.

Mr. Masinde: Mr. Speaker, Sir, would the Assistant Minister assure this House that Busia District will get its quota which it should have had in the first phase of settlement, and also in the future phases of settlement?

Mr. Gachago: Mr. Speaker, Sir, there is no quota system in the allocation of plots.

Mr. Shikuku: Mr. Speaker, arising from the Assistant Minister's last reply, is he aware that the district commissioners in the districts in the Western Region, particularly the Busia District Commissioner, have a lot of problems? Despite the fact that they inform the people about coming and taking the plots, the people do not come. Are those plots going to wait?

Mr. Gachago: Mr. Speaker, Sir, I think the hon. Member appreciates that in the job of administration, more than in any other kind of job, there are problems. We do appreciate the

problems and we do help the administration in solving these problems when we are called upon to do so.

The Speaker (Mr. Slade): Next question.

#### Question No. 265

##### INSPECTORATE RANK FOR KURIA POLICEMEN

Mr. Malsori-Itumbo asked the Minister for Home Affairs if he would tell the House how many Kuria policemen there were in the Inspectorate rank.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. The hon. questioner comes from that part of the Republic of Kenya known as Bukuria; he is, therefore, a Kenyan. It is the imperative duty of every hon. Member here to help build one strong Kenya nation and, as the residents of Kuria are all Kenyans, I consider that to give such information as the hon. Member requires, which is based purely on tribal considerations, is wrong in principle, and that the hon. Member should accept the fact that promotion in the Kenya Police Force is on merit and merit alone. The question of tribes does not come into it. If there is an officer serving in the force whose home is in Kuria, and he proves worthy of promotion to any rank, leave alone the rank of Inspector, his case is considered along with those of his fellow officers, and this has actually been done.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, arising from the very crooked answer—

The Speaker (Mr. Slade): No, Mr. Malsori, you do not use language like that about other hon. Members of this House. Use another adjective.

Mr. Malsori-Itumbo: Mr. Speaker, Sir, I said so, Sir, because the Minister did not follow the question.

The Speaker (Mr. Slade): Do not say it, use another adjective, not such an offensive one.

Mr. Malsori-Itumbo: I am now asking, Mr. Speaker, Sir—

The Speaker (Mr. Slade): Call it an unsatisfactory answer.

Mr. Malsori-Itumbo: Mr. Speaker, arising from the unsatisfactory reply from the Minister, I would like to know—and in view of the fact that Kuria men do form a very reasonable percentage in the police force—how many Kuria policemen there are at the rank of inspector? Yet, he cannot give a substantial reply to the House. Would he now tell the House the number of Kuria policemen who are in the Inspectorate rank?

Mr. arap Moi: Mr. Speaker, Sir, I said that it was wrong in principle to give such information purely on a tribal consideration.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, knowing that the Member is legally the Member for Kuria as a tribe and he is the only Member representing that Kuria tribe, is it not in order that the Minister should give the information concerning his constituency which is—

The Speaker (Mr. Slade): Order! This is a false point of order.

Mr. arap Moi: Mr. Speaker, Sir, I said before that it is wrong to give information on a matter which gives consideration merely on a tribal basis, and furthermore, Sir, the hon. Member said that the answer was unsatisfactory. It was unsatisfactory from the hon. Member's own thinking. Once a person—

Mr. Malsori-Itumbo: On a point of order, Mr. Speaker, I would like to seek your guidance as to whether the Minister can substantiate that any Member in the House here raising questions like the one I brought, is purely asking questions on a tribal basis. Can he substantiate that I brought this question on a tribal basis?

The Speaker (Mr. Slade): Order! Order! Hon. Members sometimes get confused as to what can be a matter for substantiation, and what cannot be. Allegations of fact, something which has happened, can require substantiation, because an hon. Member can say on what grounds he said that this had happened. But when hon. Members are obviously expressing an opinion—as to the nature of a remark in this House; it is a matter of opinion which cannot be substantiated; you just agree with it or you do not agree with it, that is all.

Mr. Anyeni: On a point of order, Mr. Speaker, is it in order for the Minister for Home Affairs to misrepresent the question of the hon. Member? The hon. Member here, Mr. Speaker, is not referring to the Kuria tribe, he is asking about Kuria policemen, and there is a place called Kuria which is a constituency.

The Speaker (Mr. Slade): I would not call this misrepresentation of the question. He sees a tribal implication in this question.

Mr. Shikuku: On a point of order, Mr. Speaker, looking at the question, if the Minister understands it as being tribal, I wonder whether it was not in order for him, before he came to this House, to try and have the question taken off the Order Paper? Since it is on the Order Paper, is it not in order for the Minister to give the tribal answer to the question?

The Speaker (Mr. Slade): You cannot raise that as a point of order.

I do not know whether you have finished speaking yet, Mr. arap Moi?

Mr. arap Moi: Mr. Speaker, when the hon. Member interrupted I indicated that once a policeman was recruited and brought in for training, he ceased to be tribal but he becomes a part of the Kenya Police tribe. Therefore, each individual policeman is considered on his own merits, irrespective of whether he came from Kuria, or Bungoma, or Tugen, or Masai or from any other tribe. If he can serve the country loyally, he is promoted.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the replies, could the Minister tell us the number of policemen initially recruited from Kuria Division who have reached the stage of inspector?

Mr. arap Moi: Mr. Speaker, Sir, there is nothing like Kuria Division.

Mr. Omweri: Mr. Speaker, Sir, arising from the Minister's reply earlier on, is he not aware that recruitment in these days from his Ministry is done on a tribal basis? He sends his recruiting team outside to tribal headquarters and he recruits from there and, in this case, the tribes are entitled to know how many were recruited, how many were promoted and to what ranks they were promoted.

Mr. arap Moi: Mr. Speaker, Sir, the hon. Member has stated that we recruit people tribally. In fact, I would have demanded substantiation, Sir, in figures. But I would like to say this; that in recent months the Government has stated that it should give priority to the members of the National Youth Service. If this is so, it is not my Ministry which goes to pick the people; we pick up people who are capable of doing the job, and people who are young men, who are devoted. Mr. Speaker, Sir, the Members seem not to be interested in the nation, but in tribal matters. Therefore, Sir, we have not recruited police officers on a tribal basis.

Mr. Jahazi: Mr. Speaker, Sir, is it not true that the Minister cannot give a single name of any Kuria officer because there are not any in the police?

Mr. arap Moi: I have said once that an individual young man is recruited from Kuria, and when he joins the Kenya Police he ceases to be a Kuria man, but he becomes part of the Kenya Police tribe.

The Speaker (Mr. Slade): Hon. Members will get no further on this question.

Mr. Bala: Yes, Sir.

Mr. Otende: Mr. Speaker, Sir, I beg to reply. This Ministry very much appreciates the noble work rendered by the Roman Catholic Missionary Hospital at Nyabondo and has stretched its limited finances to its fullest extent. We are also very thankful to the other missionaries who have built hospitals in this country and who are doing admirable work on our behalf. In 1962-1963, a capital grant of Sh. 60,000 was given to Nyabondo Hospital to build new wards and, at present, it receives a recurrent grant from my Ministry of Sh. 38,120 per year. At present, we are not in any position to increase our grants due to very limited finance.

Mr. Bala: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister consider giving Nyabondo further aid because of the announcement by the President that the people of Kenya should be given free medical services, and also that the people in the remote areas should be given further aid so as to give people more free treatment?

Mr. Otende: Mr. Speaker, Sir, the question of free medical treatment is being looked into separately, both as regards our own institutions and also *vis-à-vis* the missionary hospitals and other voluntary agencies. I cannot commit the Government at present, but I can only tell the House that when we have completed our deliberations and have embarked on free medical treatment, no part of Kenya will be given less privileges than any other part and if Nyabondo falls within that area, then we shall give as much support as we give to any other area in Kenya.

Mr. Anyieni: Mr. Speaker, Sir, does the Minister agree with me that the spirit of *Harambee* becomes meaningless when the missionaries endeavour and spend their money, when they are not much richer than the Government, and put up a hospital for the people and the Government does not give them anything? Is this not a discouragement of the missionaries?

The Speaker (Mr. Slade): Order! We cannot have a speech, Mr. Anyieni, I am afraid.

Mr. Otende: Mr. Speaker, Sir, I do not think the hon. Member is right in saying that the Government gives nothing. I have just read out here that for a particular hospital how much we have given by way of capital grant and how much we have given by way of recurrent grant. I must emphasize that in all mission hospitals, Government gives both capital grants and also grants for recurrent expenditure.

### Question No. 254

#### LAND CONGESTION, VIHIGA

Mr. Godia asked the Minister for Lands and Settlement to tell the House what the Government was doing to enable immediate development in agriculture, by relieving the bad land congestion in Vihiga Division in Kakamega District which existed there.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. While my Ministry appreciates that there may be land congestion on land in Vihiga Division, it is not the policy of the Government to establish a settlement scheme for people of any particular area. It would, therefore not be consistent with this set policy to establish a scheme for the people of Vihiga Division. Such people who are landless should submit their applications for plots on settlement schemes to the Kakamega District Selection Committee, and their applications will be considered in the normal way.

Mr. Godia: Mr. Speaker, Sir, is the Assistant Minister not aware that thousands of Africans have applied for places on settlement schemes from Vihiga Division but they have not been able to get plots.

Mr. Gachago: Mr. Speaker, Sir, I am aware of this and this does not only apply to Vihiga alone. So many applications have been sent from all over the country and not every applicant has been allocated with a plot. So, Mr. Speaker, this is not a monopoly of Vihiga District alone.

Mr. Kall: Mr. Speaker, Sir, will the Assistant Minister agree with me that to bring this question of Kanu chairmen to be allocated with pieces of land—

An hon. Member: We are not on that one yet.

Mr. Kall: I am sorry.

Mr. Aremam: Mr. Speaker, Sir, may we know from the Assistant Minister the Africans who were accepted in Vihiga Location or District, or something of the sort, in this settlement scheme?

Mr. Gachago: Mr. Speaker, although I believe this is a different question, I would like to add that if the hon. Member wishes to know the numbers, I think this is a question which requires notice.

Mr. Choge: Mr. Speaker, is the Assistant Minister aware that the people who usually get land from Vihiga Division are the rich people and not the poor and landless people—they remain as they were before—and what is he doing about it?

Mr. Gachago: Mr. Speaker, Sir, the answer is no, Sir, and since it is no, then there is nothing which can be done about something that does not exist.

Mr. Ochwada: Mr. Speaker, Sir, would the Assistant Minister tell the House whether the policy of Government to introduce land settlement was to relieve the congested areas or was it to give land to any landless person, regardless of where he comes from?

Mr. Gachago: Mr. Speaker, Sir, I have just outlined the policy, and that is: applications are invited from landless people in any district and such applications are considered individually. They are not considered collectively and, therefore, I think the hon. Member understands what I mean by that.

### NOTICE OF MOTION FOR THE ADJOURNMENT

#### UNSATISFACTORY REPLY TO QUESTION NO. 254: LAND CONGESTION, VIHIGA

Mr. Godia: On a point of order, Mr. Speaker, Sir, in view of the unsatisfactory reply to this question, I would like to raise it as a matter on adjournment.

The Speaker, (Mr. Slade): You will give written notice of that?

Your next question now, Mr. Godia.

### ORAL ANSWERS TO QUESTIONS

#### Question No. 255

#### LAND ALLOCATIONS TO KANU CHAIRMEN

Mr. Godia asked the Minister for Lands and Settlement whether the Government would consider allocating land to all local chairmen of Kanu, who had worked so hard to return the Kanu Government to power during the last elections.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I beg to reply. My Ministry does not hold the belief that people who worked hard to return the Kanu Government during the last elections—and there were many others, in fact thousands of voters, not only the local chairmen of the party—did so in anticipation of being rewarded later by the Government with pieces of land for their labour.

As not all local chairmen of Kanu are landless or deserving on other grounds, any such chairman or any other person who is landless, is invited to submit his application for a plot to the selection committee of his area, and his application will be considered in the normal way.

Let me add, however, that the Government and people of Kenya owe gratitude to those who worked so diligently to bring about our independence, and this includes the local Kanu chairmen.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, would he assure the House that if any local Kanu chairmen applied for a piece of land, they would receive priority over the other applicants?

Mr. Gachago: Mr. Speaker, a Kanu chairman or any other person will not necessarily be given priority unless he meets the demands, the regulations and standards required by the usual policy of selection of settlers. No person will be given any preference or any privileges on the grounds that he is a Kanu chairman alone.

Mr. Kall: Mr. Speaker, will the Assistant Minister agree with me that this kind of question is a sort of provocation to so many thousands of people who suffered even more and who are keeping quiet, and that first priority will only be given to the most destitute citizens of the country?

Mr. Gachago: Mr. Speaker, Sir, I very much appreciate the views of the hon. Member.

The Speaker (Mr. Slade): Next question.

### Question No. 263

#### PLOT ALLOCATIONS ON SETTLEMENT SCHEMES IN BUSIA DISTRICT

Mr. Shikuku asked the Minister for Lands and Settlement if it was a fact that plot allocations made to the people of Busia District in Kiminiini and Ndalu Settlement Schemes had, up to that moment, not been filled up; and, if so, what did he intend to do with these plots in view of the great number of people in the Western Region or Province who needed to be settled.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, thirty plots were allocated by the provincial commissioner to people from Busia District, but they did not turn up to take over the plots, for reasons best known to themselves. On a request to the provincial commissioner from the senior settlement officer, the plots were reallocated to persons from Kakamega District, who have now taken them up.

Mr. Shikuku: Arising from that reply, could the Assistant Minister also assure the House that in future any land in the western part of Kenya allocated to people who fail to take it up will be reallocated to other people in the province without delay?



Mr. Osoyo: Mr. Speaker, Sir, just as I have said in my original reply, steps are being taken and the Government is looking into ways and means of how to settle these squatters, but the question of where they are going to be settled lies with the Government, because the Government is going to look for land where these people are going to be settled.

Mr. Kerich: Mr. Speaker, Sir, will the Assistant Minister assure this House that when these people are going to be settled, they will not be settled in Kalenjin land?

Mr. Osoyo: No, Sir. These people will be settled in land in Kenya.

Mr. Gatugui: Mr. Speaker, Sir, since this question of squatters is a very important one, could the Assistant Minister give an indication as to how soon the settlement for them could start?

Mr. Osoyo: Mr. Speaker, Sir, I am pleased to note that the hon. Member for Kikuyu is very much concerned with this problem, just as the Government is. The Government is going to start settling these people; in fact, it has started settling some and the settlement is actually going on even at this time.

Mr. Kamure: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he said the Government is going to settle these people, could he tell this House where the present illegal squatters are being settled?

Mr. Osoyo: There are no illegal squatters, Mr. Speaker. The term "illegal" does not apply at this time. These are squatters and they are going to be settled wherever the Government finds there is land to settle them.

Mr. arap Soi: Mr. Speaker, Sir, would the Minister state whether the Government will settle these people where they are found and not transfer them from the present farms to other places?

Mr. Osoyo: Not necessarily, Sir.

#### Question No. 225

##### TEA ACREAGE, SOUTH IMENTI

Mr. Mate asked the Minister for Agriculture and Animal Husbandry how many acres of tea had been planted to date in South Imenti, and what was the quality of the tea in the experimental plots so far planted in the Nithi Division of Meru. If the quality of the tea was good what was Government doing to encourage more tea planting in that area.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. The answer to the first part

of the question is 615 acres, and to the second, satisfactory. However, last year, I appointed an expert to look into the possibility of extension of tea planting throughout the country and it is likely that he will recommend extension of tea planting to Nithi Division. However, I cannot commit myself until the Ministry have studied this exceptionally good technical report.

Mr. Mate: Mr. Speaker, Sir, in view of the fact that the quality of the tea is good, and that Government earlier gave an assurance to the Nithi Division that they would plant tea and later postponed it, what is holding things back now that everything is ready?

Mr. Murgor: Mr. Speaker, Sir, Meru has so far planted, 1,447 acres. Other areas, excluding South Imenti and North Imenti 88 acres, Uruku 474 acres. There is, however, an accumulated shortfall of 176 acres which it is hoped will be planted in April.

Mr. Mate: Mr. Speaker, Sir, is the Assistant Minister aware that the reason for this shortfall is that one of the areas, Uruku, that is above Nkubu has very poor soil and the Ministry recommended it when the soil was poor, so it is not the Meru people's fault.

Mr. Murgor: Mr. Speaker, Sir, I do not agree with the hon. Member.

Mr. Anyieni: Mr. Speaker, Sir, would the Assistant Minister tell the House that when the soil is appropriate, and the climate and everything is appropriate, why is it that the people of this area are not given tea to plant? Is it because there is a shortage of tea stumps and if there is a shortage of tea stumps, what is the Government doing to remedy the situation?

Mr. Murgor: Mr. Speaker, as I said in my first reply, I have appointed an expert to look into the possibility of extension of tea planting throughout the country and if it is likely that he will recommend extension of tea planting to Nithi Division. However, as soon as we get this report and when we have studied it no doubt we will do our best.

The Speaker (Mr. Slade): I think you missed the question, Mr. Murgor. It was, is the shortage of planting material any cause for the delay in development?

Mr. Murgor: No, Sir,

Mr. Mate: Mr. Speaker, Sir, would the Assistant Minister assure this House that when this extension is approved, that that bit of the forest in Chuka will be included, and this would be very right?

Mr. Murgor: Mr. Speaker, Sir, I cannot say about the forest, but as soon as this report comes, we will study it and if this is favourable we will attend to the Nithi Division.

#### Question No. 261

##### HIGHER SCHOOL CERTIFICATE CLASSES FOR KERICHO SECONDARY SCHOOL

Mr. Kerich asked the Minister for Education whether the Government intended to introduce Higher School Certificate classes at Kericho Secondary School in 1967.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. No, Sir, it is not Government's intention to introduce Higher School Certificate classes at Kericho Secondary School in 1967.

Mr. Kerich: Mr. Speaker, Sir, can the Assistant Minister agree with me that it is the wish of this House that that school should have Higher School Certificate in 1967.

Mr. Mutiso: No, Sir, I would not agree.

Mr. Omar: Mr. Speaker, Sir, can the Assistant Minister tell the House whether the Kericho Secondary School should get a Higher School Certificate class in 1968 instead of 1967?

Mr. Mutiso: No, Sir, because that is not the policy of the Government. The Government, so far, Mr. Speaker, has proposed to establish Higher School Certificate classes in 1967, thereafter, at existing institutions which can be wholly converted to Form V and Form VI or at such new junior colleges as can be founded, and to discontinue the former practice, which was a colonial practice, of adding Forms V and VI to schools with Forms I-IV. It is also not envisaged, Mr. Speaker, Sir, that in the foreseeable future any Form V or VI will be removed or transferred from the places where they are at the moment.

Mr. Mate: Mr. Speaker, Sir, would the Assistant Minister distinguish for this House what he means by colonial practice in having a Form V and Form VI in a school with Form I to IV, and also tell us what his new practice is?

Mr. Mutiso: Mr. Speaker, Sir, I said the present Government had its own plan, that is to pursue its own policy of—

The Speaker (Mr. Slade): Order! I must again say that when hon. Members wish to cross the floor, they are expected to do so at the Bar of the House or near it. Sorry for interrupting you, Mr. Mutiso.

Mr. Mutiso: Mr. Speaker, Sir, I think I ought to explain this. Prior to 1960, only eleven secondary schools offered Higher School Certificate courses, which were normally in the schools where no Africans were allowed to go to. During the first five years, Sir, Higher School Certificate classes have been founded at twenty-one more schools, sixteen of which are former African schools, therefore it can be easily found out that in the former days, during the colonial time, there were no Higher School Certificate classes in the African schools.

Mr. arap Soi: Mr. Speaker, Sir, there are some very good facilities in the Kericho Secondary School, therefore would the Assistant Minister tell the House what problem they face in refusing to establish Higher School Certificate classes in 1967?

Mr. Mutiso: Mr. Speaker, Sir, in Kericho, as any other part of Kenya, there are facilities, but it is the plan of the Government not to add the Form V and VI in the existing schools but rather to expand the places where there are already Higher School Certificate classes to more streams or convert them into colleges.

Mr. Masinde: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could the Assistant Minister assure this House that there are now facilities for Higher School Certificate pupils in Kericho District, so that they do not suffer as a result of having no Higher School Certificate classes?

Mr. Mutiso: Mr. Speaker, Sir, the Higher School Certificate classes are normally held in national schools and there is no question of the Kericho people failing to secure places in the national schools. They are catered for like any other part of Kenya.

#### Question No. 257

##### ASSISTANCE FOR NYABONDO HOSPITAL

Mr. Bala asked the Minister for Health, whether in view of the very useful job done by the Roman Catholic Missionary Hospital at Nyabondo and the fact that Nyabondo was very far from Kisumu, the Government would give assistance to this hospital.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply.

Mr. Ngala-Abak: On a point of order, Mr. Speaker, Sir, was this question not replied to yesterday?

The Speaker (Mr. Slade): I am sorry, I should have pointed out that Question No. 256 on the Order Paper has been answered already, and I think that this was No. 257, was it not, Mr. Bala?

The Minister for Finance (Mr. Gichuru):  
(a) As at Independence Day, 12th December 1963, the amount of debts were as follows:—

	£		£
Central Government	86,840,966	Central Government	9,840,939
Nairobi City Council (Independent Borrowing)	8,522,000	Nairobi City Council (Independent Borrowing)	140,000
Local Authorities borrowing from Central Housing Board and Local Government Loans Authority	11,789,000	Local Authorities borrowing from Central Housing Board and Local Government Loans Authority	1,239,000
	<u>£107,142,966</u>		<u>£11,219,939</u>

	£
(b) Debts repaid to date are:—	
Central Government	6,046,255
Nairobi City Council (Independent Borrowing)	607,000
Local Authorities borrowing from Central Housing Board and Local Government Loans Authority	678,000
	<u>£7,331,255</u>

(c) Debts borrowed since independence are:—

	£
Central Government	9,840,939
Nairobi City Council (Independent Borrowing)	140,000
Local Authorities borrowing from Central Housing Board and Local Government Loans Authority	1,239,000
	<u>£11,219,939</u>

The totals given above include an element of duplication in that borrowings by local authorities from the Local Government Loans Authority and the Central Housing Board are largely from funds which the Government itself borrowed in the first place.

Wednesday, 9th February 1966

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:—

Statement of Excess 1962-63.  
1965/1966 Supplementary Estimate No. 1. (Recurrent Expenditure).

1965/1966 Development Supplementary Estimate No. 1.

(By the Minister for Economic Planning and Development (Mr. Mboya) on behalf of the Minister for Finance (Mr. Gichuru))

### NOTICES OF MOTIONS

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

#### STATEMENT OF EXCESS, 1962/63

THAT a sum not exceeding £8,244,6.04 cents be issued from the Consolidated Fund to meet expenditure during the year ending 30th June 1963, in respect of Statement of Excess 1962/63

#### SUPPLEMENTARY ESTIMATE NO. 1 OF 1965/66—RECURRENT

THAT a sum not exceeding £1,339,114 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966, in respect of Supplementary Estimate No. 1 of 1965/66 (Recurrent), having regard to the proposed savings of £252,702 therein appearing.

#### SUPPLEMENTARY ESTIMATE NO. 1 OF 1965/66—DEVELOPMENT

THAT a sum not exceeding £333,324 be granted from the Consolidated Fund to meet expenditure during the year ending 30th June 1966 in respect of Development Supplementary Estimate No. 1 of 1965/66.

The President's consent has been signified to these Motions being put.

### ORAL ANSWERS TO QUESTIONS

#### Question No. 207

#### REGISTERED ILLEGAL SQUATTERS IN SOTIK

Mr. Nyaberi asked the Minister for Agriculture and Animal Husbandry who the illegal

squatters being registered in Sotik were. What was the Government going to do with them as far as settlement schemes were concerned.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The list of names is very long and I am getting this done for the hon. Member. Therefore, Sir, under your ruling, because of the length of the reply to this question, I will be giving it to the hon. Member in writing.

The Speaker (Mr. Slade): I would remind the hon. Member of what I said on another occasion recently, that that is quite the right procedure if the reply is likely to be so long, only the decision should be made and communicated to the Clerk and to the Member concerned before the question appears on the Order Paper. It ousts another question for oral reply by doing so.

Mr. arap Sol: Mr. Speaker, Sir, would the Minister state whether the illegal squatters who have already been registered—

The Speaker (Mr. Slade): I am sorry; Mr. arap Sol; once it is decided that a question shall receive a written reply, there is no scope for supplementary questions in the House until this reply is received, when it can give rise to a further question for oral reply. But, at the same moment, there is nothing more to be said on this question.

Next question.

#### Question No. 209

#### REGISTERED SQUATTERS IN LAIKIPIA

Mr. G. G. Karinki asked the Minister for Agriculture and Animal Husbandry how many squatters were already registered in Laikipia District, and what was the Government plan after registration.

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 2,080 families, but investigations for possible further registration is going ahead.

The answer to the second part is that the major task was to register the squatters. The Government is actively considering what will be done with the registered squatters not only in Laikipia but throughout the country. When details have been finalized, they will be released.

Mr. Kerich: Mr. Speaker, Sir, may I know, when these squatters are registered, where are they going to be settled?

**[The Vice-President]**

Now, Mr. Speaker, Sir, I would like to tell the hon. Members that we are in a better position than the old Colonial Government; they were not an elected Government, but, Sir, we are an elected Government.

As such, Mr. Speaker, we expect that nearly everybody, from all corners, wants to see us in our offices; there is a list of people who want to see us. When you have a Member of Parliament coming to your office and he wants to take one or two hours, and you have other people waiting outside, these people sometimes also complain that we give far too much time to Members of Parliament and do not attend to them. Where are we going to be? We get complaints everywhere. Mr. Speaker.

Therefore, I hope the hon. Members will know that we will take what they say, but, at the same time, they must know that our position is very difficult indeed. Thank you very much, Mr. Speaker.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Speaker, Sir, I think the first thing to say is that this sort of subject would be best dealt with in our Parliamentary Group. I think it is unfortunate that we, as Members of Parliament, all of us committed to strive for the same things, all of us trying to achieve the same things, should come to discuss this kind of subject in such a manner as might give the false impression to the public that there was some very grave disagreement between the Ministers, the Government and their representatives; because I should like to make the point here and now that, in fact, such an impression would be entirely false.

There are many Members of Parliament in this House who work very closely with a number of Ministers on very many subjects. There are very many Members of Parliament in this House who have taken many Ministers to their constituencies to discuss problems on the spot, to meet their people, to agree on how best certain things in their areas can be done. There are many Members of Parliament in this House who have been taken out to see various development programmes by Ministers, and who have come back and discussed these programmes and reached agreement on what should be done on very many things. There are many meetings which have taken place in Ministers' offices and this building between Members of Parliament and Ministers, in which many important matters affecting the development of this country are constantly discussed.

Equally, Mr. Speaker, there are many boards and committees that meet regularly on a monthly basis in this country at which Members of Parliament, representing different interests, and Ministers come together and discuss many important questions affecting constituencies and affecting the country. I think, therefore, in fairness to the Members, the Ministers and to the public of this country, when one decides that an incident has occurred which requires correction, one must not over-generalize these issues and create unnecessary tension and emotion in matters where this tension or emotion does not really exist.

I listened carefully to the Mover of this Motion and he has brought up a point which requires definite action. He has given us a clear incident where, in his opinion, a secretary misbehaved towards him; Mr. Speaker, a secretary, not a Minister. Now, Sir, it is also true that the Mover of this Motion has said that he saw the Minister concerned and that he was assured by the Minister that appropriate action would be taken. He appeared to me, as he spoke, to have accepted the assurances of the Minister and to believe that the Minister was going to act in this matter. Now, Mr. Speaker, this is the grown-up way to do things. It is no use the Member for Nandi South shouting back here and saying he was instructed by the Minister, because the Member does not know even who did it. The Member does not know who did it, and the Member is in no position to say that the Minister instructed him, except on some prejudice.

**Mr. Choge:** On a point of order, Mr. Speaker, shall I have a chance of replying to what the Minister has said?

**The Speaker (Mr. Slade):** It depends on what time is left and who I call. I just cannot guarantee anything, Mr. Choge. We have five minutes left; that is all.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Speaker, Sir, I am sorry if I lose my temper on the basis of what the Member here interrupted with, because I think if we want, on both sides, to resolve these unnecessary pinpricks, then we must all be grown up.

It is not a question of the Minister respecting the Member, it is also a question of the Member respecting the Minister. We respect each other and we do not just respect Members of Parliament, we respect members of the public; we respect the humblest man in this country. That is our responsibility as grown-up people who have been given responsibility in this country; it is not

**[The Minister for Economic Planning and Development]**

Of course, the Member of Parliament has a status; of course, the Member of Parliament has a responsibility; the Member of Parliament is the spokesman for a group of people and, therefore, deserves to be given a certain responsibility over and above what someone else might get. Everybody recognizes this, everybody wants to give this respect. But, Mr. Speaker, respect is something which you can never buy; respect is something which you may deserve, because people see the way you speak, the way you behave, the way you talk to them, they will respect you. If people have a feeling that a certain Member of Parliament, when he goes to a Minister's office, is merely going to misbehave to everybody around, even the little man in that office, including the office messenger, will detest such a Member, and when he sees him, he will behave rudely because of experiences that he may have had. But when a Member carries himself as a Member and deserves the title "honourable", even the office messengers will make every effort to make sure that this Member is properly treated when he goes—

**Mr. Shikuku:** On a point of order, Mr. Speaker, we have had two Ministers speaking. Sir, and I was wondering whether the hon. Member speaking is replying or the Vice-President has replied?

**The Speaker (Mr. Slade):** Oh, no. Neither Government nor Back-benchers have a monopoly of these half-hours. Actually, you will find it works out, if Mr. Mboya continues to seven o'clock, that Back-benchers have had exactly quarter of an hour and Ministers have had exactly quarter of an hour.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Speaker, I am just trying to be fair on this occasion; that we both share the time equally, it is quite all right.

As I was going to say, there is no use thinking that we should always be under fire because we are all human beings. Mr. Speaker, I have two more points to make. The next point I want to make is this. We are all human beings. Some people have a temperament of their own. I cannot behave like hon. Mr. Shikuku, even if I want to; I am not made that way. The hon. Mr. Shikuku can never behave as Mboya, even if he wants to; he is not made that way. We are two different people, and it is necessary for us to understand that in some of these things you cannot lay down a strict rule, you have to treat human nature as you find it.

Lastly, Mr. Speaker, Members have mentioned about our houses, our homes, and so on. Mr. Speaker, from six in the evening to six in the morning we have a guard, yes. The reason for it is very simple. We go out more often than not; we travel and tour. Our families or our properties have to be protected. There have been many cases where robberies have occurred and it is only fair that as we go travelling, doing the people's work, the people also look after us. Mr. Speaker, if I made a practice of going to look for the hon. Mr. Shikuku's house, every evening or every lunch-time, he would be the first to protest and ask, "What do you want here all the time?" Now, Mr. Speaker—

**Mr. Shikuku:** On a point of order, Mr. Speaker, can the hon. Minister substantiate that I would protest if a lot of people came to my house?

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Speaker, Sir, in fairness to the hon. Member, I know a lot about his generosity, but I also know that he might feel embarrassed if we brought to him twenty guests accompanying a Minister at any time in the twenty-hour hours of a day. Some Members may not have a house at the moment to go to and it might be embarrassing. All these things have to be taken into account.

Mr. Speaker, Sir, I beg to support.

**ADJOURNMENT**

**The Speaker (Mr. Slade):** That is the end of our half-hour. The House is adjourned now until tomorrow, Wednesday, 9th February, at 2.30 p.m.

— The House rose at Seven o'clock.

**WRITTEN REPLY TO QUESTION**

Question No. 203

**DEBTS OF CENTRAL AND LOCAL AUTHORITIES**

Mr. Bala asked the Minister for Finance:—

- What the debts of central and local authorities were as at Independence Day.
- How much of this money had been repaid to date.
- How much money had been borrowed since independence by central and local authorities.

[Mr. G. G. Kariuki] Assembly and the members of the public. It is these hon. Members of this House who know the problems of this country, and also the elected Ministers know the problems, but they can only get to know the problem of this country if they meet more regularly. We know that they have duties to perform, but we also have to add more tasks to their duties, because when we go back to our constituencies, we bring back a lot of information which, in most cases, is very useful to the people in the high offices.

Mr. Speaker, I challenge the Minister to tell us today, in no uncertain terms, and we want to know why these activities go on. If a country is a socialist country, why should we have people sitting in offices like King Farouk? We would like to know our position, Mr. Speaker. It is very serious for Members of Parliament to complain that certain secretaries refuse to allow them to see the Ministers. It is really very bad, because you could not expect a Member of Parliament to stand and say how he is being mistreated by simple secretaries sitting in the offices.

Mr. Speaker, so as to allow hon. Members to express themselves, I wish to move and also ask the hon. Masinde to second this Motion.

Mr. Masinde: Thank you very much, Mr. Speaker.

I do not have much to say on this, but while seconding the very important Motion, there are a number of things that we have mentioned privately in our own Parliamentary Group. But it appears that after Parliamentary Group meetings, no instructions have been taken to various officers to take what the hon. President said and put it into practice.

Sir, it is because of this that we, as Members, come to the point of complaining, and if we come to the point of complaining, then the ordinary man must be really frustrated. Today, in the countryside, you get ordinary men saying that previously they could see the district commissioner, but that now, even the *askaris* who used to stand before the door, are not there and no secretary can allow anybody to see him. First of all, they judge a person by how he is dressed, if somebody is properly dressed, then he is allowed to see the district commissioner. If a poor farmer wants to complain about something, then he is told that he cannot see the district commissioner. Sir, we fought for this Government, and it is us who have allowed some of these people to enjoy the privileges that they are now enjoying, and while we were doing this, most of them did nothing at all. But we want them to show that we have a proper African Government, and any African should be allowed to appear before them, and sit down on the chair, then we will be satisfied. Whatever someone is asking for, even if he does not get it, he will be satisfied that previously when the *mwingu* was the district commissioner, or the provincial commissioner, he could not

enter such offices. But today it is very different; delegations have been to various places but they are always sitting outside in the shade of the trees instead of going into the offices.

Why do we have these offices? Is it not for the people, for interviewing these people, and therefore, Sir, if they are not going to do that, then we are going to have a Government which is run by nothing but files which go from office to office but without getting in touch with the people. These are a few of the number of things that we have to change.

The Speaker (Mr. Slade): The real matter raised by Mr. Kariuki is access by Members of this House or Members of the National Assembly, rather than the general public. You should not dwell very long on that.

Mr. Masinde: Mr. Speaker, Sir, I was quoting as an example that if we Members of this House can complain of not having access to the civil servants or the Ministers, then what about the people who come from the constituencies? That is why I felt it necessary to enlighten the Minister.

Mr. Speaker, Sir, it is well known that today we have our Government which is supposed to be a popularly elected Government. There is no point where we should have *askaris* at the gates of offices or at the gates of the Ministers' houses. But, Sir, if there is something happening of which we are not aware, then we should be told, because, during the Emergency time, I know the European Ministers who used to be the Ministers in this country during the colonial time, did not have any *askaris* at their gates or bodyguards, but once we reach a stage where we suspect ourselves, as if we were criminals, then there is something wrong somewhere, and it is because of this fear that we possibly have; I do not say that we have, but possibly the Ministers have managed to tell their secretaries and their senior officers that we must not have access to the Ministers. But, Sir, whilst this becomes general knowledge and the situation remains like that, it is going to get worse. We want this Government to be the Government of the people. When I have an appointment with a Minister, it might or might not be urgent, it is quite easy for any secretary to turn round and say that the Minister is not available, but try again on such-and-such a date. But, Sir, when a secretary says that you cannot possibly see him then and she does not say when you can get in touch with him later on, then what do I do if I have a problem, in my constituency, which is very alarming? How do I report it to that particular Minister? It is on these lines that our Government has to think of how to conduct their affairs properly with the Members of the National

[Mr. Masinde] Assembly and the members of the public. It is these hon. Members of this House who know the problems of this country, and also the elected Ministers know the problems, but they can only get to know the problem of this country if they meet more regularly. We know that they have duties to perform, but we also have to add more tasks to their duties, because when we go back to our constituencies, we bring back a lot of information which, in most cases, is very useful to the people in the high offices.

With those few remarks, Sir, I beg to support.

The Vice-President (Mr. Odinga): Mr. Speaker, Sir, I should say that I think this is the second time that this, or one similar to it, kind of a Motion has come to the House, and I must say that it is a very sorry state indeed that the Members do feel that they do not get good enough treatment in the Ministries. But, Sir, I would like to say this, that it should not be taken that this is a one-way traffic. You must also understand, and I feel that I have to put this across very clearly, Mr. Speaker, Sir, Mr. Speaker, Sir, there are problems on both sides. When you are on your side, you see very clearly the mistakes of the other side, but when you cross that floor and go to the other side, other people will then see your mistakes, because if we could all be able to see one, another's problems and difficulties and realize them, then you will find that we eventually get on to common ground where we can all meet.

For example, Sir, the Mover of this Motion has mentioned that whenever he goes to a Ministry, he is asked the reason why he wanted to actually see the Minister. Well, Sir, sometimes the man who requests the subject of what you want to speak about to the Minister, does not actually request to know for the simple reason of knowing why you want to speak to the Minister, he merely wants to know for the reason that when you do see the Minister all the answers will be there and the relevant files will also be there for quick reference. This is why he wants to know the reason, not because he wants to embarrass you, but because he wants to have everything ready for you so that all the answers would be there. He is only doing his duty, which you also, when in that position of responsibility in that particular Ministry, will require other people to get for you. Sir, the Minister is a person who is there, but he has various officers who are dealing with various subjects and, as such, if a Member goes into his office, he would like to consult his officers and get all the information which is necessary, so that when the Member comes, he has all the necessary information which he wants.

Now, Mr. Speaker, Sir, I am sorry, and I hope the hon. Mover will excuse me, because when he was speaking I was very quiet and attentive, and I was also listening very attentively. I think, Sir, that it is the honourable way of getting on with it.

Now, Sir, let me say, as he was putting it that he was told that even if it was the President, he couldn't see him. Probably this lady told him very politely over the telephone that at this time, even if it was the President who had come to see him, he would not be able to see the Manager of the Land Bank, and that might have been because the Manager of the Land Bank was dealing with something very important at that time. There are such things over which he must not be interrupted, which are very important at that time. Even if I wanted to see him, I would not force my way in if I was told that he was busy. I would actually refrain from doing so. Simply because you are a Member of Parliament, you expect people to drop things when, say, you pick up the phone, and attend to you. I think this is asking a little bit too much. You must understand that.

Now, when I say all these things I am not trying to defend the civil servants. I will not say that they are all angels, and that they do not make mistakes. Mistakes are made on both sides. There are some of them who are very offensive indeed, but as you know, that human nature is human nature as it comes and that people also may not understand what a hurry you are in, just as you also may not understand the job they are doing.

The Speaker (Mr. Slade): Mr. Odinga, will you remember to address the Chair?

The Vice-President (Mr. Odinga): All the same, Mr. Speaker, Sir, I would like to say that these are some of the problems which confront us, but we must enlarge our hearts to accommodate them, and we know that we shall be able to correct each and every problem as we go along. I do not think that it should all be blamed on the Government, nor should it be said that our Government is worse than the Colonial Government, because some of you did not deal with the Colonial Government like I did. I dealt with them and I know, perhaps much better than most of you—

The Speaker (Mr. Slade): Mr. Odinga, address the Chair, please. Addressing an hon. Member direct is out of order.

The Vice-President (Mr. Odinga): Thank you, Mr. Speaker, I will try to remember that.

Mr. Shikuku: Thank you, Mr. Speaker, I will lower my voice.

Now the second point, Sir, is that we have now learned from the hon. Member that we have a debt, not the City Council of Nairobi, of Sh. 161 million. Mr. Speaker, if this is what one can call dignity then I do not know the meaning of the word. We are not going to have this going on, and therefore, Sir, I make three suggestions.

Firstly, because the Mayor and the councillors have, in our opinion, forgotten the feelings of the poor people in this country, some of whom sleep out in the roadsides because they have nowhere to sleep—if you go round about, at night, near the Mincing Lane Market, you find them sleeping out, without a blanket, Mr. Speaker. I feel that the Mayor, plus all the councillors and aldermen, must resign. We have, as taxpayers, to get rid of all these people, so that we put in new men who are conscious of the difficulties of the people.

Secondly, Sir, since here we have the authority of the country, the Government must give an undertaking—rather than reading a small statement by the very culprit—the Government must today, in no uncertain terms, tell this House, which is the final authority of the country, that the car which has certainly not been received in Kenya will never be received in Kenya.

Several hon. Members: It is already here.

Mr. Shikuku: The Attorney-General is shaking his head; it is not here. If the car is not here, it should not be allowed into this country. And if it going to be allowed in this country—in other words, the Government will be violating the feelings of the people of this country—then you know the fruits of the violation of the feelings of the people of this country. We are the people, and if you violate our feelings, you will get trouble, and you might find your heads cut off.

From this, Mr. Speaker, anybody can now learn what is cooking in the City Council, because if this can be passed without opposition, then there must be something wrong with the council, and the Government must institute an independent commission of inquiry to look into the activities of the whole of the City Council. Then we will know where we are.

With these remarks, Mr. Speaker, I hope the Government will act accordingly, in the name of the poor people of Kenya.

The Speaker (Mr. Slade): Mr. Omolo-Agar? There are three minutes to go. I hope hon. Members will give the Member a chance.

Mr. Omolo-Agar: Mr. Speaker, Sir, I only want to make three points. The people of Kenya have discovered something and they have shown that they are capable of maintaining a democratic society. And this Government, if it claims also to maintain the principles of a democratic society, must respect the decision of this House and also the feelings of the people outside. We want a categorical statement from the Government today that they have discredited all that the council has discussed, concerning this car and the six motor cycles. We in this House will pursue further the circumstances which led a Minister to approve this outrageous expenditure of poor people's money.

Mr. Speaker, Sir, when we were discussing Members' salaries in this House, the Members who drive day and night advising people and who being killed by cars on the roads, trying to work as hard as they could, when we asked that their families should be compensated, we were told that there was no money. Now we hear that one man in Nairobi, where people are sleeping in the streets, where people are roaming about without employment, wants dignity. Mr. Speaker, in the name of the people of Kenya, we condemn these activities. I repeat that the Mayor must resign and the council that approved this expenditure must be dissolved.

Mr. Speaker, Sir, the Minister who approved this must tell us that he has failed in his duty, and we know that if we have somebody who is going to give a ruling on such things to do with local government he must be a strong man, with some backbone. Otherwise, we will request the President to do something about it, or else the Minister must resign from that post. We are not courting revolution. We do not want to do that. We have seen with our own eyes revolutions in other countries, and we know what it costs and how long it takes to recover from a revolution. The Kenya people are peaceful; they want to work hard and improve the country. But this Government, by doing this kind of thing, is courting revolution, and it will not matter how big the Special Branch or the Criminal Investigation Department or the police force is, if you have such things repeated, you will have bloodshed in this country.

Mr. Speaker, Ministers have taken up residence in former European areas and they have not taken the trouble to see how their fellow countrymen are suffering in the former African locations. Sir, even the Governor used to go into the European homes and in their clubs, but now if we go to the Ministers' gates, the police prevent us from going inside.

[Mr. Omolo-Agar]  
Mr. Speaker, in the name of Kenya, in the name of peace, in the name of democracy, let the Government withdraw everything that has been done about this Rolls-Royce.

#### MOTION FOR THE ADJOURNMENT

##### ACCESS OF MEMBERS TO MINISTERS AND CIVIL SERVANTS

The Speaker (Mr. Slade): It is now time for the interruption of business. There is another matter to be raised on the adjournment in the ordinary way so I will call upon a Minister to move that the House do now adjourn.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, I beg to move that the House do now adjourn.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

Mr. G. G. Kariki: Mr. Speaker, Sir, I would like to raise on the adjournment the matter of the difficulties—

The Speaker (Mr. Slade): Order! Order! Would hon. Members please leave quietly if they want to leave.

Mr. G. G. Kariki: Mr. Speaker, Sir, I wish to raise on the adjournment the matter of difficulties of access for Members of Parliament to Ministers and others in high office and the disrespect which they suffer from subordinate officers when seeking such access.

Mr. Speaker, Sir, I wish to remind the hon. Members that this problem started immediately after the elections and Members have more than once complained, in the Parliamentary Group and in other places, but the Government has not at any time attempted to solve this problem.

Mr. Speaker, for example, if a Member wants to meet any senior officer today, as you know, senior officers have their secretaries and before a secretary allows you to speak to the senior officer or a Minister, they try to interfere with what sort of things you want to discuss with the Minister. They ask you what sort of things you want to see the Minister for, the Manager or anybody else, for that matter. Now, Sir, this has been humiliating Members of this Parliament. We have tried more than once to see that we should be allowed to meet the Ministers and other senior officers at any time that we require to meet them. But this has been quite impossible. For example, on the 25th of last month, Sir, I tried to meet the Manager of the Land Bank on the question of

some co-operative societies in my area. But the secretary—the voice which replied to the telephone was a woman's voice, I do not know what sort of a woman she was—said that I could not see the Manager of the Land Bank, and when I insisted that she should allow me to speak to the Manager on the telephone, because I did not want to waste his time and I just wanted to say a word to him on the telephone on a matter which he, in fact, knew about, the secretary said that even if I were the President—and she meant the President Kenyatta—I would not be allowed to see the Manager of the Land Bank. She insisted. I asked her why she had to mention the name of the President in such a simple matter, she said that she had to tell me that so that I should know that I should not be allowed at that time to talk to him or to meet him.

Now, Mr. Speaker, I became annoyed but—of course—I did not abuse this woman because it was on the telephone and I did not know what kind of woman she was. I thought it was quite in order for me to try and seek an appointment with the Minister for Agriculture who is in charge of this Land Bank. But, Mr. Speaker, and for the information of the hon. Members, the Minister for Agriculture was very helpful when he heard this and he promised to take action. Now, I still wait for this to be cleared because it is something which would make anyone annoyed. If even Members of this House can be mistreated, what do you expect would happen to the ordinary members of the public? There are a lot of complaints outside, not only from Members of Parliament, that we even suspect that probably Ministers have instructed their secretaries to misbehave, of whatever they want.

I wish to warn the secretaries and the Ministers that when such things go on, they will not help this country at all. Members of Parliament must be allowed to see anybody.

During the times of the Colonial Government, Mr. Speaker, any simple man could send a delegation to State House and meet the Governor-General.

Hon. Members: Hear, hear.

Mr. G. G. Kariki: At this time, Mr. Speaker, there is somebody in the President's Office—I do not know who he is—who is in charge of the President's tours and other things, and that is probably the Permanent Secretary. If a Member of Parliament writes a letter, they do not reply, and I challenge the Minister, who is here, and many times we have written letters and we cannot get replies from the people sitting in the President's Office. Why do we pay them? These people who sit in the President's Office think that

Mr. Ngala: If this car, Mr. Deputy Speaker, arrives here, it will be stopped. This car will only travel between the Mayor's house and his office during the duty hours. He travels only two miles a day.

Mr. Deputy Speaker, Government is sparking off a very dangerous precedent, and I would like to warn, particularly, the Minister for Finance, that this is a very dangerous precedent that you are sparking off in the country.

Mr. Deputy Speaker, Sir, I understand that a special driver has been flown to London at a cost of Sh. 30,000 to learn the mechanics of driving. He should be called back. This is daylight robbery of the taxpayers' money. Mr. Deputy Speaker, Sir, this is a sure way of losing the confidence of our own people in the country, particularly in Nairobi. This is a real, imperialistic way of giving false and imaginary dignity.

Mr. Deputy Speaker, Sir, when we comment and when the Press comments, we are told that the views of Members of Parliament should not interfere. We are people of this country, we are Members of Parliament; we have to interfere in every affair. Furthermore, Mr. Deputy Speaker, we are taxpayers. I pay Sh. 50 every month as tax to Nairobi, Sh. 600 every year. Mr. Deputy Speaker, I have every right to comment as a taxpayer; and so do all the Members here. I would like the decision to be rescinded immediately. I would like the car to be dropped and returned to where it came from; we do not want it here.

With these few words, Sir, I would like to say that it is an appalling situation, and it is also appalling that, in spite of all the public comment from the Press, from important people, people are going on ruining the country. This is a sure way of planting the seed for an overthrow.

Mr. Kase: Mr. Deputy Speaker, Sir, I think the hon. Mover of this Motion has clearly indicated—

Hon. Members: Speak up, speak up.

The Deputy Speaker (Dr. De Souza): Order! Order! If hon. Members would be silent, we could hear him.

Mr. Kase:—that buying this car is completely out of place, it is completely against the wish of this House and completely against the wish of the public of this country. Therefore, the only alternative for the Mayor to do is to return the car, which I hear he has already bought. Mr. Deputy Speaker, Sir, half of the Sh. 600 tax which is deducted from me remains in Nairobi. I can side with any group to get rid of that car, even if it means stoning the car.

Mr. Deputy Speaker, Sir, it is known that only the President of this country has a Rolls-Royce. Do we want the Mayor of a town to compete with the President of this country? Do we want the Mayor of this country to have *piki-pikis* like the President? Even the President, Mr. Deputy Speaker, I notice, when he is not on official functions, has only three *piki-pikis*; why should the Mayor have six? Why should he have a Rolls-Royce, for that matter? Who is the Mayor of this country? Just a councillor like any other councillor.

Mr. Deputy Speaker, Sir, ambassadors of foreign countries in this country do not have as expensive cars as a Rolls-Royce, and yet we know, Mr. Deputy Speaker, an ambassador is a man to maintain the dignity of his country. Even the President of the United States does not have a Rolls-Royce. Why should the Mayor of Nairobi have a Rolls-Royce? Mr. Deputy Speaker, is this in the interest of the poor people of the country? I say no.

Mr. Deputy Speaker, I will now quote in Swahili. The Minister said, "*Ilikuwa shida Kuniwa Kikombe chachai bila Kijiwa na dirivat Kumishawish fyi ya motorcaa ya Mayor.*" The Minister could not even take a cup of tea before a councillor came to him to talk to him about the Mayor's car. Mr. Deputy Speaker, is the Minister being ruled by some councillors, elected by voters of this country, or is the Minister ruling this country? Is the Minister for Local Government above the City Council of Nairobi, or is the City Council above the Minister for Local Government? We want to know. Mr. Deputy Speaker, this is unacceptable to this House. We want the Minister to resign forthwith.

Mr. Deputy Speaker, I want to tell the Minister in charge that playing about with this issue is wasting time; he is sitting on some very serious fire which he will never cure for ever and ever. Amen.

Mr. Deputy Speaker, Sir, we know of Ministers of foreign countries who have acted like this. For example, Mr. Deputy Speaker, if I may quote, the late Minister for Finance in Nigeria was in the same circumstances, and if our Minister does not want to suffer in the same circumstances, let him withdraw this car altogether. Mr. Deputy Speaker, we are known in this country to be very poor and we are not going to keep up our dignity at the expense of the masses of this country.

Let us maintain our dignity, but, as an hon. Member has mentioned, a Peugeot 404 is good enough. Mr. Deputy Speaker, we cannot agree

[Mr. Kase] to a Rolls-Royce being bought. That money could build a complete full primary school; that money could build a health centre; that money could build anything small in this country which people would benefit from. Mr. Deputy Speaker, we suggest a Peugeot 404 for the Mayor, nothing more.

Mr. Deputy Speaker, if I may go further, internationally, our Ministers are known better than the Mayor of Nairobi. I note our Ministers all have Mercedes-Benz. The Mayor of Nairobi, who is he?

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

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

Mr. Speaker, I want to finish by saying that we understand the Mayor of Nairobi comes from Kiambu, where the President comes from.

Hon. Members: No, no.

Mr. Kase: I am ready for correction on this. If this is true, because a Rolls—

The Speaker (Mr. Slade): Order! Order!

Mr. Kase: If it is true that the President comes from Kiambu and, therefore, the Mayor also wants to go in a Rolls-Royce to Kiambu, this is a very false idea.

The Speaker (Mr. Slade): Order! Mr. Kase, for this very short point, I think it is quite irrelevant where the Mayor comes from. We do not have much time, do not let us waste it on irrelevancies.

Mr. Kase: I think all I have said is enough. We want the Mayor to have a Peugeot 404. We do not want the Mayor to have anything at the expense of the public of this country and we do not want to see the Mayor with *piki-pikis*. This has no dignity when we go to Sophiatown. Mr. Speaker, when we go to Sophiatown and other places, those places are so bad. Now, we want that money to go for the development of Sophiatown and any other places, but not for the dignity of a man while people are dying of hunger in this country. Mr. Speaker. The Minister should withdraw this car immediately, otherwise a revolution will be no surprise.

(Question proposed)

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I am not counsel for the defence in this case and I hope that the hon. Members will not read a great deal in what I am about to say, which is this.

I know that the President met the Mayor this morning and, as a result of the discussion which the Mayor had with the President, the Mayor has this afternoon, as we are speaking, issued the following statement: "In view of the many expressions of public concern on the council's intention to purchase a Rolls-Royce, as Mayor of this City, I have decided to intervene in the matter. A special council meeting to discuss the affair has been arranged and the decision of the council will be announced as soon as it has been made." On behalf—

The Speaker (Mr. Slade): Order! I warn hon. Members that if you want this discussion to continue, you will preserve order; otherwise, I shall suspend the business of the House until the ordinary time for the interruption of business.

The Attorney-General (Mr. Njonjo): I was merely going to say, as my last sentence, Mr. Speaker, that if hon. Members will bear with this statement and wait, I am sure they will all be satisfied with the decision that is going to be made.

Mr. Shikuku: Mr. Speaker, Sir, I thank you for giving me this chance, but I would like to get on straight away with the business in hand. The business at issue, Mr. Speaker, with all due respect, is—I speak as the president of the poor people, and I wish to make it known in this House, Sir, that I did raise this question for a Motion on the adjournment but since it has been moved by the hon. Mover—who has ably put the case and covered all my points—I have only three things to say to the Minister or to the Attorney-General, who has just read that statement.

In my opinion, Mr. Speaker, the statement is completely irrelevant and has nothing to do with us at all, because it was these very councillors, this very mayor, who advocated the Rolls-Royce. So we do not take anything they tell us; and we are going to dictate to him today. We are dictating in the name of Kenya. In the name of Kenya and in the name of the poor people we are dictating to the Mayor of Nairobi and all the councillors that the car must be got rid of.

The Speaker (Mr. Slade): I am sorry to interrupt you, Mr. Shikuku, but, you know, we are used to rather a different style in this House from that used at Hyde Park Corner or in great *barazas*. This is a Parliament.

Mr. Shikuku: Thank you, Mr. Speaker, there is a lot of noise and I thought I had to speak loudly—

The Speaker (Mr. Slade): You were whipping it up.

**[The Minister for Finance]**

feel have plenty of money, or who appear suddenly to have plenty of money, and they cannot account how they earned it, it is necessary therefore sometimes to raid these people and find out why they did not declare that they had this money the year before. Therefore they were liable for income tax.

The question of the Corporation Tax, which Mr. Kibaki brought up very well, was referred to in my original speech in June, because there was a feeling that some clever people will try various devices to avoid-tax and I did say then that the Commissioner for Income Tax will be given the power to counter this and other types of avoidance, and also to ensure that the Income Tax Department does not harass everybody, I did, right at the end, say that an independent tribunal will be set up to reach any company aggrieved by an order of the commissioner, and who will be able to appeal. So the whole thing is fair. The commissioner has power to make inquiries and if the company or any particular individual—as far as Corporation Tax is concerned—are not satisfied there is the opportunity to make this appeal and we have, too, made quite sure that this tribunal will not cost very much and the Appeal Commission will not cost as much as the whole thing would cost if the individual was left to go to appeal in a court of law. It would be expensive. So that is being taken care of. What is happening is that, for instance, the Africans who have got property and buses and things like that, income tax assessment papers are sent to them and they have got to prove, it is for them to show, the reason why they cannot pay income tax.

That is another question that is exercising the mind of the Commissioner for Income Tax, people who keep three books. One for the Income Tax, one for the company and one for the person who is doing the business and who knows how much he has put aside.

Mr. Speaker, Sir, with that 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 UNDER STANDING ORDER 14**

**NAIROBI MAYOR'S CAR**

The Speaker (Mr. Slade): That concludes the business on the Order Paper, so I will now call on Mr. Ngala to move that the House do now adjourn.

Mr. Ngala: Mr. Speaker, Sir, I beg to move that this House do now adjourn.

Mr. Speaker, Sir, I would like to make it quite clear from the beginning that in moving this Motion I am not, in any way, motivated by a personal grudge against the Mayor of Nairobi, Alderman Charles Rubia, or any councillor within that council. I must say that, as a taxpayer of the Nairobi City Council, I am thoroughly fed up and disgusted with the decision taken by the Nairobi City Council and the Government on these matters.

Mr. Speaker, Sir, the decision of the Nairobi City Council to buy a Sh. 217,000 Mayoral Rolls-Royce has angered every taxpayer in Kenya. This expenditure is a gross, careless squandering of public money. The City Council is in a serious financial difficulty even now. Mr. Speaker, Sir, I would like to enlarge a bit on the borrowing of the City Council before independence. Before independence, the City Council borrowed £8,522,000 and up until independence, they had only returned to whoever they had borrowed this money from, £607,000. That is before independence they had a debit balance of £7,009,015. Now, since independence, Sir, the Nairobi City Council has borrowed £140,000. They have not paid back any figure since independence, so the debt balance after independence is £140,000. Now the total debt remaining with the City Council is, Mr. Speaker, Sir, £8,055,000. Mr. Speaker, Sir, this is excluding—excluding—the outstanding debts of the Nairobi City Council against the Central Housing Board and the Local Government Loans Authority.

Mr. Speaker, Sir, I think it is very shameful for any person to talk of dignity when there is a financial position of this type. We talk of dignity for the Mayor of Nairobi, talking of the office, the dignity of Nairobi, the outstanding debt now is Sh. 161 million. Mr. Speaker, Sir, the overseas investors who lend money to underdeveloped African countries, what will they say when they see all this stupidity in expenditure? To spend such money when you have such a big debt, to spend such money before we meet the demand for community development halls, for example, in many areas, I am sure even the Members here of Nairobi support me that in many areas we require community development halls very urgently.

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

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

Mr. Deputy Speaker, Sir, in many areas we require cheap, reasonable markets; I can see a

**[Mr. Ngala]**

prosperous city than many other cities that I have seen in the world, and yet I never saw this sort of nonsense there.

Mr. Deputy Speaker, we talk of—

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, since the matter has been raised as a matter of national importance and the Minister who authorized this extravagant sum is not here, is it serving us any purpose when the Minister is absent?

The Deputy Speaker (Dr. De Souza): No, no. Order! Order! I am afraid that is not a point of order, Mr. Ngala-Abok, you know that by now. It is up to the Minister to be present or not.

Mr. Ngala: Mr. Deputy Speaker, Sir, I pointed out that this money could build nursery schools, could build primary schools, could give a rise in salaries to the Nairobi City Council workers. So to spend such money in such a way, when the country has a famine and serious unemployment in Nairobi itself, I think, is a serious scandal.

Mr. Deputy Speaker, Sir, why did the Minister make this decision in spite of the facts I have pointed out? We are told because he was pressed; there was pressure.

Hon. Members: Shame, Shame.

Mr. Ngala: Mr. Deputy Speaker, Sir, I would advise Alderman Rubia to read and study Roman history including the story of Emperor Nero and Julius Caesar. These people wanted material happiness, and used threats and misused public funds. In so doing, they destroyed their own empires.

Mr. Deputy Speaker, Sir, the position to us is what about the other mayors in the world, countries which are more prosperous, cities that are more prosperous? The Mayor of Moscow—we have been to these countries—they ride in small cars with their chauffeurs and they sit at the back. The Mayor of Berlin, a very prosperous country where there is no unemployment, the people are prosperous and the Mayor has a small Mercedes with a chauffeur and he sits at the back. A Mercedes costs less than Sh. 40,000 and here we are talking of over Sh. 200,000 for one car. Take the Lord Mayor of London, even he sits in a very humble car and London is a prosperous city from where we obtain our loans. If the Mayor of London, from where we get our loans, is not so pompous and wasteful, how dare you allow this?

The Deputy Speaker (Dr. De Souza): Order! Order!

Mr. Ngala: Mr. Deputy Speaker, Sir, I have just come back from New Zealand, where you have the Mayor of Wellington, and this a more

prosperous city than many other cities that I have seen in the world, and yet I never saw this sort of nonsense there.

Mr. Deputy Speaker, we talk of—

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, since the matter has been raised as a matter of national importance and the Minister who authorized this extravagant sum is not here, is it serving us any purpose when the Minister is absent?

The Deputy Speaker (Dr. De Souza): No, no. Order! Order! I am afraid that is not a point of order, Mr. Ngala-Abok, you know that by now. It is up to the Minister to be present or not.

Mr. Ngala: Mr. Deputy Speaker, Sir, I pointed out that this money could build nursery schools, could build primary schools, could give a rise in salaries to the Nairobi City Council workers. So to spend such money in such a way, when the country has a famine and serious unemployment in Nairobi itself, I think, is a serious scandal.

Mr. Deputy Speaker, Sir, why did the Minister make this decision in spite of the facts I have pointed out? We are told because he was pressed; there was pressure.

Hon. Members: Shame, shame.

Mr. Ngala: Who put on this pressure? Who is ruling who? Is the Minister being ruled by the Mayor? It is high time the Minister was here. I challenge him to resign if he was pressed against his will, either by the Mayor or the President of Kenya. He took the pen himself and signed the document. Mr. Deputy Speaker, Sir, I understand even now that this was personal pressure. I understand that the Mayor has asked for a direct telephone link with the Office of the President, Mr. Deputy Speaker, more serious, I understand that the Mayor has asked for a motor-cycle escort, six of them. Mr. Deputy Speaker, Sir, I understand also that the Mayor pressed for the Rolls-Royce himself, and I challenge the Minister to read the letter that was written by the City Council of Nairobi, signed by the Mayor, on this issue. Mr. Deputy Speaker, Sir, we are told that there was a tug-of-war between the Minister and the Mayor. This is funny. How can there be a tug-of-war when the situation is so bad, when the Minister is given power? We blame the Minister for taking the decision.

Mr. Deputy Speaker, we are told we are paying money so that the car has a television, bathroom and—

Hon. Members: Shame, shame.

The Deputy Speaker (Dr. De Souza): Order! Order!

[Mr. Ngala-Abok] company start in Nairobi and then tomorrow a branch is opened in Kisumu, another branch is opened in Mombasa and whatever income is available for this company, it is ploughed into business, it is used for opening another branch so that at the end of the year there is no profit made, although the business is going on there is no real income that the Minister can tax. It is important that the Minister will look into this, because by merely checking the receipts of income and expenditure, one would arrive at a very big figure. When you look for this money, you find that it is not there because there is no well-organized system of banking the profit, I mean banking what is remaining and then using the profit for further development. With such business, of course, we shall need a proper method of assessing their income. I do not agree with the hon. Members who tend to think that at the moment when discussing the Income Tax Bill it is the time when we should discuss nationalization, we should discuss Africanization, discuss land settlement and so on. In fact, this Bill is only talking of one source of tapping revenue. It is discussing income tax, and here what we shall make by this will be £1 million, and so I think it is better to appreciate this effort to get the £1 million.

What I would like the Government not to deny is this, a large number of Asians and Europeans, companies and individuals, are already paying income tax. A good number of Africans are not yet paying it, and in fact the Member for Majoge-Bassi was right in saying that many of the Members of Parliament are not paying income tax. I think the aim at the moment, and this Bill in actual fact, is aimed at bringing these Africans into income tax groups, into paying income tax. Otherwise, I do not see any reason why a Minister should convince me that the aim is to tax those Asians and Europeans, or big companies, that are making a lot of money. They are already paying income tax now, but the reduction in allowance is to make sure that an African, a permanent secretary, who has just gone into this field, who is beginning to make a little money is again confronted with paying income tax. I think we must be realistic in what we are trying to do. This is not because we want to tax the companies that are already rich, they are already being taxed. This is to bring Members like Ngala-Abok into paying income tax, and I think that I will have to support it because I would like to see that the little I get I share with my friends. The Government must not be blind in seeing that merely because I am getting a little I should give to feed my friends. The Government is going to

fail to take major steps to bring revenue to this country which would help more in employment as some Ministers have been alleging. There are many ways of bringing money to the Government, but if the Government is still being controlled by capitalists who would like to see that whenever they have Members of Parliament, or when we have this chance of Africanization, we must be taxed immediately, so that we are rowing in the same boat with them. This is wrong. We must see that there is indirect taxation, that these capitalists are heavily indirectly taxed, and then we will have a valid case that a Bill which is intended to bring me into the field of income tax, whereas I have not earned this amount for the last five years, this is completely ridiculous.

Now I support this one, but of course the Government must be careful with the capitalist advisers, who are trying to devise some indirect means of taxation for us.

Mr. Speaker, Sir, although I do not want repetition, I think the question of increasing allowances for polygamy does not come in, because here the term is general, marriage allowance. If one wants to divide it between his five wives for example, he would find as with the children here, that for each wife there will be £120. In which case if you calculate you will find that if you have five wives, every wife will have an allowance of £120. What if the Government approached us in that manner? In the case of children you find that each child has an allowance of £120. What about if you put it the other way round? That with one wife you get an allowance of £120? You will find that you should have five wives. Each wife having £120 allowance relief. There is no point here in obtaining a large sum for one wife, and then claiming another one. In which case, for example, a European may say that he has two wives. One is working in Nakuru, who is probably a friend. It is very easy to say so. What will the Government do? At the moment nearly all of them are not practising African Socialism. In fact, one would allege that to avoid income tax, that he has two or three wives. One is working at Naivasha, one is working in Nairobi. You cannot prove that she is not his wife. Moreover, there are so many unmarried European ladies, one can just attach herself to a European man and say that he is my husband. We do not want to claim things which can be detrimental when we consider them.

Mr. Speaker, Sir, since I do not want repetition I appeal to Members not to speak loud-mouthed on adjournment when they are invited to listen to reasons, they do not support the Bill.

The Assistant Minister for Education (Mr. Mutiso): On a point of order, Mr. Speaker, in view of the exhaustive debate on this Bill, I wish to move that the Mover be called upon to reply.

The Speaker (Mr. Slade): I had intended to give every hon. Member a chance of speaking but we are getting so much repetition now, I think I have heard nothing new in the last hour or more. So I will allow the House to entertain the closure.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Minister for Finance (Mr. Gichuro) Mr. Speaker, Sir, I must say thank you very much to all the hon. Members for the very keen interest they have taken in this debate. It is true that it is important, and I am glad that it has been given the interest that it really does deserve.

I am not going to try and reply to all the points that have been raised, but I will pick on those that I feel do require clarification.

I should perhaps begin by dealing with the legal point of the jurisdiction of this House, and the jurisdiction of the Central Legislative Assembly on income tax matters. I am quite sure that all the hon. Members know that income tax and customs and excise are both administered and collected by the East African Common Services Organization. The administration arrangements governing income tax are set out in the Income Tax Management Act. As I said in my opening remarks, the amendments went through the last Central Legislative Assembly meeting in Kampala.

On the question of allowances and the whole aspect of this tax is to obtain money. The Government is trying to raise funds for the very many things—for schools, and for all the other social services that we need so very much. Therefore, to lay emphasis on the amount of allowances that would be given without working out the total arithmetic of what it means, is not particularly wise if you are looking for ways and means of raising funds. You will note that the person who pays income tax is the person who is fortunate enough to earn more than £1,000. Even then, if he is married and has four children he gets the allowances that total £1,080. Therefore, he does not pay income tax. It is true that there has been a lowering of some of the allowances, and this again is because that in the past the burden fell on the Europeans, the many farmers, the Indians and so on. Our turn has come, for us to make a contribution. Therefore, there has been this little reduction of allowances to enable many more people to be netted into the income

tax paying group. I understand, someone told me that in one country, each local authority area hangs a list of people who contribute most in that particular local authority. It might be interesting if we were to start putting up a list on our notice board here to show how much money each one of us contributes towards assisting the development of this country. I understand that in this particular country for your name to appear on that list, maybe they do not show the actual figures you produce, but for your name to appear there is a great honour. Although I entirely agree that nobody pays his tax with a smile, including myself, I am in the process of filling in my income tax forms and it is particularly worrying. Sometimes I forget and I am assessed excessively.

An hon. Member: You have too much money.

The Minister for Finance (Mr. Gichuro) Yes, I work.

Some people try to make play out of Sessional Paper No. 10, and are trying to misdirect the others. The piece that I was going to quote has already been quoted. There is another nice one and it reads like this, I quote—"the tax structure must be a major means for effecting a more equitable distribution of income and wealth. Those with high income and wealth must accept a greater responsibility to pay tax". That is Sessional Paper No. 10. Those who claim on the question of women and children, those who want to get married, we all know it is those who have the money, those who feel they can manage, those who want wives to help them to cultivate the shamba because it is big, they want more boys to look after the goats, there are plenty of them. The poor fellow who has only two or three goats, has one wife, and particularly no shamba and so on. Since the whole idea of this Bill is to raise funds for development of our own country, it would be wrong to argue that there should be these multiple allowances which would work these wrong way round. They would minimise, they would lessen the amount of money we are likely to obtain through the income tax. As I said in my speech in June, we are going to introduce by the beginning of July, the Pay As You Earn System, and this has necessitated the adjustment of the figures, for instance, the young men, unmarried men have been reduced to £216. One good reason is that you can divide that by twelve so as to enable the employer to deduct from the pay each month without difficulty. I think a few other questions that have been raised this afternoon are quite interesting.

There is the whole question of trying to find a system whereby occasionally the Income Tax Department could raid certain people who they



[Mr. Anyien] the Bill has been re-introduced, are the Members who spoke at that time free now to speak, or can they not speak again?

The Speaker (Mr. Slade): No, it is one continuous debate, so hon. Members who have spoken in the previous debate cannot speak again today. That does not apply to hon. Members who spoke merely on the Motion for adjournment of the debate, they kept to the subject of the adjournment and they are entitled to speak again on the main debate. The position of the hon. Member who actually moved the adjournment of the debate, and moved it successfully, is something which I have not explained to the House for some time past.

As hon. Members know, and as I did explain recently, adjournment of the debate can only be moved in the course of debate and not as a point of order; it can only be moved by an hon. Member who has claimed the Floor in the ordinary course. He can then, after speaking as long as he likes, move the adjournment of the debate. If he is unsuccessful in his Motion for the adjournment of the debate, that is the end of his speech and that is the end of his opportunity to speak again in the debate. If he is successful, he should continue his speech, if he wants to, immediately on resumption of the debate, on the next occasion. So you should actually have spoken, if you wanted to, at the start of this afternoon; but I do not blame you for not understanding that, and I think you should be allowed an opportunity of finishing what you had to say now, on this particular occasion, if you want to.

(Resumption of debate)

Mr. Anyien: Thank you very much, Mr. Speaker.

Mr. Speaker, I was one of the people who very strongly opposed this Bill and the reasons why I opposed it were the reasons which have been stated by very many Members. But I must thank the Minister for Finance who convened the Parliamentary Group meeting this morning, which all the Members of Parliament were invited to attend, and where we discussed the matter. We did not agree on all points, but on some points the Minister managed to convince us that this was for the interests of the majority of the people and not for their disinterest.

Therefore, Sir, while I have only one objection that is in connexion with the people who are willing to sympathize, and who have a little bit more love to give to more than one woman, I think, Sir, that the person who is willing to marry more than one wife, should be exempted. This,

Sir, I feel should be taken into account, because some people try to save money by marrying only one wife, and thereby letting very many other women roam the streets and becoming prostitutes. So, Sir, the person who volunteers, I think, is doing very good work and the Government should appreciate this. I also feel, Sir, that the bachelors should be made to pay more tax, because they are making way for more prostitutes by not marrying these girls.

But, then, Sir, there is another point which I would like to raise, and that is the question of children. Mr. Speaker, after having had discussions with the Minister I think we should realize that if we take a constituency, for example, Majoge Bassi, there is not one man there who is paying income tax. I, myself, am not paying any income tax, and if this was done, Sir, I think that we would be exempting the rich people in Nairobi who own all the big buildings and the bus companies, and I think that these people should be given a chance to pay. If the hon. Members will try and think quietly without displaying any emotion, and find out who these people are and if they have children. Sometimes, Sir, when we talk like this I think of some of the people in my constituency who have five wives, but then those people who have five wives are not going to be asked to pay any income tax, because they have children who they cannot send to school because they are poor. But then, Sir, if we want to help these people, then maybe we can help them by paying Personal Tax, but, Sir, with regard to income tax, I think that this deals mostly with those rich people who have inherited money and positions from the colonial days, where they were given more opportunities than the African people and who might continue to support the economy of the country.

Now, Sir, with regard to the future, Sir, it must be realized that the Asians and the Europeans are only in the country for a short time, and I agree that they are only in this country for a short time. But, Sir, I believe that the economic set-up of our country should not be such that would allow some people to become very rich. I believe, Sir, as a socialist, that we must move to a time when there will not be these rich people, but everyone will be the same. The whole thing is a capitalist set-up and it is a mistake which may exist as long as the present régime exists. I also believe, Sir, that after this present régime, when another régime comes—

The Minister for Information and Broadcasting (Mr. Achieng-Onyok): Which different régime?

Mr. Anyien: I see one of the Ministers asking me which different régime. But, Sir, the hon. Minister knows that this régime allows some

[Mr. Anyien] to be rich and not taxed, but when the people to be rich comes—but, Sir, he knows that in about twenty years, when Anyien comes to power, he will never allow people to become rich like this. He knows this very well.

The Speaker (Mr. Slade): We are only dealing with tax allowances and rates for the current year, Mr. Anyien, and not twenty years hence.

Mr. Anyien: Thank you very much, Mr. Speaker. I think that there is no argument in the Bill, but for the time being, and I know this may affect some Members of Parliament including myself, but I think this Bill is good enough if he allows £600 for the first wife, then he should be able to allow £300 for the second wife. This, Sir, will help, because Kenya is empty and we want more and more people in order to fill the country, and to do this we cannot allow people like the hon. Gichuru only to have one wife, they should have more wives so that they can share the burden. Mr. Speaker, Sir, having only one wife is very unfair, and it is also an indirect way of encouraging prostitution, because there is no employment.

Therefore, Sir, I hope that with these few words the Members will put forward a few amendments to this and not actually pass the Bill, because, Sir, I believe that if, for example, the Bill is to cater for the bulk of our rich people, are not people from Muranga. For example, Sir, if the Member for Muranga speaks the truth you will find that there are about two or three people who pay tax from his area. What will it help? It may help the rich Indians, the rich Europeans and the rich Africans, but then as a socialist, I believe that they should try and see the point so that we can support the Bill with little amendment.

Mr. Speaker, Sir, with those few words, I beg to support.

The Speaker (Mr. Slade): Now, hon. Members I would not allow the closure of this debate to be moved earlier, because I do feel that, in a debate of this kind, every hon. Member should have an opportunity of speaking. But that does not mean to say that we can have endless repetition of what other hon. Members have said. We are getting pretty much the same arguments over again now, so I would ask hon. Members to be economic in what they have still to say.

Mr. Ngũgĩ-Aboko: Mr. Speaker, Sir, before I speak on this Bill which is very important, I have about three or four points to make and two of them refer to the Members directly.

Mr. Speaker, Sir, when the Members were called to attend a committee, or to gather as a parliamentary group to discuss the Dairy Industry Bill only about twelve Members attended, but the majority of the Members were not there. Also, when the Members were called to listen to the Minister for Finance giving us explanations regarding this allowance release, regarding the Loan Guarantee Bill and also this Income Tax Bill, the Members that attended were very few indeed, and it is very shameful to see Members asking for an adjournment on Bills which they think they need further explanation about, but when it comes to the time of explaining this the Members are not there. So, Sir, we fail to see what the idea is of pleasing the gallery and asking for an adjournment with the excuse that you are seeking more knowledge about this Bill, but when it comes to the time of explanation in order that you are told the Government's point of view and so that you can understand this point of view no Member is present. This is very, very shameful indeed.

The same applies, Mr. Speaker, Sir, with the Dairy Industry Bill which is going to introduce the Africans into the milk industry. There were very few Members who attended and yet there are plenty of Africans shouting that it is the Europeans who are monopolizing the milk industry. Mr. Speaker, Sir, I do not want to labour on this point, but I feel that the Members must realise that when they do not understand a Bill and they ask for an adjournment and the Minister is available and explains, then they must attend such meetings so as to show their responsibility.

Mr. Speaker, Sir, I would now like to speak on this Bill, and in doing so I would like to draw the attention of the Minister for Finance to the question of assessment. Many companies carrying out writing receipts in their own language, for example, the Asians. I have information that some Asians have two books; one to show to the assessment group, the income tax assessment team and the other one to show to the organization or the company as such. So, you never arrive at the true profit made by Sir, you never arrive at the true profit made by one company so that you can base your income tax on the real gain which the company has made. So, Sir, I feel that it is important that the Minister finds ways and means by which the real true income of this company can be assessed and found, so that there is no loophole in the assessment whatsoever.

Also, Mr. Speaker, Sir, there are some African companies now that have been started. Some of these companies are anxious to establish their branches all over Kenya. You will find a



[Mr. Warihihi]  
taxed. There are progressive farmers, both large-scale and small farmers, who, I am certain, qualify to pay income tax, even surtax, but these people, or most of them, are not taxed.

So on top of these measures, I would expect the Minister to put forward a proposal, a programme, whereby he would be able to go far enough and reach all those whose income is high enough for them to be eligible to pay income tax. I know certain people in my own area, my own constituency, who probably enjoy a larger income than I do; I pay income tax, they do not. There have, in fact, been complaints from people who are employed, salaried people, teachers, civil servants and the like, and maybe a few professional and business people, whose income can be assessed, and who complain that the Government has failed in not going far enough and taxing that other large section of the community which is in a position to pay income tax.

Now the other point I would like to raise—and maybe the Minister may touch on this in his reply—is to ask him to explain why it has been found suitable or necessary to reduce allowances. I remember that during the Budget debate the main reason that was put forward was to make it easier to calculate when we pay your income tax as we earn. Take the education allowance: that has gone down from £180 to £120. I do not know whether this is related to the cost of education, whether that has gone down, or whether there is perhaps going to be free education in the future. I do not know how these are related. There is also a reduction from £720 to £600, even from £225 to £216. I have not heard any satisfactory explanation as to why this has been found necessary.

I would just like to say that the reason why most Members are dissatisfied with this Bill is not that we oppose it in principle, but if it were related to other measures, Government programmes, which would indicate that the tendency is to make the rich become poorer, then we would be quite happy. But when you look around, there is no such tendency, except for this Bill. One would be quite happy if this was related to other sources of revenue, salaries, posts, boards and things like that; but when you only have income tax and there is no other sign anywhere in the field that the move is towards what we have been told is socialism, one is quite unhappy with it.

So, Sir, I do not want to repeat what has been said, and with these few words I reserve my judgment.

Mr. Mairori-Itumbo: Mr. Deputy Speaker, Sir, because of the privileges Members have in this House, I rise to express my feelings or to record my feelings before the public. Sir, I feel that I have to defend the polygamists in this country. We believe in the African way of living, in accordance with African Socialism, which, of course, does support marriage of more than one wife. Also, Sir, with regard to the allowance given to children, we are not told which should be the first to be considered, the children of which wife.

Now, Sir, what happens if a person has many wives? I know one man, for example, in South Nyanza, namely, Mr. Akuku Dangu, who has more than thirty-three wives. That man, in my opinion, is not rich; he is suffering, he is the person feeding all these souls surrounding his village. He is feeding women and feeding children; he has so far eighty-something children. Now, Sir, this man is not rich. Some of these women are walking about naked; some of them are not well fed. Now do you mean to tell me that such a man is rich and yet he cannot even finance his own wives in the village, and cannot even take care of some of the children, who are not even educated?

Mr. Deputy Speaker, I would like to know if we believe in African Socialism. I read the Bill, Sir, but unfortunately I do not have it here with me. However, I read that only four children were to be given allowances. Now some of us would like to be told: children from which house? Whether it is the second wife or the first wife, because it is only fair to tell us. This will create enmity in the home. If you have ten wives who is going to be who, with regard to allowances?

Mr. Deputy Speaker, this is why I felt I must defend those who bear the burden of souls to feed around the houses or the villages, because we do not consider these people as rich. When other Members are speaking, and referring to this Bill as taxing these Asians, I feel that these Asians are merely visitors living with us until such time when they see politics changing; tomorrow you will find them packing up and going. You cannot just pass a Bill simply because you think that you are punishing someone, and yet you do not know whether he is a citizen or not. Tomorrow you may not have him here. He may go, and then the Bill you have made will turn round and it will be your grave. You will be buried in the same grave.

Mr. Deputy Speaker, I do not agree with this idea of making Bills simply because you have Europeans and Asians in Kenya, and so you

[Mr. Mairori-Itumbo]  
feel that you can now make Bills to punish them in a way. This is silly and it is unwise.

So, I beg to oppose the Bill.  
[The Deputy Speaker (Dr. De Souza) left the Chair]

[The Speaker (Mr. Slade) resumed the Chair]  
Mr. Masinde: Mr. Speaker, Sir, I will speak on this very, very quickly, as I do not have much to say.

The most important thing in this is that the Minister for Finance, I think, should see fit to impose more and more indirect tax instead of going straight for this direct taxation. I say this because we have very few Africans now who are enjoying big salaries and things like that, but, at the same time, we know that this is the very class which spends more because they earn more and they buy a lot of things. If we could impose more indirect taxation then we would be doing a lot more towards getting revenue for the Kenya Government. But this direct taxation, when it ends up, will mean that we are going to tell our people, indirectly, that we are now educating them to control birth and things like that. Let us face it straight away, with this Bill, it means that we do not want our people to have more children. We will have to tell our people that they must limit the number of children they are going to have, because of this.

The system is straightforward, but, at I see it, it would be all wrong for us to pretend here that it is only the rich who are going to be taxed. Who knows whether "So-and-So" tomorrow is going to be rich? On the other hand, whatever we imposed in the way of indirect taxation, whatever penny was spent, if you bought, say, five cups of tea, then there would be a tax on that; and we would know that the more money you spend the more tax you are paying, instead of having someone spending money without knowing and, at the end of the year, finding a big bill saying, "You earned so much and therefore you have to pay Sh. 12,000 or Sh. 20,000 in tax." This has caused confusion; there are a number of Africans now who do not know where they are. Because of that, a number of them now have even failed to purchase their homes, because they have had to use their savings; the money they have saved without even knowing how much they were going to have to pay.

Mr. Speaker, it is on this principle that I think the Minister—although I may try to help him here—has to decide differently instead of taxing people directly.

Mr. Speaker, on the same point, even if we rely on this income tax, there are very few people who are going to qualify to pay income tax, and since there are very few people it is not the only source of revenue that we rely on. But if we say we will get tax from, say, a cup of tea or a lb. of sugar, then we are getting money from the Indians. You have to tax everybody, because taxation means everybody. But the hon. Member who has just said, "Taxing the poor" does not know how many poor people cannot buy a cup of tea. There are very few who do so. Mr. Speaker, Sir, with due respect, hon. Members, particularly those who represent urban areas, are so confused that they do not know that a man who comes from Turkana does not buy sugar. There is so much confusion and they are limited in Nairobi.

Mr. Speaker, Sir, I insist that taxation be indirect. Tax my tie, tax my shirt, tax my shorts and tax my shoes. This is the way you can tax even the rich. But when you say that we have to have direct taxation, then we are going to land in trouble. We have had people, including the clever ones, such as economists, even trying to cheat the Government. They can print any type of figure, saying that a man has so much and has therefore to pay so much, and they get away with it. This is not going to give us exactly what we want from the people of this country.

To go further, Sir, we thought that in this country there should be limitation of the population, because the area or size of this country is really big. We are worried about money, but this is not the only way we can get money. Of course, even if we say that indirect taxation is going to help, possibly, the Asians, which the Government help, or the Ministers are interested in penalizing, it is not that community which is going to suffer. The majority of the people of this country are going to be Africans and, whether we like it or not, they are going to continue to be Africans. These are the people who, at last, are going to be the rich people and who are going to own Government Road and River Road in future.

Whatever Act of Parliament we pass here is going to affect those people who have no alternative home anywhere else in the world, and it is not a question that we are pressing the rich.

Coming to the last point, Sir, as I finish, this is that here some hon. Members have tried to mislead the House by comparing the figures of child allowances with the Uganda Government. But although the Uganda Government have allowed up to six children, the aggregate comes to the same, £480, which means that the Uganda Government deceives the population at large. I do not want to quarrel with that, and since it is

**[Mr. Oduya]**  
because of their failure to find schools for their children: food is running short. How does income tax come to rectify such problems? How does this Bill come to rectify such problems? This is a challenge to Economic Planner and his Finance Minister. That has nothing to do with us as Members of the Chamber and, as Member for Teso, I think I have said my bit and I think I will continue to tell it, even if I am called to Kamukunji, I will emphasize my side.

**Mr. Gatunga:** Mr. Deputy Speaker, Sir, I have very little to say about this Bill, except to say, in the first place, that I support it. Now, secondly, I would like to add to some of the arguments, which have been dealt with very fully by the Minister for Economic Development and I think by the Minister for Finance when he was introducing the Bill.

If I remember correctly, some of these hon. Members who are opposing this Bill, Sir, at one stage in this House said that this is a Government of the rich, implying thereby that the Government is only helping the rich and they are doing nothing about the poor and now when the time comes for the Government to try and reduce the wealth of these rich people and make use of it for the poor, then these people make complaints. The same hon. Members, Mr. Deputy Speaker, who are opposing this Bill say that we are developing more on the capitalist side rather than on the socialist side. Mr. Deputy Speaker, Sir, when the Minister brings a Bill and tries to change our direction to the socialist side it means really that he is trying to help the poor, and still they oppose the Bill. This shows, Mr. Deputy Speaker, Sir, that we have no clear thinking in our minds as to what we are trying to do, unless we say that we oppose the Bill for the sake of opposing it, without really trying to find out the logic of it.

If you look at the questions that come into this House from the Members, they ask "Oh! What is the Government doing about the development of my area? What is the Government doing about the building of dispensaries? What is the Government doing about water projects?" These are the general questions that we get in this House from the hon. Members. Surely, these hon. Members expect the Government to raise revenue to provide for these development projects and I think very sincerely that these are some of the projects. Nobody should think in terms of his own personal interest, or that if I have ten children, this Bill is going to affect me adversely because I can only obtain allowances for four children. Well, you have to look at the country as a whole, the

welfare of the people which is there; it is written on the door there. We are thinking in terms of providing money for development. Nobody has suggested in this House, and I do not think that anybody will do so, that by raising one million pounds from this taxation, we shall eliminate unemployment tomorrow, this is not possible, neither can we say that we will do away with poverty in this country in the next few years, but we will have to develop by stages. This is what we are doing. No doubt this Bill is going to affect certain Members in the House, but we should not oppose it merely because it is going to affect your pockets. You must think of the people that elected you to this House.

Now, you talk of wives. Somebody has suggested here that a loan should be given to wives instead of children. Now, we agree that we are living in an African State and we follow African Socialism, but tell me how many Africans, who are going to be affected by this Bill, have more than one wife? How many education officers have two wives? How many teachers, Members of Parliament here, permanent secretaries, all these people have only one wife. Five per cent or one per cent may have two wives. The majority definitely will have very few wives. Now, if you come to the children and if you limit them to four you are going to help more Asians than Africans. I say that one Asian will have twelve children, sometimes twenty, but there are very few Africans with even more than six, sometimes ten, so when you talk of the logic of four children, then say that you are not interested in African welfare, you are interested in the welfare of some other people, the majority of whom may not even be citizens of this country.

Mr. Deputy Speaker, Sir, I think it is unfair to continue debating on an issue such as this which is very straightforward. The issue came to us in this House during the Budget Speech, we debated on it, the pros and cons, and there is nothing new in this Bill. We already know what it is and in fact it has already started operating. It was only a question, Mr. Deputy Speaker, Sir, of approving the Bill if we want to make any progress in this country and if we want to help our people.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): On a point of order, Mr. Deputy Speaker, would I be in order to move that the Mover be called on to reply?

The Deputy Speaker (Dr. De Souza): Order! Order! I have consulted with Mr. Speaker when I came in and he suggested that as there is so much interest in this debate one should not accept a closure so soon.

Mr. Kall: Mr. Deputy Speaker, Sir, I am not going to take long, but I only want to point out one fact, which we are trying to ignore. As every Member speaks he says that he speaks on behalf of the African, that is all right; but then when you come to the question of the African you will find that the majority of the Africans cannot even get the so-called 4080, their own income, their yearly income. That means that if you say that you are opposed to this Bill, then you will be helping the rich to be richer. Another point is that I will come again to the African, when you talk about two or more wives, even according to our own custom it was only the rich people who used to have more than one wife, because we do not obtain wives free, we buy them, whether you like it or not, so I do not see the point in trying to oppose this Bill and I support.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Deputy Speaker, Sir, I rise to support the Bill and I intend to speak very briefly, because I feel that the substance of this Bill has been made very clear and especially by the last hon. Speaker who has posed this question so eloquently I think with the approval of this House.

Mr. Deputy Speaker, before doing anything else I think we have cause here to congratulate the Minister, because since the Bill was first introduced the hon. Minister has gone a long way to meet the requirements or the demands of hon. Members, in that he has done the best that he could to amend the Bill to suit the requirements of many hon. Members, and whatever he has done I think, Mr. Deputy Speaker, we should appreciate the action of the Minister. Besides, when we talk of taxation we mean income tax and we mean taxation of those who have an income. We cannot, Mr. Deputy Speaker, have our cake and eat it. We cannot stand here and say—because we have done that—we have stood in this Chamber and said that we are going to advocate less taxation for the poor and more taxation for the rich. But, Mr. Deputy Speaker, we can only milk those cows who have the milk and this is what the hon. Minister for Finance is trying to do, to get the country to milk only those cows which have the milk and those cows who have the milk are the people who have the money, and the people who have the income and these are the people the hon. Minister is requesting us to milk and we are justified in milking them even more and if any hon. Member of this House has the money, I think it is fair that he should give it to the country, in the interests of the poor people.

Now, Mr. Deputy Speaker, I have always had the impression that some hon. Members of this House, when they speak, they try to give the impression to the countryside that they are advocates of the poor. Being advocates of the poor, and any person who calls himself an advocate of the poor, cannot in his right senses, stand in this House to oppose this Bill.

An hon. Member: But we don't.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Deputy Speaker, Sir, the hon. Member waits until the whole case is over and then comes to help me here. It is all over. Mr. Deputy Speaker, my hon. Member, in his right senses and in his right way of thinking and all those who tend to think of themselves as an advocate of the poor people, cannot with any justification stand and oppose this Bill, because the main theme of the Bill is to be able to obtain more from the rich to help the poor.

Therefore, Mr. Deputy Speaker, this is the reason why every hon. Member in this House who has the interests of the poor in his mind should support this Bill, and this is why I, for one, support it, and support it very strongly.

Mr. Warlithi: Mr. Deputy Speaker, Sir, I very much hate the view being put across that anybody who opposes this Bill is against the development of this country. I believe, Sir, that there are many ways—and this may be one of them—by which we can raise money for development. As has been said, maybe there are very few Members here who pay income tax, and those who do pay do know how painful it is.

Now it is quite fair that this Bill should be brought forward for the purpose of raising this money, about £1 million, but my only warning to the Minister is that the people who have been paying income tax have been complaining and are still doing so; this is going to make them complain even more.

The last speaker, Sir, said that you milk the cow if the milk is there to be taken. But there is a limit up to which you can go on milking that cow, and a time may come when it cannot produce any more milk.

Anyway, the point I want to put across here is this, Sir, that if the Government is serious and wants to raise sufficient funds for the purpose of development, I would say that here they are taxing only those who are employed or whose income is known. There are many people in this country, businessmen, Africans, Asians and the like, who are in groups within which they should pay income tax and yet they are not

[Mr. Oduya] Minister should formulate a policy whereby we can control the export and import machinery of this country, instead of allowing it to be controlled by individual companies. Thereby we will be able to save more money for the development of Kenya which the Minister is looking for because he is advising this Parliament that money will come out of this tax. However, I also am telling him how money should be controlled so that he will be able to get more money.

Another thing, the third point, of controlling money—and we need to save more money—is to encourage savings, because today you have some people saving money because they get £10,000 salary per year; that is equivalent to the Mayor's Rolls-Royce, which is going to be bought. This money is coming from the Kenya Government. For example, the General Manager of the Agricultural Development Corporation earns £10,000. If we reduce this amount to £2,000 a year, the rest of the money—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, I do not want to interfere, but when an hon. Member stands in this House and says the General Manager of the Agricultural Development Corporation receives £10,000, can the hon. Member substantiate that this is, in fact, being done.

The Speaker (Mr. Slade): What is your reason for saying that, Mr. Oduya?

Mr. Oduya: I saw this figure somewhere in a paper, Mr. Speaker, but for the moment I withdraw. I promise to bring the paper later on, the one from where I obtained the argument.

The Speaker (Mr. Slade): I am sorry, Mr. Oduya, we cannot allow that, you know. You cannot withdraw a statement and say you are going to prove it another day. You withdraw it, and that is that.

Mr. Oduya: I withdraw. There is no need for an apology because I have not offended anyone.

Mr. Speaker, I go further and say that if we want sacrifices from the people who are in the field, from the President right to the bottom man, we must reduce the salaries. That is the only way of getting money. The President's salary must be taxed, and not be free of tax. Just because recently we passed here that he should be exempt from income tax. Mr. Speaker, Sir, I would like to say that the President's salary should be taxed if we want to sacrifice Sh. 5,000 a month. The President's salary and Ministers' salaries should be taxed. The rest should be put

into an account to help with the question of unemployment about which we have been complaining. In this I will get the support of the former Minister for Labour, who is now the Minister for Commerce and Industry. I will get his full support on this suggestion.

Another suggestion I have to make, and the fifth, is the question of reducing the Ministries to twelve. If the Ministers are out to make money and not just tell the people that the Kenya Government will be able to make money and only by taxing a few people the Kenya Government will make money to eradicate unemployment and also to provide essential services for other institutions, but what I am suggesting is that—I am only answering the Minister for Economic Planning who suggested that if our money is taxed—the money of the Members of Parliament—the unemployment problem would disappear tomorrow from the streets.

If the Minister for Labour was also here, we should hear from him whether he supports this, that once Parliament approves this Bill, unemployment will disappear tomorrow. If this is guaranteed now by any Minister—Finance or Economic Planning—we will be very happy, particularly those people who have no jobs.

Mr. Speaker, Sir, in order to give a chance to my friends who have not spoken, all I want to say—the Minister says how can we balance our Budget? But how will we balance our Budget if, for example, we squander away £1 million. I have no quarrel with the income tax but how will we balance our Budget of £16 millions, when the Tanzania Government has banned our goods?

I want to end my speech, Mr. Speaker, by saying that the Africans need to solve their problems. We have this paper on African Socialism. Now, in Africa, socialism, although things have not been worked out in detail, when we passed this Paper we had in mind what an African's life is. One of the things of African Socialism is how many wives one is entitled to marry. Now, all these wives are legally your wives. Mr. Speaker, Sir, I am not going to say how many wives I have because here I am not speaking for myself alone, I am speaking for everybody; I am also speaking for people who are here and outside, who are not Members of this Parliament. Some of our people have married more than one wife; they have a number of children. A person from a family cannot support all the children of one wife and leave the rest. Are these wives and children to be declared illegal? If they are legal, then the Bill which

[Mr. Oduya] we want to pass, must also provide the allowances for all the wives that one has. If the argument is going to be how about Indians, one man can have ten or twenty children. The argument will be on the part of Africans that we should give more allowance to women, because an African naturally will have not less than one wife, he will always have more. Less than one, you know what I mean. For example, His Excellency the President of the Republic, and His Excellency the Vice-President, both of these gentlemen have more than one. Yes, that is true, and I stand for correction if—

The Speaker (Mr. Slade): Point of order, Mr. Bala.

Mr. Bala: On a point of order, Mr. Speaker, could the hon. Member substantiate the fact that the President and the Vice-President have more than one wife?

Mr. Oduya: They have very little ones.

For example His Excellency, if you want to elaborate, I find it very difficult, Mr. Speaker, to elaborate about a family affair. Anyway, I have been asked so I will go ahead. His Excellency the President, by his first wife, had some children, whom today he has not rejected. Margaret Kenyatta is there. He has not rejected her by saying that she is not his daughter. The mother of Margaret is still living. She is literally the President's wife. Another one, Peter's mother included. Legally she is his wife. I think I have finished.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, if the hon. Member cannot substantiate that the Vice-President has two wives, can he withdraw that part?

The Speaker (Mr. Slade): You are required to substantiate that statement also, Mr. Oduya.

Mr. Oduya: The Vice-President has more than one wife.

The Speaker (Mr. Slade): Order! When an hon. Member is required to substantiate it means that he is required to say how he knows what he is saying. How do you know it, Mr. Oduya?

Mr. Oduya: I would request the Vice-President to help us in this case.

The Speaker: Order! No, as I have said to hon. Members you cannot substantiate matters by asking somebody else to prove your case. If you cannot say why you say it you must withdraw it, Mr. Oduya.

Mr. Oduya: I will then in future do that. Meanwhile for His Excellency the Vice-President only, I beg to withdraw that one.

But I think that in the first one, I put it clearly, but what is important is that the Head of State and the Head of the Government is already showing us an example and all that I wanted to draw the attention of the Minister for Economic Planning and Finance to was for him to know that the problem of an African has still got to be taken into account, according to our own Paper. That is my argument. It is not necessarily an argument merely about this and that, but I am testing the argument on our Paper, because I remember once the President said "You people are just grumbling about nothing." But you must see the point, the African socialists, if one can marry, let us say, six or seven wives, then that is the man, even in the old days, who was respected, and who is truly discharging African Socialism.

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

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

If that is accepted as a principle of African Socialism, then this is my question. What are we going to do with the rest of the wives if we recognize, as per the Bill, only one wife? Only one wife is given an allowance. What will happen to the other wives with their children? That is the thing and that is why the Members of the House here have a valid argument, whether in this Chamber or outside this Chamber the Minister must accept that, if the Members are prepared to face a challenge, here is a challenge for them if they do not vote for the Bill.

If that is the case, I also say if the Minister is truly prepared we should be accorded, as Members of this House, free chances without any threats from any circles, to share with any Government officer a platform anywhere, in any part of Kenya, including Kamukunji of Nairobi and we will be prepared to give the true picture of Kenya's economy, how it is being run and what is required and the people should know who is mistaken. You cannot really say Members of Parliament, just because of this Bill, this is not going to be a qualification at all, because our problems of unemployment and the lack of services in the country, Mr. Deputy Speaker, is not an income tax question and the qualification of £600, which the Minister alleges to be really firm and which will help Kenya, will not be the qualification to enable the Kenya Government to solve all the problems which prevail today.

Now, we are running short of schools and even this year or next year, we do not know, what will happen with the Members here? The people want to exterminate some of them today,

**[The Minister for Commerce, Industry and Co-operative Development]**

of us might even be poor, completely poor and perhaps having to go without shoes. Therefore, Sir, unless we do something towards the schools for them to be established for the poor fellows, then we may find ourselves in difficulty when we leave this House. So, Sir, we may be digging our own graves without knowing it.

Mr. Speaker, Sir, all that I am trying to say, is let us try and be reasonable about this. Sir, today my words are not convincing, but tomorrow they will be. Mr. Speaker, Sir, if the Members are trying to convince this House and other people that they are fighting for the poor, in order that they can have education and dispensaries, then let us protect them here, because, Sir, this is exactly what is happening. Everybody is trying to work out how much money they will receive in their House, and then when this Bill is passed, they are working out how much they will receive. Mr. Speaker, Sir, the moment we forget ourselves, and think of others, the better.

Mr. Speaker, Sir, I beg to support.

Mr. Mbogoh: Mr. Speaker, Sir, it seems that some of the people who are raising the arguments on this Bill do not go as far as they should with regard to this Bill. Mr. Speaker, Sir, unless the hon. Members have read the Bill, then they would have thought twice before shouting about the Bill and opposing it. Mr. Speaker, Sir, this Bill gives us a chance to exploit the exploiter. If we lose this chance, then we will find that we are late. This Bill, Sir, does not affect the ordinary man in the street. It affects the top class people with a lot of money who should be taxed heavily. Mr. Speaker, Sir, this is very simple arithmetic, and the Members should be able to calculate simple mathematics.

Mr. Speaker, Sir, when somebody speaks about children, it is quite true that many Members have two, three, four or five children. In this Bill you will find that in Tanzania and Uganda they allow for people to have six children, but it is the same amount and it is up to you to calculate, if you have six children, whether one child will take £180 or £10 or whatever it is. Mr. Speaker, Sir, some Members are arguing here with regard to the question of wives, and how many wives they want to marry. But, Sir, this depends on the person concerned. If a person wants to marry two wives, then it is his own business and he divides his allowance between ten wives.

Mr. Speaker, Sir, I wonder how many Members in this House are paying income tax. I am sure that very few, if any, are paying income tax, because they have always been arguing as

the champions of the people, but when it comes to the actual paying. Mr. Speaker, Sir, I wonder how a Member copes, when he goes back to his constituency and is challenged about income tax and has to answer questions on it. How does he manage to represent them when he himself does not pay income tax, and they ask him about it?

AN hon. Member: Are you married?

Mr. Mbogoh (Mr. Speaker, Sir, whether somebody is married or not—

The Speaker (Mr. Slade): Order! There is too much noise going on everywhere. Hon. Members must give him a chance. Will you carry on, Mr. Mbogoh?

Mr. Mbogoh: Mr. Speaker, Sir, what I was saying is that it seems that some of the Members sit down somewhere and then come to argue or appeal when they have learnt from another hon. Member that he is going to oppose the Bill. But, Sir, it is sensible that an hon. Member speaks when he has read the Bill and understood the contents of the Bill, because then he can argue about the contents of the Bill.

Several hon. Members: Are you married?

Mr. Mbogoh: Mr. Speaker, Sir, several hon. Members want me to declare my interests about marriage. I am a very much married man, and I could be a polygamist too if need be. So, Sir, I qualify to speak on that Bill.

Mr. Speaker, Sir, I do not want to labour on this point, but I believe that when we have this Bill passed, then most of our constituents who do not pay income tax at the present will appreciate it, because I am sure that if I go to Embu today and try to count all those who pay income tax, I will find that either two or three people pay income tax, and when somebody comes here and shouts, saying that it will affect the ordinary people, I think it is wrong, because it will affect those people who the hon. Members are saying it will not affect. I am sure that this Bill will be for the good of the people in this country. This Bill was brought about in order to make it possible for us to collect the revenue for the country, but, Sir, if we do not have it passed, then it means that we are letting those rich fellows escape with our money, which should go towards our development. How long are we going to be importing maize from America instead of developing our own agriculture?

So, Mr. Speaker, Sir, I beg to support the Bill.

Mr. Oduya: Mr. Speaker, Sir, I think my argument will be with the House, because I do not want to argue with individual Members.

[Mr. Oduya]

Mr. Speaker, Sir, I also stand to say a few things on the Bill which I understand was here a few days back. The Members advised the Minister to withdraw the Bill, and he dropped it. But, Sir, because the Minister for Finance went and consulted his expert, the Minister for Economic Planning and Development who is very good with regard to propaganda purposes, the Bill has been brought back to the House exactly as it was before. So, Sir, with the view that the Minister for Economic Planning and Development will put everything right, and—

Mr. Khasakhala: On a point of order, Mr. Speaker, Sir, could the hon. Member substantiate that the Minister for Finance consulted the other Minister not to change this Bill?

The Speaker (Mr. Slade): No, I do not think that is a matter for substantiation. The hon. Member is merely expressing an opinion which he bases upon what he saw happen today. It is purely an opinion.

Mr. Oduya: Mr. Speaker, Sir, thank you very much. The hon. Member is defending his friend, which is not bad.

Now, Sir, I would like to go further. The Minister for Economic Planning and Development has just emphasized the reasons why the Bill should be passed as it is. He has alleged that by passing this Bill as it is the Kenya Government, I assume, will be able to get money to eradicate the unemployment problem in the country. That, Sir, is one reason which was given which is actually very valid, but for how long have we been paying this income tax up to date, and the unemployment problem has not yet been solved?

So, if the Minister wanted a valid argument because he wants more money, could I be excused if I make suggestions in my speech, which, of course, will help the Minister? He is the Minister for Economic Planning, and he should plan well to find more money instead of continuing taxing individuals who, possibly, may be in a position to earn very little. With a number of children and with a high standard of education, at the Prince of Wales where you pay Sh. 3,000 a year—I am just giving an example, because there are a few African officers who I know were just recently employed and the Minister has mentioned the growth of the Kenya population, with a lot of people all wanting to earn money while there is not enough work for all.

What I would say is, first of all, is that, if the Government wanted to find money for eradicating unemployment and provide other very efficient services, then the Minister for Economic

Planning must find a solution. If he has no other solution, we, some of us, even if we are bush-economists, can find a solution and give it to him: Just to try and bring up the question of income tax as a major issue, by which means the Government of Kenya is trying to mislead the country that that is the only source of raising funds. I do not think it a good idea, because the Minister for Commerce has given an example, saying that we need money for running schools and so on. I think even if we have money from income tax, I do not think that money is enough to cater for the Kenya Government services, and at the same time for the Common Services. Therefore, the only solution is to find a means of taxing the companies which are making a lot of money in this country and keep sending it outside. In this way, the Bill does not actually mention anything about the company taxation, for example, the breweries, tobacco and so on. What I think is, that the Government should nationalize all the milling machines, all the electricity, hotels, tobacco, breweries, insurances, nationalize these companies to become State-owned properties, because the people who are going to work in these industries are the Kenyans. The money will come into the Kenya Government's pocket and then the Kenya Government will say, "all right, in Busia we need such and such an industry which will employ so many thousands of people. In Galole we need such and such industry," because there is already money, instead of depending on income tax which is a Common Services business. If we have a little money that is also divided for other projects, which are already scheduled for that particular district. So what I would ask the Government is for the Minister for Economic Planning to come forward and consider this matter because the Parliament here has demanded, every now and then, to see that at least certain industries belong to the State so that we will be able to accumulate money. This money will accumulate, but if the Members argue on that, then it shows that we are not out to meet the argument of the Minister for Economic Planning, where he has said he cannot accept a few people—

The Minister for Economic Planning and Development (Mr. Mboya): On a point of order, Mr. Speaker, am I in order to ask whether this is the testimony of a bush economist?

The Speaker (Mr. Slade): No, you are not. The hon. Member is completely out of order.

Mr. Oduya: I do not need your machine, I am capable of arguing with the Minister anywhere. Another thing I would like to say is that the

**[The Minister for Economic Planning and Development]**

Mr. Speaker, the second measure which the Government is taking is the measure regarding the tax structure. In so far as this is concerned this Government intends that the poorer people of this country should not be burdened by paying more taxation, but rather that the wealthier people in this country, we in this House included, and others in Government and in business, those among the farming community, those who enjoy a high income, an income higher than £600 per year, should be able to pay a little more for the development and the running of this country.

Mr. Speaker, under African Socialism there is nothing wrong and nothing in conflict with this approach to our tax structure.

The second paragraph which is relevant in this case, paragraph 22, states as follows: "Direct taxation on people with extremely low incomes will be progressively abolished and the revenue sacrificed replaced by property taxes." Now, Sir, we have started on the road towards this reconstruction. We would like to feel that in the next few years the Minister for Finance can tell the House and the country that people with incomes below, say £120 a year, or some such income, will be excluded from paying direct taxation. That is what we would like to hope, but if we are going to remove the unemployed, if we are going to remove the low-income group people from paying taxation, then the higher-income group people must accept more responsibility. I say this, Mr. Speaker, because unless we do this, the poor will always remain poor and they will become poorer while the rich will become richer, and the gap between the "haves" and the "have nots" will be extending, rather than narrowing.

An hon. Member: It is going on now.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Speaker, it is going on now and that is why we are taking these measures to arrest it. But we cannot arrest it by shouting "No". It is comfortable for the hon. Member who is earning more than £600 to say "No", but what about those people who earn nil, who have nothing to sacrifice? Mr. Speaker, the public of this country will be highly perplexed to hear the hon. Member shouting "No". I am sure, Sir, he would not like to shout "No" at a public meeting in his home town.

**The Speaker (Mr. Slade):** Order, Mr. Oduya. You will have an opportunity of speaking in the debate.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Speaker, when

the hon. Member for Teso speaks it will be very interesting to hear the arguments with which he defends the idea that we should not tax those who have money and should only continue to tax those who are poor and who are without money. It will be very interesting to hear the arguments.

Mr. Speaker, unless we raise our revenue through income tax, the alternative is this; that we increase the degree or the rate of indirect taxation, that we try to raise the prices of basic commodities like foodstuffs and clothing and things like that. It is the only alternative. But, Mr. Speaker, it would be the wrong alternative, it would be the wrong policy and it would be inconsistent with our commitments in Sessional Paper No. 10, because in this Sessional Paper we have unanimously agreed in this House that the burden of direct taxation shall move from the lower-income groups to the higher-income groups.

Mr. Speaker, when we came to power we inherited a tax structure that was conceived for a society that was not a Kenyan society, it was for a society in passing and they called themselves "birds of passage"; it was at the time when income tax was especially paid by the European civil servants, Europeans resident in this country, Asian businessmen and others. The number of Africans who paid income tax was merely a handful. Since independence many Africans have come into the category of the higher-income groups, through executive jobs, businesses, civil service, this House of Parliament, Ministers and others. There is nothing immoral in Africans who begin earning higher incomes in paying more towards the responsibility of running this country, for one aspect of the fact of our independence is that we should be able to run our country. It would be a sad day if our Minister for Finance were to go overseas to borrow money for our recurrent expenditure. It is all right for us to borrow for development because in development we can service the loans, we can repay our debts, but if we begin to borrow for our recurrent Budget there is not a hope that we should be able to pay back, there is not a hope that we could ever become economically independent. Therefore, even when we shout that we are non-aligned, we should not be truly non-aligned for we should be fed in our recurrent Budget by other nations and nothing is more serious than that position.

Mr. Speaker, I do not want to labour the point too much, for I believe that it must by now be quite clear to this House that the Minister for Finance has been more than lenient. Those who suggest that these taxes, or the tax measures, are

**[The Minister for Economic Planning and Development]**

too high may care to study the tax structure in other countries, and they would find that in some other countries these measures become punitive measures instead of being purely and simply tax measures. We have said in Sessional Paper No. 10, again, that our tax structure, or tax measures, shall not be punitive measures. We want to have a structure that will facilitate development, that will enable people to have the incentive to save, the incentive to invest and the incentive to consume, and so the proposed tax measures are entirely fair in that they do not become a punitive tax structure.

I hope, Sir, that in this spirit Members will now see that however much we may dislike the fact that we have to pay taxes, that unless we do pay taxes, then all our hopes for development will be in vain. However much it may be distasteful, and although I speak so strongly for these measures, I assure the hon. Members, and the hon. Minister for Finance knows, that I too complain quite a lot when the time comes for me to pay my taxes. But I happen to understand that unless I do this it will not be possible for me, my children and for our people to realize the aspirations which we have so often spoken about.

Mr. Speaker, Sir, some Members said that these tax measures will interfere with people having the number of children they may wish to have. Mr. Speaker, Sir, nothing of the sort is going to happen. In fact, the child allowance which is referred to in these measures does not affect the children of people with incomes less than £600, and when some Members are pleading for more child allowance they are, in fact, not talking about the ordinary low-income group people, they are not talking about the unemployed people, they are not talking about the peasants in the rural areas, but they are talking about the high salaried people in these towns; the executive people, the business people. Now, Sir, is that the kind of people we are trying to defend, so that they may have more children, when the poorer people become poorer and when the poor man's children cannot even have something to eat, and Members say that we should allow them to have more children? Mr. Speaker, Sir, if a person wants more children, then let him be able to feed them. But, Sir, not at the expense of the unemployed people, the poor people and the peasants of this country. Our job and responsibility is to the masses, the poor people of this country, but not to the handful of Africans who have started working in executive positions, with high salaries; for example, Ministers, Members of Parliament, business men and their business friends.

Mr. Speaker, Sir, I notice my friend the Member for Galole shooting up, and I hope he is shooting up in order to put the case of the poor people in Galole, and not the rich business men in the trading centres. We hope, Sir, that in this spirit the Members will now support the measures, so that we can get on with the job of building our nation.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Mr. Speaker, Sir, in supporting this Bill, I would like to say this.

This Bill, Mr. Speaker, Sir, is talking about two groups of people; those who have and those who have not. My question, Sir, is, is the House here, and the hon. Members here, trying to help those who have or those who have not? That, Sir, is my question. The Bill intends to help those who have not, in the sense that the people who have, like myself and the Members here, should pay more tax in order that those who have not; the unfortunate chaps, the poor fellows, the people who elected these Members to come here and represent them will be provided with schools, dispensaries, etc. The Government should then have enough money to build the secondary schools for them, to make the roads, build dispensaries for them. Mr. Speaker, Sir, there is no country in this world which does not base its economic development on the money paid by whoever are the inhabitants of that country in the form of taxes.

Mr. Speaker, Sir, we have known countries like the United Kingdom where people are very highly taxed for the development of the country, and, again, in America, every single thing you eat, like an egg, or even a tie, is taxed about three per cent which goes into the Government kitty, yet towards the development of the country. Are we going to be a peculiar country, which gets money from Heaven or anywhere else, and then we stand here and say that we want development. Mr. Speaker, Sir, is it not out of order for a Member in this House to fail to support this Bill and at the same time, to move a motion here because the Government has failed to establish a secondary school in his constituency?

**The Speaker (Mr. Slade):** It is in order, but not logic perhaps.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** There is no logic, Sir, no logic whatsoever. Therefore, Sir, I would like to say this, and also like the hon. Members to take note of this, that today we are Members of Parliament, but who knows what might happen tomorrow? Tomorrow, we might not be Members of Parliament, some

[Mr. Khasakhala]

Sir, when this Bill was adjourned, there were a few points raised by hon. Members concerning various things, which I think perhaps I would like to touch on briefly. The Income Tax Bill is actually a Bill which involves two other countries, that is, Uganda and Tanzania. Now on the question of children's allowance, as raised by hon. Members, what I would like to remind my friends and colleagues in this House is that those people who pay income tax are not the ordinary people in the country who are unable to pay. In fact, this Bill is in actual fact asking the highly paid people, the people who have the money, to pay towards the welfare of the poor people in the country. And if the poor people are protected by those people with money, and we want to change the Bill so that we tax the poor people, then we are making a grave mistake.

Sir, income tax is intended for those people with a higher income, the man who earns a high salary, like the Ministers, like the hon. Members who have other sources of income, whose income is higher. It does not affect the man in the street, the ordinary man in the country. This is really affecting the rich men, the businessmen in Nairobi, like the Asians who have big shops, who earn a lot of interest from the poor man in the street. These are the people, in fact, who are to be taxed by way of income tax. Therefore, if we go on protecting the rich man, and let the poor man in the street suffer this tax, I think we are being very unfair to the country.

I would say, Sir, that the hon. Members should reconsider their argument. Even if we talk about African Socialism, and mean that if a man has so many wives he should be given an extra allowance, an African, Sir, who marries six wives is a rich man. A poor man cannot marry six wives. In fact, it is a rich man who marries more than one wife because he can afford to keep them. If he cannot afford to keep them, why would he marry more than one?

Therefore, I do not see the reason why we should argue on this Bill. First of all, we should consider the poor man. The poor man in the street pays his Graduated Personal Tax; he is not taxed directly, by way of income tax, as is the rich man. Now if you want a rich man not to pay for the welfare and the development of the country, what will we do to this country? How do we expect development in the country? This Bill is not protecting our workers even, if we do that.

Mr. Speaker, in my own constituency perhaps there is only one African who pays income tax, one African in the whole constituency. Why should I protect that person, who has the money

to assist in the welfare of the country? Mr. Speaker, I strongly feel that this Bill should be supported, and I think we should let it go through its Second Reading.

Secondly, we know very well that the Bill has also provided for married people; and if you are married you have an allowance of £600. Now, if we allow £600 per wife, well, it is even going to make Europeans, who do not practise polygamy, take on widows in Nairobi and call them their wives, so that they can have the same allowance. It will cause even some Asians to take some people, relatives, and call them wives, so that—

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, on a point of correction—

**Mr. Khasakhala:** Is that a point of order or of information?

**The Speaker (Mr. Slade):** Correction, I understand.

**Mr. Khasakhala:** Very well.

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, I would like to correct this, to the effect that £600 is for a married man; it is not £600 for every wife.

**Mr. Khasakhala:** That was not a correction, Sir, because what I was saying was that if £600 allowance was given per wife, as Members were wanting—that the Minister should give an allowance of £600 per wife—it would then encourage people to inherit some wives who were not there.

**Mr. Shikuku:** On a point of order, Mr. Speaker, the hon. Member has just stated that Members have said that every wife should have £600. I was one of the speakers to the Motion, and I do not remember any Member having said that. Is he in order to insinuate, or, rather, to try to misrepresent what the hon. Members who spoke previously said?

**The Speaker (Mr. Slade):** No, from what I remember of the debate, the hon. Member is not misrepresenting anything which was said. There was, of course, the claim that there should be unlimited allowance for children, however many, and I think there was a suggestion that Members should be encouraged to have as many wives as possible. I do not hear any misrepresentation of what was said.

**Mr. Khasakhala:** Mr. Speaker, I was only referring to the times hon. Members referred to African Socialism because, under African Socialism, you can marry as many wives as you like. So, that is what I was referring to in my speech.

[Mr. Khasakhala]

Therefore, Mr. Speaker, I do not see actually the quarrel we could have against the Minister to this Bill because, even in the Bible it says, "To those who have it shall be added", and this means that those who have should pay for the poor man's welfare. It would only be unfair if income tax was extended to the ordinary man whose income is low, but if it remains as it is today, Mr. Speaker, I would say that it should receive the blessing of true African socialists because it is, in fact, protecting the ordinary man.

With these few remarks, Sir, I beg to support.

**The Minister for Economic Planning and Development (Mr. Mboya):** Mr. Speaker, Sir, I promised the hon. Member for Teso that I would not quote the Bible.

Mr. Speaker, when the debate took place originally on this Bill I was not in the House. I have, however, been able to read some of the remarks made by Members. It is right that Members should be concerned about this kind of Bill, it is not unique that this concern is expressed here in Kenya or in this House. It is well known, and is universally the case, that whenever a money Bill, and especially a taxation measure, comes before parliament in any country it is scrutinized very carefully by Members. No one, in this country or in any other country, wishes to pay taxes if he can help it and I want to assure the House that Government considers very carefully the tax measures for, in this Sessional Paper No. 10 which has been unanimously approved by this House, we have agreed beforehand on the guide lines which Government must use in the formulation of our tax policy. It was quite clearly understood that development in this country will be dependent upon the revenues that we can raise within the country. Revenue measures inevitably include taxation. I would like to remind hon. Members that in the Memorandum of Objects and Reasons, which is published together with the Bill, the last paragraph states, "The proposed changes when fully implemented are estimated to produce an increase in revenue of over £1 million." If these changes are not implemented, then the Government's revenue measures will fall by £1 million. If our measures fall by £1 million, then the Budget must be reduced by £1 million. That also means inevitably that development must be reduced accordingly.

Now, Mr. Speaker, the theme of this House, and from what I can see over the past few months, the mood of this House and the mood

of the country is one for development. In fact, throughout the country the mood is for accelerated development. A reduction would, therefore, be entirely against the will of the people, the will of this House and the mood of the country. I am, therefore, myself quite convinced that no Member in this House wishes to see a reduction in our expenditure, nor a reduction in our development programme.

We have, within the last two years, done just a few things to show and accelerate development. We have yet a lot of other things that need to be done. Mr. Speaker, Members know as well as we do in the Government that apart from our own revenue measures we can only rely on the generosity and, in many cases, the whims and sentiments of other people and other countries for our development. The poor people of this country, the unemployed, the peasants of this country are anxious and they urgently require to see development. It would be a sad day for Kenya and for this House if those hopes and expectations were to be stifled because the House refused to pass a measure such as this.

In the Sessional Paper, No. 10, and many Members speaking previously have referred to African Socialism in their defence of arguments against these measures—but I would like to remind the House, as especially to draw attention to page 53 of Sessional Paper No. 10 to recommendation 21 under the subtitle "Tax Structure" that this is what the Government said and this is what the House instructed the Government to do, "The tax structure", and I quote "will be reconstructed progressively with a view to raising the levels of Government revenue, domestic savings, and private investment in the economy; while also eliminating the outflow of funds through investment in foreign countries, modifying the distribution of income and wealth, and influencing the pattern and methods of productions and consumption."

Three distinct points have been made in that particular recommendation. First, that we should reconsider or review the tax structure. Secondly, that we should take steps to reduce the outflow of capital from this country, and thirdly that we should review the position of production and consumption methods. In the last year the Minister for Finance has taken steps in so far as the second part of the recommendation is concerned, namely the introduction of the Foreign Exchange Regulation. By this measure in the last few months we have been able to save in this country about £2 million per month of the money that used to go out of the country, which is now being held here.



The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor); Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration and approval of the Pig Industry Bill with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

#### REPORT

##### THE PIG INDUSTRY BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Pig Industry Bill and its approval thereof with amendments.

(Consideration of Report of Bill ordered for tomorrow)

#### BILLS

##### First Reading

THE TRAFFIC (VEHICLE LICENCES) (DURATION, FEES AND REFUND) (AMENDMENT) (RULES) (VALIDATION) BILL

(Order for First Reading read—Read the First Time)

Mr. Khalif: On a point of order, Mr. Speaker, I beg to object to the Second Reading of this Bill today, Sir.

The Speaker (Mr. Slade): That is all right. There cannot be two stages of the Bill taken today without the leave of the House, which means every Member consenting. If any hon. Member objects, he is entitled to say so and he does not have to give his reason. Mr. Khalif objects to the Second Reading being taken today, I understand, so it will have to be taken tomorrow.

I think, Mr. Njonjo, you were going to inform us of the President's consent?

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to inform the House that His Excellency the President, under Standing Order No. 134, has signified his consent.

The Speaker (Mr. Slade): Thank you. So we will take the Second Reading tomorrow.

(Ordered to be read the Second Time tomorrow)

##### First Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(Order for First Reading read)

The Speaker (Mr. Slade): I think, before we proceed with the First Reading, the Attorney-General has something to say on this Bill.

#### MINISTERIAL STATEMENT

##### WITHDRAWAL OF BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, I am informed by the Minister for Finance that he is going to introduce amendments to the Loans Bill and it must follow that it will also be necessary to amend the Constitution Bill. Therefore I propose to withdraw the Constitution (Amendment) Bill and have it redrafted.

The Speaker (Mr. Slade): Hon. Members will understand that there is a peculiarity about Bills for the amendment of the Constitution in that they cannot themselves be amended after they have been introduced in the House. So it is not possible, in this case, to do what is normally done, that is, to introduce an amendment at the Committee stage. It is for that reason that the Attorney-General withdraws the Bill altogether, and he will have to publish it again. I have no doubt that, when it has been republished, the House will be disposed to shorten the time of publication before the Bill comes on the Order Paper.

#### BILL

##### Second Reading

THE LOANS (GUARANTEE) BILL

(Minister for Finance on 26th January 1966)

(Resumption of debate adjourned on 26th January 1966)

The Speaker (Mr. Slade): Hon. Members will recall that this Second Reading has already been the subject of debate and the debate was adjourned on a Motion of Mr. Osogo. He is the person who now has first claim to continue speaking, if he is here, otherwise the debate is open to the House. If no other hon. Member wishes to speak, then I will call on the Minister to reply.

The Minister for Finance (Mr. Gichuro): Mr. Speaker, Sir, in view of the strong objections raised by hon. Members last week, I will be moving several amendments to the Bill during the Committee stage. These amendments appear on the Order Paper today.

The first amendment is to clause 3 and requires Government to obtain the prior approval of the House before entering into guarantees. This provision may cause delays in entering into guarantees, especially when the House is in recess, but I sympathize with the position taken by several hon. Members; and I will therefore move this amendment in Committee.

The second amendment, to clause 6, provides for Government to report to the House whenever it is necessary to pay out any moneys under a guarantee agreement. And, in this respect, I have the Mombasa Pipeline Board in mind. We have

[The Minister for Finance] done our very best to see if we could not get Uganda to agree to prolong the period of the loan, but they have indicated that they are not prepared to do so, so we may be called upon to honour our guarantee. This amendment fulfils the pledge I gave in my speech last week to report to the House whenever it became necessary to honour a guarantee.

The third amendment, to clause 8, is intended to remove possible doubts as to the legal validity of charging to the Consolidated Fund any moneys required under the guarantee listed in the Schedule. Someone has questioned that amendment and proposed that it more or less comes back as the original proposal that I had put forward; but the point to explain here is that clause 3 provides that there must be the approval of the House. Provision 2: if I was called upon to honour a guarantee that had been made, I would honour it because it had already been approved by the House, and then report back. It does not mean that there would be any more money involved in the exercise.

The fourth amendment deletes clause 9 as, on further consideration, it is not thought to be necessary.

During the debate last week, the hon. Mr. Malinda asked why the guarantee of the £4.3 million, the British aircraft loan to East African Airways, was not shared with Tanzania and Uganda. The reason for this is that we only guaranteed one-third of the total loan of £12.9 million made to the Airways. There is a similar situation in respect of the guarantee of the £140,000 loan from the National and Grindlays Bank to the East African Common Services Organization, because this loan, which was originally for £250,000, and is now being repaid, was to construct staff housing in Kenya. We therefore guaranteed it ourselves.

The Bill is of great importance to the nation. Many loans which require our guarantee will depend on this Bill, particularly the Railways loan, the loan for the Posts and Telecommunications Administration and the loan for the Tana River Scheme. These are very urgent and therefore I do need to have to guarantee them. Uganda and Tanzania have guaranteed the Railway and the Posts and Telecommunications loan and the World Bank will not let the General Manager, for example, of the Railways spend one cent of that money. He is very anxious to start doing so because he has, on the strength of the successful negotiations of the loan, placed some orders for rolling stock.

Mr. Speaker, Sir, 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)

#### POINT OF ORDER

NOT MORE THAN ONE STAGE OF BILL ON ANY ONE DAY

Mr. Khasakhala: On a point of order, Mr. Speaker, what would the position be if the Minister asked for the leave of the House, although it is not on the Order Paper—

The Speaker (Mr. Slade): No. That was a matter which was the subject of a Communication from the Chair only about a week ago. I explained to hon. Members that I cannot allow anything to be discussed in this House that has not been put on the Order Paper, by way of warning to hon. Members, even if, at the last moment, the House gives leave. The point is that all hon. Members must know that a matter is likely to come on the Order Paper, and that they are going to be asked for leave for it to proceed. So we cannot snap things through in this way.

#### BILL

##### Second Reading

THE INCOME TAX (ALLOWANCES, RELIEFS AND RATES) BILL

(Minister for Finance on 27th January 1966)

(Resumption of debate adjourned on 27th January 1966)

The Motion for adjournment was Mr. Anyieni's, so that if he were here to continue speaking, he would be entitled to do so. In his absence, the debate is open to any hon. Member who has not yet spoken.

Mr. Shikuku, you have spoken in the debate. I think.

Mr. Shikuku: Mr. Speaker, I thought Mr. Anyieni had moved that there were some illegal things happening. Are we not speaking on that Motion?

The Speaker (Mr. Slade): No, we are speaking on the Income Tax (Allowances, Reliefs and Rates) Bill, Second Reading.

Mr. Shikuku: Mr. Speaker, I beg your pardon, I thought we had agreed in this House that the debate would be adjourned on this Graduated Personal Tax—

The Speaker (Mr. Slade): But this is not the Graduated Personal Tax Bill.

Mr. Shikuku: Oh, I am sorry, this is Income Tax.

Mr. Khasakhala: Mr. Speaker, I would like to say a few words on this Bill.

The Speaker (Mr. Slade): Order! An hon. Member, if satisfied with the reply, will probably not wish to pursue it further. His reasons for wishing to pursue it on an adjournment is almost inevitably that he is not satisfied with the reply, however satisfied other Members may be.

Now let us get on. Is any other hon. Member authorized by Mr. Lorema to ask his question?

## ORAL ANSWERS TO QUESTIONS

Question No. 241

## COMMUNITY DEVELOPMENT ASSISTANT FOR WEST POKOT

Mr. Aremam, on behalf of Mr Lorema, asked the Minister for Housing and Social Services if he could tell the House why there was no community development assistant (woman) in West Pokot District.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Housing and Social Services. Community development is a combined operation between the Central Government and the local authority responsible for each area. As each area is ready for community development activities, my Ministry provides a community development officer or assistant community development officer, according to the state of readiness of the people and availability of staff, and the local authority provides the community development assistants, both men and women. The officers of Central Government and assistants of the local authority then work as a team to promote a community spirit and development activities.

My Ministry has, recently, posted an assistant community development officer to West Pokot, and this officer is now awaiting the appointment of assistants by the county council, as he cannot do his job properly until these are available. Any assistance the hon. Member can give by persuading the council to act quickly, would be most appreciated by me and my Ministry.

Mr. Khasakhala: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister aware that West Pokot was left behind in the colonial days and, as a result, much assistance should come from the Government to assist these people? What is he doing to encourage these people, especially in this particular area, who would like to develop, as any other parts of Kenya?

Dr. Waiyaki: I am aware that West Pokot was left behind, Mr. Speaker, Sir, but I think the hon. Member appreciates the fact that the Government is moving fast by providing an assistant community development officer already.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he tell the House whether there have been any applications from women who are interested in helping their own people, as the language is one of the problems?

Dr. Waiyaki: I pointed out, Mr. Speaker, Sir, that the assistants, either men or women, had to apply to their local authority. I am not aware that they have applied, because we are pressing the Member to try and assist in getting somebody appointed.

The Speaker (Mr. Slade): I would remind hon. Members that on the adjournment today, Mr. Kariuki is to raise the matter noted on the Order Paper.

## NOTICE OF MOTION FOR THE ADJOURNMENT UNDER S.O. 14

NAIROBI MAYOR'S CAR

Mr. Ngala: Mr. Speaker, Sir, under Standing Order 14, I would like to raise on the adjournment the matter of the Nairobi Mayor's car as an urgent matter of national importance.

The Speaker (Mr. Slade): Order! That is undoubtedly a definite matter and urgent. I have to leave it to the House in those circumstances to say whether or not they regard it of sufficient public importance to justify this procedure—Order! Order! I therefore wait to see if ten or more hon. Members stand in support of the proposal.

(A number of hon. Members stood in their places)

The Speaker (Mr. Slade): Very well. Then Mr. Ngala will move the adjournment of the House to discuss that matter at 6 p.m. this evening or such earlier time as we conclude the business on the Order Paper.

Mr. Shikuku: On a point of order, Mr. Speaker, I am just seeking your guidance on this because I do remember a question was brought in this House by the hon. Mr. Ndile and that I gave notice of my intention to raise this matter on a Motion for the adjournment. Is that now nullified? There was notice of a Motion for the adjournment on the issue of the Mayor's car.

The Speaker (Mr. Slade): No, this particular Motion for adjournment of the House under Standing Order 14 does not interfere with an ordinary matter raised on the ordinary adjournment. So what happens is that if Mr. Ngala moves this Motion for adjournment at 6 p.m., it continues until 6.30, the ordinary time for the interruption of business, and then we have a Motion for the adjournment of the House for that other matter of Mr. Kariuki's to be raised.

Mr. Shikuku: On a point of order, Mr. Speaker, I think you did not understand me. I remember there was a time in this House when a question was put in connexion with the Mayor's car and I gave notice that I shall raise this matter on adjournment. Now that we are raising this under section 14 of the Standing Orders, does it mean that will not be raised again?

The Speaker (Mr. Slade): I am sorry. Yes, it would mean that it disposes of the question; we cannot have it over again on an ordinary adjournment. I am sorry, I missed the point.

The Minister for Information and Broadcasting (Mr. Achieng-Onoko): On a point of order, Mr. Speaker, do you not think that half an hour is too little for this particular issue?

The Speaker (Mr. Slade): No, my opinion was that half an hour would be ample, and I think Mr. Ngala agreed with me.

Mr. Anyalen: On a point of order, Mr. Speaker, if the Members of this House wish that this matter should be discussed for a little longer, is there any section in our Standing Orders which could allow Members to be given a little more time; maybe to say that it should start at 5.30 instead of 6?

The Speaker (Mr. Slade): This does rest in the discretion of the Speaker. If I really thought that you needed more than half an hour for a matter of this kind, I would certainly give it, but it is a very straightforward issue one way or the other, and I do think that these discussions are better if they are fairly strictly limited in time. Besides, one has to bear in mind the other business we have to get through in the course of this afternoon. In my opinion, half an hour is sufficient for this particular matter to be discussed.

## 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 PIG INDUSTRY BILL

Clause 2

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Chairman, I beg to move:—

That clause 2 of the Bill be amended by deleting the definition of "butcher", and inserting in place thereof the following definition—  
"butcher" means a person licensed to slaughter pigs under section 10 of this Act;

(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)

## Clause 3

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Chairman, I beg to move:—

That clause 3 (1) (d) of the Bill be amended by inserting immediately after the word "Specialist", the words "by reason of their special knowledge, ability, business experience or other qualifications or experience likely to be of benefit to the board".

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

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Chairman, I beg to move:—

That clause 3 (3) of the Bill be amended by deleting paragraph (d) thereof and inserting in place thereof the following paragraph—

(d) he is sentenced by a court to a term of exceeding six months' imprisonment.

(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 3 as amended agreed to)

Clauses 4, 5, 6, 7, 8, and 9 agreed to

(Clauses 10, 11, 12 and 13 agreed to)

(Clauses 14, 15, 16, 17 and 18 agreed to)

(Clauses 19, 20 and 21 agreed to)

## Clause 22

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Chairman, I beg to move:—

That clause 22 (c) of the Bill be amended by deleting the word "licensed".

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

(Clause 22 as amended agreed to)  
(Clauses 23, 24, 25 and 26 agreed to)  
(Title agreed to)

(Clause 1, agreed to)

[Mr. Mbogoh] whether there are any difficulties faced by the people who are doing land consolidation in Meru?

Mr. Angalane: Mr. Speaker, Sir, I think the people have a saying which says "money speaks". Well, unless the funds are made available, I cannot do anything without money.

Mr. Ngala-Abok: Mr. Speaker, Sir, can the Minister outline his policy for obtaining money to extend the work of consolidation, which is a very pressing problem in our development?

Mr. Angalane: Mr. Speaker, Sir, although that is a different question, I think the hon. Member is aware that the three Kenya Government Ministers have been to Britain, Mr. Gichuru, Mr. McKenzie and myself, to look for money and the British Government has agreed to lend us some money for this purpose.

## Question No. 248

## STATE HOUSE AT KAKAMEGA

Mr. Godia asked the Minister of State in the President's Office whether he would tell the House what progress was being made with the plan for the establishment of a suitable State House in the provincial headquarters of the Western Province, Kakamega.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. I am not aware of any plans by the Government to establish a State House at the provincial headquarters of the Western Province at the present moment.

Maybe, Mr. Speaker, the hon. Member may be referring to a Government house which used to be occupied by the chairman of the provincial council during the *Mojimbo* days. This house is being looked after and maintained by the Provincial Commissioner, Western Province. I cannot say whether this house will, in future, be made a State House or not, as this will depend on whether or not the Government would want to have a State House at Kakamega. Investigations, however, are being carried out into the possibility of establishing State Houses in all provinces. If Western Province proves a suitable place—and I sincerely hope it will—for the establishment of one, consideration will be given to the matter, Mr. Speaker.

Mr. Godia: Mr. Speaker, Sir, will the Minister assure the House that he will give this question very immediate consideration, since the last visit by His Excellency to the Western Province was cut short due to the lack of suitable and comfortable accommodation in the province?

Mr. Nyamweya: Mr. Speaker, Sir, I have two points to make. First of all there is a correction: The Government does not intend to establish State Houses. We have only one State House and that is up here. What I meant, Sir, was a State Lodge, and that is what the Government is looking into, the establishment of State Lodges at appropriate places.

The second point I want to make, Mr. Speaker, is that I was not aware that His Excellency, the President's tour was cut short in the Western Province because of lack of accommodation. We are aware that the President can always make use of the comfortable accommodation which is available in the district and, at some places, he has used the houses occupied by district commissioners. There is no question of trying to put up a luxurious place for this particular purpose.

Mr. Khasakhala: Mr. Speaker, Sir, arising from that reply, is the Minister aware that Kakamega is a provincial headquarters, and yet there is no hotel to cater for His Excellency when he comes to visit? As a result of this, Kakamega should be given priority in this consideration.

Mr. Nyamweya: Mr. Speaker, Sir, the district commissioner's house is sufficient to cater for the comfort of His Excellency, the President, the Ministers or any other politician. As a matter of fact, Sir, the moment we move to do what we are asked to do, we would get ourselves into trouble over the question of dignity and other things.

Mr. Masinde: Mr. Speaker, Sir, arising from a number of the Minister's replies, is the Minister aware that, up to date, there are provinces where there are big and beautiful hotels and in which have been established State Lodges, such as Kisumu and Mombasa, but in Kakamega, where there is not even a hotel, there is nothing and, as a result, the President has to tour across the border and sleep in a different country? For that reason, Kakamega should qualify for first priority.

Mr. Nyamweya: Mr. Speaker, Sir, I was in Kakamega about a week ago. I agree that there is no hotel, but that is not a justification for building a State Lodge. Mr. Speaker, Sir, the President, the Vice-President, and any other Minister is prepared to be entertained and received in the houses of all these hon. Members.

I agree, Mr. Speaker, that Kakamega, as a provincial headquarters, lacks certain facilities for tourists and some people who would like to spend a weekend in Kakamega. This is a matter

[Mr. Nyamweya] for the tourist corporation to take up and own the hon. Members to build a hotel of their own.

Mr. Shikuku: Mr. Speaker, Sir, arising from the very amusing and almost arrogant reply by the Minister, is he aware that the—you look worse than kindergarten children.

Mr. Speaker, Sir, is he aware that Kakamega Province, as such, is also entitled to the dignity which the other provinces have, and it is also important that a lodge for the President should be established in Kakamega rather than him sleeping at the home of the district commissioner and interfering with the district commissioner's family?

Mr. Nyamweya: Mr. Speaker, Sir, I sincerely hope the hon. Member for Butere did not mean that I have been arrogant to the House. I would only like to suggest to the hon. Member, much as I deprecate the lack of facilities in Kakamega, that the construction of a State Lodge will not remedy the situation, because that will be preferred for some particular persons. What I am suggesting, Mr. Speaker, is for the hon. Members of this province to encourage the people of Western Province to build a hotel which can take the business.

Mr. Masinde: On a point of order, Mr. Speaker, Sir, is it in order for the hon. Minister to stand in this House and divert the House from the actual question, because we have seen State Lodges established in various other places. Why is he trying to mislead the House that Kakamega is different?

The Speaker (Mr. Slade): Order! I cannot see any valid point of order there.

Mr. Mbogoh: On a point of order, Mr. Speaker, Sir, an hon. Member has just stated here that the other hon. Members are worse than kindergarten children, how parliamentary is that language, Mr. Speaker?

The Speaker (Mr. Slade): I am afraid I did not hear it because of the noise, but it is not parliamentary. Mr. Nyamweya, had you finished replying when you were interrupted?

Mr. Nyamweya: I had not actually, Mr. Speaker, Sir, but I was interrupted. The last thing I was going to say to the hon. Member for Butere was that the question of dignity should not be brought into the construction of a State Lodge. We must separate the construction of a State Lodge and hotel accommodation.

The Speaker (Mr. Slade): We are going back now to Mr. Lorema's question.

## NOTICE OF MOTION FOR THE ADJOURNMENT

## UNSATISFACTORY REPLY TO QUESTION NO. 248: STATE HOUSE AT KAKAMEGA

Mr. Masinde: On a point of order, Mr. Speaker, Sir, in view of the fact that we have had a very unsatisfactory reply to this question, I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): Order! I would remind hon. Members that this is a point of order. You wish to raise it on adjournment, Mr. Masinde?

Mr. Masinde: Yes, Sir.

## POINT OF ORDER

## UNSATISFACTORY REPLIES TO QUESTIONS

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, Sir, as this House actually determines whether an answer is satisfactory or not, and in this case the House has shouted its disapproval of what the hon. Member suggested, will you still allow it to be raised as a matter on adjournment?

The Speaker (Mr. Slade): Yes. Any hon. Member is entitled to give notice of his desire to raise on an adjournment any matter, whether in answer to a question or otherwise, which he regards as unsatisfactory. The matter will be tested further when it is raised.

Mr. Bataha: Mr. Speaker, Sir, on a point of order, what is the position if the questioner is objecting to this matter being raised on adjournment?

The Speaker (Mr. Slade): I do not like having to answer the same question over and over again. This particular one I have answered at least twice before. Any hon. Member is entitled to state his intention of pursuing a question on an adjournment, except that the Member who asked the original question has the first claim to do so. If he wishes to exercise that right, he is given priority. If he does not wish to exercise that right, he has no power to stop some other Member raising it. Do we have to keep going on with points of order?

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): On a point of order, Sir, it is the habit of most Members to preface their intention to raise matters on adjournment by saying that the reply has been most unsatisfactory. Mr. Speaker, Sir, is this in order, would it not be sufficient for a Member to say he intends to raise the matter on adjournment, particularly in view of the fact that the question was most satisfactorily replied to?

Mr. Kuman: Mr. Speaker, Sir, I am giving the reason, and you also will agree with me, that there are many medical assistants who are qualified sufficiently to be made doctors.

Mr. Speaker, the simple reason for my question is that we have seen that we have very able and capable medical assistants, and we have also discovered that in some of our hospitals they have some doctors who are not even qualified like these people.

Mr. Otiende: Mr. Speaker, Sir, with due respect to medical assistants and clinical assistants, I do not think they would like to be called doctors. But I am sure they are doing a useful job in their proper place now. There is no possibility of turning them into doctors unless they go out for further training and become fully qualified doctors. We have arranged courses for them and, if they go through those courses, maybe, eventually, they will become doctors.

The Speaker (Mr. Slade): Next question.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 210: FULL-TIME MEDICAL OFFICER FOR THOMSON'S FALLS

Mr. G. G. Kariuki: Mr. Speaker, Sir, in view of the very unsatisfactory answer to this question, I wish to raise the matter on adjournment.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 256

##### HOSPITAL STATUS FOR AHERO HEALTH CENTRE

Mr. Bala asked the Minister for Health whether, in view of the very heavy demands on accommodation for in-patients at the Ahero Health Centre, he would raise the status of the centre to that of a hospital.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, we in the Ministry are always considering health centres with a view to promoting them to small hospitals, especially if they are in very remote areas where transportation is difficult. The Ahero Health Centre happens to be only fifteen miles from Kisumu on a beautiful tarmac road. We know that there is congestion there and we are considering, in future, when the time comes, giving Ahero priority in comparison with other health centres.

Mr. Bala: Mr. Speaker, arising from the Minister's reply, is he aware that this health centre is not catering for people from Kisumu but catering for people from places like Kusa, right at

the lake shore, where there is no road, and places like Sidho East, and, therefore, the question of tarmac roads should not arise because this centre does not cater for Kisumu Township?

Mr. Otiende: Mr. Speaker, I have said that Ahero will be considered, along with other health centres, when the time comes, when this planning period is finished, for up-grading it to the status of cottage hospital.

Mr. Mbogohi: Mr. Speaker, Sir, in view of the fact that Ahero is only fifteen miles from Kisumu, and since we are building a wonderful hospital at Kisumu, would the Minister think in terms of making Ahero a wing of the Kisumu Hospital instead of considering it separately?

Mr. Otiende: Mr. Speaker, when considering Ahero, I had in mind all the facilities which will be provided at Kisumu.

Mr. Omweri: Mr. Speaker, Sir, arising from the hon. Minister's reply, concerning the distance, and the services that Kisumu Hospital gives, in connexion with Ahero Health Centre, is the Minister not aware that Kisumu is not merely a hospital for the area in the immediate vicinity but caters for a very large area indeed, including Western Province and as far down as the Homa Bay District, and therefore this should be given more consideration?

Mr. Otiende: Mr. Speaker, Sir, I have said that I have considered all the circumstances of Kisumu being almost a general hospital for Western Kenya when considering Ahero Health Centre.

Mr. Anyleni: Mr. Speaker, Sir, in view of the fact that Kisumu Hospital is a big hospital, and in view of the fact that the Russians are putting up another hospital near Kisumu, would the Minister consider providing free transport from Ahero to Kisumu for the patients who need to be detained in the hospital so that they can receive medical treatment at Kisumu instead of having so many hospitals in one place?

Mr. Otiende: Mr. Speaker, there is an ambulance service. Anybody who needs to be put into bed can always be rushed to Kisumu Hospital in a matter of minutes. The question that arises here is about those people who live in the inaccessible interior, both to the east and west of Ahero.

Mr. Ngala-Aboki: Mr. Speaker, Sir, when the Minister is considering turning this health centre into a cottage hospital, will he consider starting right now digging big trenches or holes for drainage around this place because it is usually flooded during the heavy rains?

Mr. Otiende: Mr. Speaker, that is one of the reasons why Ahero perhaps might remain a health centre longer than usual. As far as the question of geography is concerned, I am sorry that I cannot commit my Ministry unless I consult my colleague, the Minister for Works.

The Speaker (Mr. Slade): Next question.

##### Question No. 216

##### LAND CONSOLIDATION IN MURANG'A

Mr. Kagga: On a point of order, Mr. Speaker, as part (ii) of my question has now been answered, I would only like to ask part (i).

Mr. Kagga asked the Minister for Lands and Settlement if, in view of many complaints in connexion with land consolidation which were given to the Minister when he visited Murang'a on 20th September 1965 and in view of the promise he made at Mugoiri on the same day, that he was going to visit Locations 3 and 13 to see for himself, he could tell the House what he intended to do to correct the mistakes which he did agree had been committed in Location 8.

The Speaker (Mr. Slade): Mr. Angaine, Mr. Kagga would like you to answer only the first part of the question, apparently.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. Investigations are being carried out on complaints which were lodged in Location 8 in connexion with land consolidation in the area; and the hon. Member for Kandara can rest assured that my Ministry will not hesitate to take action to rectify any mistakes that come to light.

Mr. Kagga: Mr. Speaker, Sir, while thanking the Minister for visiting Locations 3 and 13, would he tell me how long this investigation will take, because he must be aware that these complaints have been outstanding for a long time; and in view of the promise he gave when he visited the location, that as soon as he reached his office, he would consult his colleagues and would let us know what he was going to do, what has he done about it?

Mr. Angaine: Mr. Speaker, Sir, I do not know whether the hon. Member does roam around his constituency, but my officer is there now doing his duty.

Mr. Kagga: Mr. Speaker, Sir, whilst this location is not in my constituency, I should like to hear and know from the Minister how long this officer will take to carry out his investigation.

Mr. Angaine: Well, Sir, I cannot tell the hon. Member when the work will be completed, but as soon as my officer completes his job I will report to the hon. Member, if he wishes me to.

Mr. Kaman: Mr. Speaker, Sir, as there are so many similar complaints in the Central Province, will the Minister also investigate the whole of the Central Province—

The Speaker (Mr. Speaker): Oh no, Mr. Kaman, that is getting beyond the question. Next question.

##### Question No. 229

##### LAND CONSOLIDATION IN MERU

Mr. Mate asked the Minister for Lands and Settlement how many locations of Meru had so far completed land consolidation. Of the remaining locations, when did the Government consider that consolidation would be completed.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. There are three locations in Meru that have, so far, completed land consolidation: namely, Upper Abothunguchi, Kebirichia and Kiriua. Land consolidation started on the upper areas bordering the forest and is, gradually, extending down to the lower areas. There are twenty-two sub-locations in the remaining locations that have been demarcated, out of which, twelve are ready for the issue of title deeds. Nkueen and Abogeta Locations have got but six sub-locations to complete. Land consolidation teams are spread all over the district, except for Nyambene Division, which will be started as soon as funds are available. If more money was made available, it is possible to complete the entire district in five years, but, at the present rate, it may take up to ten years.

I believe, however, that the hon. Member for Meru Central is aware that there is a commission which is at present investigating how this work could be accelerated throughout the country.

Mr. Mate: Mr. Speaker, Sir, in view of the fact that Meru was left behind out of the other former Central Province districts, would the Minister make sure that some money is made available to ensure that Meru hurries up over getting title deeds, which means getting money from banks and other bodies which loan money?

Mr. Angaine: Yes, Sir.

Mr. Mbogohi: Mr. Speaker, Sir, in view of the very slow progress followed in Meru of land consolidation, can the Minister tell this House

## ORAL ANSWERS TO QUESTIONS

## Question No. 238

## PROMOTION OF AFRICAN MUSIC

Mr. Kerich asked the Minister for Education to tell the House what Government was doing to promote African music and to have such music and songs written down and taught in schools.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. It is a well-known fact that singing is, and has been, a lively feature of all Kenya schools, the climax of which is evidenced by the colourful annual school festivals held here in Nairobi and subscribed to by children of all races.

It is also known that, during these festivals, children of all races are encouraged to demonstrate singing or dancing belonging to their cultural background. For instance, all African choirs must sing an African tribal song and very often these are composed by the schools themselves. This way a useful reservoir of songs has been accumulated and certain amount of writing of African music has been done.

A School of Music is in the process of being started and, all being well, it should start in the very near future at Kenyatta College, where teachers will get advanced and better training facilities. It is also hoped that when this school is well staffed, it will be able to do research and writing of African music.

Mr. Kerich: Mr. Speaker, Sir, could the Assistant Minister tell us the date when this School of Music is going to be started?

Mr. Mutiso: Mr. Speaker, Sir, as soon as possible.

Mr. Anyieni: Mr. Speaker, Sir, will the Assistant Minister agree with me that the African music which he is talking about, is more tribal music because there is no centralization from where this music would be taught, where the teachers would be taught and, as such, would the Government consider establishing a centralized place where African music could be started, and learned, so that it could be made more or less uniform in the whole country?

Mr. Mutiso: Mr. Speaker, Sir, this is exactly what I have said in my original reply. In my original reply, Sir, I said that a School of Music is in the process of being started and, as soon as this is started, then we shall centralize all this singing.

Mr. Anyieni: Mr. Speaker, Sir, when does the Assistant Minister and the Government intend to set up this centralized music school?

The Speaker (Mr. Slade): The Assistant Minister has answered that question.

Mr. Anyieni: When?

The Speaker (Mr. Slade): He said, as soon as possible, in answer to a previous question.

## Question No. 217

## ONE EMPLOYER FOR ALL TEACHERS

Mr. Godia asked the Minister for Education whether the Minister would tell the House who the one employer of the teachers was and the conditions under which the teachers work now being employed as a result of the recommendations of the recent Teachers' Commission.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. The commission referred to by the hon. Member was set up in November, to advise the Minister on various problems affecting the teaching service. This commission made no recommendation for the provision of one employer for teachers as that was not part of its mandate. The question of one employer for teachers is, at present, under active consideration by the Government and a decision is expected to be made shortly. In the meantime, Sir, there is no change in the employment of teachers.

Mr. Godia: Mr. Speaker, Sir, is the Assistant Minister not aware that the teachers want the Ministry of Education to be the one employer?

Mr. Mutiso: Mr. Speaker, Sir, if that is the wish and want of the teachers, then it will not depend on the recommendations of the Government. As I said earlier, this is being reviewed and a decision will be made shortly by the Government.

Mr. Mate: Mr. Speaker, Sir, would the Assistant Minister agree with me that this confusion about teachers is one of the legacies of imperialism, and why can the Kenya Government not make up their minds and become the one employer?

Mr. Mutiso: Mr. Speaker, Sir, I cannot agree with the suggestion by the hon. Member, because the hon. Member has not told me where else in the world the teachers are employed by one particular Ministry of Government.

Mr. Omweri: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he says that one employer was not included in the terms of reference of this commission, does he not contradict what he told us last week, that Government had set up a commission to inquire into this position, and that it would report soon?

Mr. Mutiso: Mr. Speaker, Sir, no, I am not contradicting myself. I think the hon. Member might be contradicting himself. What I said, Sir, and I think I had better explain in detail. The question has, perhaps, been confused about two separate bodies, namely the board of inquiry set up by the Minister for Labour to inquire into the dispute between the Kenya National Union of Teachers, and the Ministry of Education, and the Teachers Service Commission set up by the Minister for Education to advise the Ministry on all matters affecting the teaching service.

Mr. Omweri: Mr. Speaker, Sir, arising from that reply, is the Assistant Minister not aware that a teachers' service would not be complete unless one employer were considered and, in that case, the commission has to cover that part as well?

Mr. Mutiso: Mr. Speaker, Sir, I do not know how far I can go with this point, but I thought I did tell the House that the question of one employer is currently under Government consideration and until and unless a decision is reached by various Ministries on this particular point, my Ministry cannot make a decision alone.

## NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 217:  
ONE EMPLOYER FOR ALL TEACHERS

Mr. Masinde: On a point of order, Mr. Speaker, in view of the fact that we have had a very unsatisfactory reply from the Assistant Minister, I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): It was Mr. Godia's question. Are you content that Mr. Masinde should raise it, Mr. Godia?

Mr. Godia: Yes, Sir.

## ORAL ANSWERS TO QUESTIONS

## Question No. 210

## FULL-TIME MEDICAL OFFICER FOR THOMSON'S FALLS

Mr. G. G. Kuriki asked the Minister for Health why it had not been possible to provide Thomson's Fall Hospital with a full-time medical officer.

The Minister for Health (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. My Ministry is actively considering posting a full-time medical officer of health at Thomson's Falls Hospital,

despite the acute shortage of doctors. There is already a doctor at this hospital doing the work. It is only a question of designation.

Mr. G. G. Kuriki: Mr. Speaker, can the Minister tell the House the number of out-patients and in-patients during the last two years in Thomson's Falls Hospital?

Mr. Otiende: Mr. Speaker, I did not prepare myself, because the question did not ask the figures; I thought it only dealt with the doctor, but I will provide the figures to the Member if he wants them.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister tell the House whether, in appointing a doctor to this hospital, he will look into the efficiency and experience of the doctor concerned, because many of these district hospitals are now manned by doctors who are very careless and inefficient?

Mr. Otiende: Mr. Speaker, Sir, I would like to have examples from the hon. Member of any district hospital with a doctor who is inefficient. I am sure, as soon as it is pointed out, we will rectify the position.

However, in Thomson's Falls, it is a lucky thing that we have a very efficient doctor there, as everyone knows.

Mr. Gtchoya: Mr. Speaker, Sir, arising from one of the Minister's replies, may we know what are the criteria which enables a medical officer of health, or a doctor to be designated as such?

Mr. Otiende: A medical officer of health, Sir, is merely a doctor, but he is called medical officer of health because he happens to be in charge of not only a hospital but of a district; it is merely a Government title. It is nothing to do with his profession as a doctor, because he is looking after a district. He must look after public health as well as the medical side; he is doing both the curative and preventive side of medicine.

Mr. Kamau: Mr. Speaker, could the Minister tell this House how soon he is going to post the doctor to that hospital, because it seems that he is greatly needed? Secondly—

The Speaker (Mr. Slade): One question at a time, Mr. Kamau.

Mr. Otiende: I can say that the doctor is already there, Sir.

Mr. Kamau: Mr. Speaker, Sir, could the Minister tell this House when he is prepared to promote African hospital assistants, who are now known as medical assistants, to the position of doctor, for the simple reason—

The Speaker (Mr. Slade): Order! Order!

Tuesday, 8th February 1966

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

SENATE AGREEMENT TO BILL

The Speaker (Mr. Slade): Hon. Members, I have to inform the House of a message received from the Senate, that the Senate has agreed to the Board of Adult Education Bill without amendment, on Wednesday, 2nd February 1966.

NOTICES OF MOTIONS

PRICES FOR SETTLEMENT SCHEME LAND

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

THAT this House being aware of the serious need for the promotion of settlement schemes in this country and particularly in those most unfortunate districts where settlement schemes have not yet been introduced, and in view of the very high prices paid during the last purchasing period of the present scheme, this House urges the Government to make sure that no land obtained for settlement purposes costs the Government more than £10 an acre.

IMPLEMENTATION OF MOTIONS PASSED IN THE HOUSE

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

THAT in view of the fact that so many Motions have been passed in this House and have not been implemented, this House requires the Government to state categorically whether it intends to rule by decree, using Parliament as a rubber-stamp and as a junior partner, or set up parliamentary committees to investigate ways and means and to advise the Government how to implement such Motions.

The Speaker (Mr. Slade): Mr. Omweri, are you ready to give notice of your Motion?—

Mr. Omweri: Yes, Sir.

The Speaker (Mr. Slade): Well, give it then.

BUSINESS PARTICIPATION BY AFRICANS

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

THAT this House deprecates the conduct of certain Asian traders in Kisumu Town and elsewhere who engage themselves in persuading the

members of co-operative societies to break away from their unions, and interfere in agencies which should have gone to African traders, and also undercut in prices other traders; and urges the Government to take steps to curb such activities, thereby enabling new African businessmen to participate beneficially in the country's economy.

ORAL ANSWERS TO QUESTIONS

The Speaker (Mr. Slade): I regret, hon. Members, that there are two mistakes in the list of questions today. Question No. 203, which appears on the Order Paper first, was actually a question for a written reply, so it will not be answered in the House today. The last question, marked Question No. 208, is actually the same as Question No. 205, which appears second on the Order Paper.

Question No. 205

AFRICANIZATION: LIVESTOCK OFFICER, KERICHO

Mr. arap Sol asked the Minister for Agriculture and Animal Husbandry:—

(a) When was the Livestock Officer, Kericho, going to be Africanized.

(b) How long had the officer holding the above post stayed in the district.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The answer to the first part is: Immediately we get an African qualified livestock officer to replace him. The answer to the second part is that he has been there for two years.

Mr. arap Sol: Mr. Speaker, Sir, would the Minister tell the House how many Africans who completed such courses at Egerton College last year, came out and were not posted to Kericho?

Mr. Osogo: Mr. Speaker, Sir, the House is well aware that my Ministry is short of livestock officers and, as such, those that come out are posted to places that need them badly. But I have not had any complaints about inefficiency of this officer. He does two jobs in that place. He is specialized in artificial insemination, which is starting in Kericho District, and we need him there for that purpose. However, in July this year, about sixteen Kenya students are coming out of Egerton College, who will be qualified livestock officers, and it may be possible to post one there, from the new lot.

Mr. arap Sol: Mr. Speaker, Sir, would the Minister take steps to see that the disease which is killing a very big number of cattle in Bomet Division is investigated? The livestock officer in

[Mr. arap Sol] Kericho District should visit the area, and my complaint is that this officer is not visiting the area.

Mr. Osogo: I am glad, Mr. Speaker, that the hon. Member is not suggesting that this particular officer is the one who has caused this disease, but if a general complaint like the one which the hon. Member has raised, Mr. Speaker, comes to my Ministry, it is our duty to go there by using any fast means—including a jet—to get to the place.

Mr. Kerich: Mr. Speaker, Sir, would the Assistant Minister assure the House that he is going to instruct that officer to visit all the areas in question?

Mr. Osogo: In fact, Sir, we are sure this officer has been doing what the hon. Member is asking, but if he has not been doing this, I will instruct him tomorrow, by telephone to visit the hon. Member's home.

Question No. 214

NG'YA GIRLS' HIGH SCHOOL: DOUBLE STREAM

Mr. Obok asked the Minister for Education if he would disclose the reasons which had led him to eliminate Ng'ya Girls' High School from the priority list of development of double streams in 1966.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. Like many other schools, Ng'ya Girls' School was eliminated from the Ministry's development programme for 1966 because of a policy decision to expand a smaller number of schools to three-stream status, instead of developing a larger number to one and two-stream status, in order to attract a World Bank Loan.

Mr. Obok: Does this mean that we take dictation by the World Bank or any other loaning agency?

Mr. Mutiso: No, Sir, our Government is not going to be dictated to by the World Bank, but will pursue its own policy.

Mr. Muliro: Arising from that reply, Sir, if the Government of Kenya pursues its own policy, would the Assistant Minister tell us why Ng'ya School was eliminated from the development as a secondary school?

Mr. Mutiso: Mr. Speaker, I thought I had answered that question, but I would like to inform the hon. Member that Ng'ya Girls' Secondary School, as with many other secondary

schools, was to be considered for development with aid from the World Bank, and the World Bank has suggested that, in order to make use of their loan, it would be necessary to concentrate the loan in a given area. Ng'ya, like many other schools, was to be eliminated pending the Development Plan for the next year.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister agree with me that the Government and the country is grateful to the World Bank for the work it is doing and for the help it is giving the country, and that Ng'ya Girls' School remains, just like any other schools remain, but this does not mean that the World Bank dictates to the country or eliminates some schools?

Mr. Mutiso: I totally agree with him, Mr. Speaker.

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister agree with me that Ng'ya School was eliminated from the development programme of Nyanza Province as a result of the recommendations of the World Bank, which suggested helping some other places.

Mr. Mutiso: No, Sir.

Mr. Bala: Mr. Speaker, Sir, arising from the Assistant Minister's reply, would the Assistant Minister inform the House what alternative resources, or alternative sources of loans, do the Kenya Government expect, apart from the World Bank?

Mr. Mutiso: Mr. Speaker, I am sure the House is well aware of our financial position, but like any other development, the Government does look around and get some loans in order to facilitate development and, regarding the question posed by the hon. Member, the Government has various sources, of which it has its own plans which do not necessarily follow on the aid from the World Bank.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 214: NG'YA GIRLS' HIGH SCHOOL

Mr. Muliro: On a point of order, Mr. Speaker, Sir, because of the most unsatisfactory reply from the Assistant Minister, I would like to raise this as a Motion on the adjournment.

The Speaker (Mr. Slade): Yes. You agree to this, Mr. Obok?

Mr. Obok: Yes, Sir.

[Mr. Mwamzandi] the Indians, have been telling us. Can any Coast Member deny that? It is a fact. If they are not pocketed, then why can they not show it now?

The Speaker (Mr. Slade): Order! No, I have said on other occasions that when an hon. Member is required to substantiate, it is no answer for him to say, let them prove the contrary. Your substantiation, I understand, is what you have heard from Arabs and Indians at the Coast?

Mr. Mwamzandi: Yes, Sir.

The Speaker (Mr. Slade): I must warn hon. Members that they must be careful about what they hear, particularly from self-confessed accomplices.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, the allegation actually alleged that the Cabinet has been pocketed by the Arabs, it did refer to individual Ministers when they go down to the Coast, and so it gives the impression that the Cabinet is run by Arabs, which is not correct. Could the hon. Member substantiate, and tell this House, giving details, how the Cabinet is actually pocketed by the Arabs?

Mr. Mwamzandi: Mr. Speaker, Sir, I did not say that the Cabinet was run by the Arabs, I said that the Cabinet, and when I say the Cabinet, I mean not necessarily all of them but it might be one, two or three of them, who are pocketed by these Arabs.

The Speaker (Mr. Slade): Well now you are being asked for particulars.

Mr. Mwamzandi: What particulars?

The Speaker (Mr. Slade): We were talking about the Cabinet, or you were, were you not? Well now, Mr. Gachago, quite justifiably, is asking which Members of the Cabinet and exactly what the circumstances are. You know, when you make allegations, people are entitled to question you quite closely as to what you are alleging and why. So, you must tell us a bit more about it, Mr. Mwamzandi.

Mr. Mwamzandi: Well, Sir, I will not speak of particulars, but if the Assistant Ministers have several farms with Arabs on that area—

The Speaker (Mr. Slade): If you will not give particulars when asked, you will have to withdraw.

Mr. Mwamzandi: I shall withdraw, because I will embarrass some of my Ministers.

The Speaker (Mr. Slade): Before you go on Mr. Mwamzandi, I would warn you and other Members that you must not make statements of

this kind, such serious allegations, unless you are prepared to substantiate up to the hilt. You must keep calm on these things.

Mr. Mwamzandi: Mr. Speaker, what I really want to explain to the Minister who will answer this question is that land ownership at the Coast was attained very badly and not in the right form; we were all called squatters. We want the background of how this was obtained brought to the House. We know that we have a Commission of Squatters. Do you believe in that commission, and if you do, why cannot the Government work on the recommendations made by that commission? If the Government finds it difficult to recommend this, we want its findings to be brought into this House for discussion. I know, Sir, that the Minister who will answer will say that the Government has such officers at the Coast to look into the land, such officers to look into this, but we have never seen these officers, Sir, except this Commissioner for Squatters whose proposals are never effected.

Another thing, Mr. Speaker, if it should be difficult to bring the findings to this House why cannot this same Government, as I say, sit together and arbitrate between the Africans and the landlords? As I said, this should be done before it becomes worse for the squatters who will find a way of getting their own master plan to settle their own problems? I will repeat, Mr. Speaker, that yesterday we heard of the Ukunda problem. We do not know what will happen at Malindi tomorrow, so the Government must be careful on this point.

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

Mr. Ngala: Mr. Speaker, Sir, I would like to support this Motion, because, if nothing is done on the land problem at the Coast, there is going to be an explosion which I think will be very difficult for the Government to contain afterwards. In fact, I would warn the Government so that, if they are careful, they could take action before things go bad.

The Motion, I think, is asking for an investigation, because the present landlords, the Arabs and the Asians, are foreigners. They are foreigners who conspired with the British Government during the colonial times to steal our land. Because they conspired in those days, when we did not know what was going on in the circles of the Sultan's régime and in the circles of the British Government, I think it is very fair that the method of acquiring this land in the past should be gone into and any unfairness should be redressed.

[Mr. Ngala]

Mr. Speaker, Sir, in 1895 there was an agreement between the Sultan's government with the British. Now, this agreement between foreigners gave powers to the British Government and also gave powers to the Sultan's government to take our land away. We do not understand this. Exactly as the Sultan has gone, all his agreement with this country should also go. Therefore, we do not understand why this country should obey these unnecessary agreements made by foreigners, particularly as now we have our sovereignty and we have our own African authority. I think we should use this sovereignty which we have to put right what has been wrongly done in the past. The requirement of the land at the Coast is one of the things that shows very clearly a gross injustice to the peoples on the Coast.

In 1908, Mr. Speaker, Sir about fifty-five years ago, the Arab régime then introduced what they called landlords. The landlords said that a person had the right to claim. Our people did not know how to read and write then. They did not read any official gazette, they had no chance at all to be told of anything, but these things were published (in darkness as far as our people were concerned) and afterwards the Arabs claimed the land and got the land. That is not fair. I am asking the Government to make sure that whatever laws were made in 1908 are deleted from the Laws of Kenya and they should re-open the whole matter so that the African should also have a chance of owning land.

Now, we are not just asking for settlement schemes in this Motion; we are asking that the whole issue of acquiring the land at the Coast should be re-examined, so that the present landlords, who then acquired it wrongly, should be replaced by the Africans who are the rightful owners. That is what the Motion is asking.

Mr. Speaker, Sir, in Marlborough House last year agreements were made. We feel that the land item on this agreement should be looked into again, even if it means amending the Constitution. I think the Government will see the need for doing this so that the Coast people can realise that there is *Uhuru*, and that there are fruits of *Uhuru*.

The other day I took Mr. Angaine, the Minister for Lands, to the Coast and everywhere we went we saw the squatters. I turned round to him and to his Land Commissioner, they both

said that they did not know what to do with the colonial laws. These are the people in authority, they are the people with the sovereignty, they should repeal these laws.

The Vice-President went to Malindi and Kilifi the other day and he just said, "We do not know what to do." Now, if they do not know what to do, why are they holding the authority, why are they holding the sovereignty? It is time that they gave place to somebody else to run the country if they cannot do it.

Mr. Speaker, my interest is that we should govern the country well. That is my interest. We should make the changes that are required by the people. Our people feel that fact that they have been mistreated by the British Government in the past, and by the Sultan's Government and now the African Government is continuing on the same lines, and they feel very bitter about this. Now, it is because we like this Government that we are criticising it, Mr. Speaker, it is because we like it. We do not want to wait until somebody disturbs the Government seriously; we are warning them that this is the time for them to get to work.

Mr. Speaker, Sir, I would like to say that there is a need to amend the Constitution so that the land problems at the Coast can be put right. I would like to say that we have these problems and they must be put right. The Special Commission for Squatters is not enough, it is no good just trying to patch up this thing; it should be pulled down and there should be no patching up at all, so that it is put right from the beginning to the end.

Mr. Speaker, Sir, I would like to urge the Minister who will reply to make it quite clear in his mind that we are not asking for settlement schemes; we are asking for the injustice of the past to be put right so that the African owns his own land as elsewhere. Thank you, Mr. Speaker.

(Question proposed)

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is adjourned until Tuesday, 8th February, at 2.30 p.m.

The House rose at thirty minutes past Twelve o'clock.

[Mr. Mwangandi] Speaker, I hope the Government will give thought to that and, in future, we will receive some attention, some services, from the Cabinet.

So, Mr. Speaker, Sir, with those few remarks, I beg to urge the Government once more to look into that and I agree with the amendment. I beg to move the amended Motion.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT in view of the Harambee initiative employed by Kipsigis as far back as 1948 in building permanent and modern primary and intermediate schools, health-centres and water supplies without requesting the then Colonial Government for any grants, this House notes with appreciation the beautiful work done by the Kipsigis and urges the Government to continue promoting such projects as more secondary school streams, health centres, piped water supplies during the planning period 1964/70.

#### MOTION

##### NON-AFRICAN OWNERSHIP OF COASTAL LAND: INQUIRY

Mr. Mwangandi: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT in view of the fact that Africans in the former Coastal Strip are all described as "squatters", as if the Asian and Arab landowners were more African than the Africans themselves, this House urges the Government to form a special commission to investigate the historical background of how the Arab and Asians got this land and to bring the findings to this House for discussion.

The Speaker (Mr. Slade): I see that there is an alteration in the first line from what appears in the Order Paper. Instead of "Coast", you want to say "former Coastal Strip"?

Mr. Mwangandi: Yes, Mr. Speaker.

The Speaker (Mr. Slade): That is all right.

Mr. Mwangandi: Mr. Speaker, Sir, this land problem in the former Coastal Strip is a problem that will make the Government unsettled. The situation at present is worse and that is why we come to this House to ask the Government to do something about this land problem.

Mr. Speaker, the land problem in the former Coastal Strip extends to the border of Kenya and Tanzania and then down to Mafua. The way this land at the Coast was acquired was not the

right way in which land should be acquired generally. The Arabs and the Asians, who might be Indians or Goans, came to our land and generally, according to our custom, we were not hostile at the Coast and we invited them to stay with us. Unfortunately, these people whom we had invited, Mr. Speaker, knew how to read and write and they knew about the legalities of land and they sent claims to the land they were living on to the recorder of titles so as to get title deeds to the pieces of lands which belonged to us. That is why today we face such trouble over land.

For example, let me go down to Vanga, where we have an old Arab town. All the people with black skins, Mr. Speaker, are complete strangers; they live on Arab land. In most cases, we pay rent to these people. Formerly, Mr. Speaker, during the colonial régime, these same Arabs took very little interest in their land, and we established trees and houses on these pieces of land. But immediately we attained our independence, things became worse.

Let us consider why the squatter problem was not as big then as it is today. We might blame our own public officers, that perhaps they gave them much support to the land. At the same time, I know these landlords became worried and at the time of the Marlborough House Conference, they wanted assurances over this land. They began these troubles to test the Government and see if it really meant what it said. But, at the same time, the Government must see that it is the poor African, the man who voted for this Government, who will be suffering to benefit an Asian.

Take the trouble which you heard about yesterday, Mr. Speaker, from the question about the incidents at Ukunda, on Oberhauser's farm. It was an African policeman, African squatters and African district officer, perhaps with African surveyors, who were fighting, African against Africans, whereas Oberhauser is quietly and happily in Nakuru, enjoying freedom. The Africans were fighting each other to safeguard a European's farm, when the landlord himself was not present.

So, Sir, the Government must consider how to tackle this problem. Shall we leave the poor Africans to suffer? Can the Government agree to see the poor Africans suffer for the protection of one European? This is not the right way.

Take another example, that of the Kenya Sugar Company Ltd., which has over 41,000 acres which has never been made use of for a long time. Today, Sir, these poor people, who never knew that the land belonged to the Kenya Sugar Company, have, some of them, been forced to leave the area. We have taken the Commissioner for

[Mr. Mwangandi] Squatters to that area. To speak the truth, Mr. Speaker, we see no fruits. Everything or every thing has come to the landlord. What is this Government doing? We did not stay on those pieces of land knowing that the land belonged to 12 Indian. We knew the land was ours.

Let the Government now arbitrate between the landlord and the squatters. Take, for example, the story of a dam which was broken last year. These people today have been forced to get off that land. The landlord said he could offer alternative land for these people. Our own administrative officers, district commissioners, came to a meeting and said that the Government had decided that the land must be built on and so the people would have to leave that area. What consideration was made of that poor African who had lived on that land and who might be landless soon? We must think of these people. And if the Government recognizes the Chemsori Commission, why does the Government not follow up the proposals made by that gentleman?

Mr. Speaker, Sir, some of the Ministers have said that it is costly and even the Vice-President has already commented that the Digos or the people at the Coast should talk together with the landlords and the Government and try to get some land for the Africans. They will not deny that his goal was good. The Coast people are lazy and they are asleep. We must, Sir, if the Government is not going to show that it can help the public, help ourselves. If the Africans up-country were lazy, then we would not have attained our independence, but when they find out that they were not happy in this world they formed the Mau Mau, and, with the help of other tribes, we have attained our independence. So, Sir, today I tell you that it is no good waiting until the Coast people have found a way of helping themselves, because it will be too late. It will be too late, Mr. Speaker. Do not wait, Sir. I feel that if the Government waits until the Coast draws up its master plan, then it will be bad. The Arabs and the Indians are not enough—it would not take a day if the Coast decided to act like Zanzibar, and I am sure that if the Government is not going to stand for it, then most people will act the same way.

Mr. Speaker, Sir, I have been with several landlords who have agreed to offer several pieces of land to these poor Africans, but the administrative officers or the Ministers, themselves, would not like to have this move taken. This move must be appreciated, because those Indians alone cannot occupy the whole Coast. In Mombasa, every small hut in Mombasa is placed on Arab land.

Were the Arabs born in this land? Were these Arabs born in Kenya? As soon as you leave Nyalí Bridge, it is Arab land right up until you get to Malindi. But, Sir, where are we and our Government? There you see Ministers sitting idle, not even showing any mercy to these poor Africans. Funnily enough, Mr. Speaker, Sir, these same Arabs and Asians are assured by our own Ministers, perhaps even by the President, when he goes down to the Coast. We have very little time to see them at the Coast. If we want to see the President, we go to Mr. Mathu and he tells us that there is no time for us to see the President, but these Arabs see the President or the Ministers any time they like. Why should this happen?

Mr. Somo: Because of the girls.

Mr. Mwangandi: But, Sir, these girls are married. Why should they behave like that, they are married? Mr. Speaker, Sir, it is very sad. This Commissioner of Squatters has written down how this land was acquired by the Arabs. It was acquired freely, but yet the Cabinet would not recommend anything, yet if they go forward to the landlords they could come to an agreement. If they do not recognise Chemsori's Commission, then let another Commission be formed, Mr. Speaker. Its findings, Sir, should be brought to this House, which would perhaps make people feel much more sympathetic towards the African rather than the Cabinet of twelve people, who are in the Arabs' pockets. Mr. Speaker, Sir, I will give you one example of a village which is a township. This example, Mr. Speaker, Sir, is at Gazi. It was formerly an Arab town. On the north-east of Gazi there is sea, no land, Mr. Speaker, west, north and south of Gazi there is Jaffer Ali Lalji. They have no land—

The Assistant Minister for Lands and Settlement (Mr. Gachago): On a point of order, Mr. Speaker, Sir, the Mover of the Motion has made a rather serious allegation that the Cabinet has been "pocketed" by the Arabs, could he substantiate it?

The Speaker (Mr. Slade): Yes, or explain what he means.

Mr. Mwangandi: This is a true fact, Mr. Speaker, Sir, I will substantiate. The Assistant Ministers when they come down to the Coast, we do not see them, they walk with the Arabs. At the same time, if a Minister comes to Nairobi, at the same Arab confirm to us and say, "What shall you do?" For example, the Assistant Minister himself, I am from Makdara Location, and what can he say? This is the true fact, Mr. Speaker, Sir, that the Arabs themselves, with



[Mr. Mate] that in this particular Motion the Government should think of the Kipsigis District in a different way.

We have been told by one of the previous speakers, an Assistant Minister, that some areas have more water or less water than the other place. That is not the argument. The argument is, the Kipsigis country is made up of two parts. One part is that which is known as alienated land, which is tea estates, and the other side is the reserve where the Africans live. I have been there myself, and the African side of the district has been almost neglected. Government should concentrate upon that particular area and not look at the big tea estates and think that the Kipsigis country is all wonderful and beautiful. Precisely, I believe that is what the Member has in mind; that more attention should be given to the African side.

The other point, Mr. Speaker, is, that area has a great agricultural potential and if Kenya wants more wealth from the good areas of Kenya—not only Kipsigis but also other areas—then they should plough more development money into the Kipsigis country, according to what the Member is asking, by educating the people, giving them health centres and such other projects, in order to get more revenue and in order to get more money. Mr. Speaker, I feel that the Government should appreciate the argument of the Motion, that the Kipsigis want more development. They have the initiative, they are ready to do it, but they must have that extra help from Government.

Mr. Speaker, I feel there is a serious lack of balance in Kenya's whole development, because, as some other speaker pointed out before, Ministers, who are actually the Government, are not looking at Kenya in a balanced way. There are Ministers who think of Kenya in terms of their own constituencies, their own tribes and their own homes. I should appeal to the Ministers and their Assistants, and to the executive in the offices, to think of themselves as Kenya Ministers and to be able to survey Kenya as a whole and do what they ought to be doing.

Mr. Speaker, I want to stress this to the Government, especially those who come into this House—the Ministers—that we are not saying that they are not doing something, but we are saying they should do more and should study the geography of Kenya better, in order to be able to give us a balanced picture of development.

Mr. Speaker, with these remarks, I beg to support the Motion.

Mr. Malinda: Mr. Speaker, Sir, I want to speak very briefly.

I have no quarrel with the Mover of this Motion or the Motion itself and, as the Mover has pointed out, quite a bit has been done in his own district.

Mr. Speaker, we know that Kericho District is potentially rich in agriculture and other spheres. They have the most favourable climate in the country if the Member does not know. But, Mr. Speaker, having done all that the Government has done, I would like the Mover of the Motion to think back and accept the amendment that has been proposed, because the reason is that this Government is young. We hear every day that they have no funds, they do not have enough funds to do this or to do the other and, looking at the Kipsigis District, you find there is a lot that people can do themselves, whereas there are other places where the climate is very bad and the people only manage to subsist. It is such places which were neglected by the Colonial Government and which cannot move a step further than they have done, without Government backing. The Member should think of those other areas and not press the Government to treat the Kipsigis area with urgency. There is not much urgency in the Kipsigis District. There is need for the Government to keep on encouraging and appreciating what the people there are doing.

Mr. Speaker, another thing is this. Looking at the country as a whole, from an African socialist point of view, he should be prepared to let go a bit of what other people do not have, let those other people get something out of this Government, because if he compared his district with Machakos or Moyale or other dry areas, he would not bring in the question of piped water. He would, first of all, say that people there should at least get some water from boreholes, or at least get some boreholes dug for other people. This is the pursuance of African Socialism, Mr. Speaker.

Another point, Mr. Speaker, is that one of the speakers—I think it was the Secondor of this Motion—said that it was only last year that they could not fill seven dormitories of a school. They only had children to fill one dormitory and they had seven dormitories lying idle. Mr. Speaker, it was the Secondor of the Motion who said this. I was very surprised to find that the Secondor of the Motion was pointing out things like this, which should properly have been pointed out earlier last year. We could have filled these dormitories with children from other places, if the Member would have agreed. Mr. Speaker, Sir, for that reason, I urge the Mover of the Motion to accept the amendment, so that other areas in this country can get assistance, that assistance

[Mr. Malinda] which he wishes to go there, because his district is not in urgent need of anything more than what has already been done.

Mr. Speaker, with those few remarks, I wish to support the amendment.

The Speaker (Mr. Slade): It is almost time for the Mover to reply and we must dispose of the amendment. So I will put the question.

*(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)*  
It is now time for the Mover to reply.

Mr. arap Bily: Mr. Speaker, Sir, I have to begin by thanking my hon. colleagues who contributed towards the promotion of this Motion which is of great urgency, as far as the district is concerned.

As the amendment stands, I have to accept it gently, but there is a little confusion somewhere, and that is as far as planning is concerned in 1964/70. I do not think we are talking any more of 1964/65 because those years have already gone. So if Kipsigis development was to be given a thought in 1964 or 1965, I think it should have been done, but since nothing of that nature was done, I don't want to mention that part of it, but on the whole, Mr. Speaker, I have not much quarrel as the amendment stands.

Mr. Speaker, Sir, when the Assistant Minister was replying on behalf of the Government, he told us that by 1960, Kericho Secondary School was the only secondary school in the district, which of course I do not refute. I have to say yes, it was the only school, but that was not done by the present Government. The present Government has done, I should say, practically nothing since Cheptenya—Tenwek, and Kaplong were not built by the Central Government. All that was done by the then regional government which was doing a lot for the district. The present Government—

An hon. Member: Where did the money come from?

Mr. arap Bily: The money came from the people themselves.

Mr. Speaker, Sir, the Assistant Minister does not know much about the district and about what the regional government did to develop the district particularly.

Mr. Speaker, Sir, the Assistant Minister mentioned a grant worth £50,000 for health and water development in the district. He would have done more by giving us particular places where this large sum of money was spent. He only told us that such an amount of money went to the district, but we do not know whether that money was really used for such purposes or not.

Furthermore, Mr. Speaker, he went as far as mentioning the £2,000 which went, again, for the same purpose last year. That was never done and I have never seen any small project which that money was used for. Mr. Speaker, Sir, I am not really blaming the Assistant Minister very much because he has been doing a lot to give very genuine answers as far as the development of the district is concerned, but at times he gives us some answers which are not really in keeping with the work of the Kipsigis themselves.

Mr. Speaker, Sir, I need not take a lot of time, but I must mention this before I move finally. The reason why we are asking our honourable elected Government to give more thought and planning to the development of the district is because our brothers who would have been given a chance of furthering their education at the secondary level were not given any room at all, since the schools we have there are far too few for them. As such, those of them who would have even gone higher than School Certificate did not have any chance because we have no Higher School Certificate class in the district, and when I look at Kenya at large, practically all the districts, except a few, have Higher School Certificate classes. As regards Kericho District which, as the Assistant Minister told us, is one of the advanced districts of Kenya today, I do not see why we should not have a Higher School Certificate class to cater for our School Certificate scholars who usually do very well year after year.

Furthermore, Mr. Speaker, I would like to request the Ministry to think very seriously about their negligence in their dealings with our scholars, particularly those who seek further studies abroad. They are never given any chance at all because when they come to these interviews, even those with Kenya Preliminary Examination—the United Arab Republic had a hundred places for these children and none from Kericho District was taken. Does it mean that that district had no capable Kenya Preliminary Examination scholars to enjoy such privileges?

An hon. Member: You do not have Muslims there.

Mr. arap Bily: I do not think it was Muslims alone, they had everybody. Mr. Speaker, even those who were non-Muslims. Anyway, Mr.

[The Assistant Minister for Education]

Further, Sir, in 1965, two more schools were begun, one for the girls at a former Government girls' intermediate boarding school and another one at Kabianga in a former teacher training college. These, Sir, are the facts.

An hon. Member: This was done by the regions.

The Assistant Minister for Education (Mr. Mulo): Mr. Speaker, Sir, an hon. Member is saying that this was done by the regions, but, Sir, the regions were part and parcel of the present Government. Furthermore, Sir, in 1966, this year, the present year, the Kabianga school has obtained its second stream. I think, Sir, that it would have been quite fair if the hon. Members who have spoken had shown clearly these achievements which the Government have so far achieved in that particular area, without trying to show that the Government has been doing nothing, that the Government has completely ignored the Kipsigis people and so forth. Mr. Speaker, Sir, these are some of the few examples which I wanted to give to refresh the minds of the hon. Members who have not spoken so that they know that the present Government is quite aware, and is keen to see that the Kipsigis people really do enjoy, together with the other parts of the country, the fruits of independence.

Now, Mr. Speaker, Sir, altogether there are six schools with eight streams situated in the district, as compared, Sir, with one school with stream which was there before this Government came into power. Now, Sir, this is a fact, and I think it would have been quite fair for the hon. Member who knows these things, to have told the House what has been taking place in that particular area.

Now, Mr. Speaker, Sir, the hon. Members who have also spoken on this Motion have tried to point out that the health part of the country's development has been neglected or ignored in that particular area. But, Sir, let me also mention a few things. I am well informed by the Minister for Health that the Kipsigis County Council since 1948 has received a grant of £50,000 for development, particularly in health and also in water supplies. Furthermore, Sir, in the year 1965/66, we have already allocated a further £2,000 for the same purpose and this will go towards the development of water projects and health centres in that particular district. So, Mr. Speaker, Sir, it is quite clear that the Government is aware of the needs of the Kipsigis people and that there is no point in trying to imply that the Government is not anxious to help the people of Kipsigis. We quite appreciate the work which

the people of Kipsigis have been able to do in the past, and this is why the Government is very keen to help them and encourage them to proceed, and continue in doing this kind of work.

So, Sir, I think the Government would be quite right in amending this Motion so that it can be in line with what the Government has been doing all this time. Therefore, Sir, I would like to amend this Motion by deleting all the words after the words, "this House", and that there be inserted in place thereof the words, "notes with appreciation the beautiful work done by the people of Kipsigis and urges the Government to continue promoting such projects, more secondary school streams, health centres and pipe water supplies during the planning period of 1964 to 1970".

Now, Sir, this is in line with what the Government is doing at the moment and there is no point in trying to show that the Kipsigis should be given preference over other provinces or other districts, because what this would mean, Sir, would be that the development plans in other districts would have to be curtailed and therefore we also would be blamed for ignoring other districts. So, all that Government wishes to do is to ask this House to accept the amendment so that we can be in a position to continue to do all that we have been doing during this planning period together with other parts of the country so that the country can be evenly developed, without having one particular area developed more than another. So, Sir, I think this is a fair amendment and I am sure the House will accept it so that it can give the Government time to proceed with the arrangements which have already been made for development in the Kipsigis District.

So, Mr. Speaker, I beg to move the amendment.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

The Speaker (Mr. Slade): I will propose the question of the amendment. The proposal is that all words after the word "House" in the fifth line be left out of the question with a view to substituting the words "notes with appreciation the beautiful work done by the people of Kipsigis and urges the Government to continue promoting such projects as more secondary school streams, health centres and piped water supplies during the planning period 1964/70".

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

The Speaker (Mr. Slade): We will continue debate on that with debate on the main question.

The Assistant Minister for Lands and Settlements (Mr. Gachago): Mr. Speaker, I rise to speak very briefly to support this amendment because, Sir, in this Motion the most important word is the urgency that is introduced by the Mover.

Now, Sir, every area in this country has to be developed, and if we can, we have to develop every area in this country with the same speed and with the same importance of attaching the same emphasis to every area. But, Sir, if we come today to this House and attach some urgency to Kipsigis area, tomorrow we will come and attach urgency to Kikuyu area, and come another day attach urgency to the other area, the Government will be at a loss as to where the real urgency lies. So, Mr. Speaker, the most important thing is to appreciate what the Government has already done and what the Government is actually doing, as we have heard from the hon. Assistant Minister for Education, and leave out this word urgency or urgent, because if we attach this word to every project then we shall be at a complete loss as to where the actual urgency lies. If we say that we attach special significance to the Kipsigis area then somebody will rise in this House, maybe tomorrow or the day after, or next Friday, from Machakos and say, now the urgency, or the importance, or the significance, should be attached to the development projects in Machakos, and perhaps, Sir, on the same day somebody will rise from Murang'a, perhaps the hon. Member for Kandara will do that in due course, and say that the significance in development projects should be attached to Murang'a. Therefore, Mr. Speaker, we have no alternative in this Motion but to accept the Government amendment in this Motion. All that it does is to recognize what the Government is doing, what the Government intends to do in this particular area, as it actually intends to do in all areas where such development projects are taking place. We cannot say that the need for water is more of a matter of urgency in the Kipsigis area than it is in the Ukamba area, as we know that there are some areas which are drier than Kipsigis and there are some areas which are drier than Kericho District. I happen to know Kericho District myself, and there is more water and more development there than in many other areas.

If we create this precedent by saying that we attach importance, or great importance or greater importance to the more developed areas than to the lesser developed areas, then we shall be making a mistake.

Mr. Speaker, some of the achievements which are really appreciated by the Government which

have been attained by the people of Kericho District, namely, the Kipsigis, are because their district happened to be better developed. It is known that Kericho District is one of the places where one of the most lucrative commodities of this country comes from; namely, tea. We have plenty of tea in the area. This tea and other commodities have probably enabled Kericho District to develop more rapidly than other areas. I happen to know a bit of the results, Mr. Speaker, and I know the hon. Member's area, Buret. There is plenty of tea around there, and the wealth from this tea helps to develop the district as a whole, not the reserve or some special areas.

Therefore, I think the hon. Member should also think of other areas where development is also required and let us try all we can to develop the country as uniformly as possible, and since Government has said that it will continue its efforts in this particular area within the development project, then I think the hon. Mover of the Motion should also appreciate Government participation in the development so that the Government and the people we represent should go together and develop this area like other areas in Kenya.

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

Mr. Muter: Mr. Speaker, Sir, I find it very difficult to differentiate between the substance of the first Motion and the amendment, but I would like to stress one or two things.

The Mover of the Motion did make it quite clear that he wanted some more allocation of funds for secondary schools, health centres and other projects. Mr. Speaker, I think this Motion has highlighted a very essential programme in Kenya today, and it is this; those who keep quiet get nothing, those who shout a lot get a lot. That is why I support the Mover of this Motion in bringing to the attention of the House and the Government the problems facing the Kipsigis District and, at the same time, he did say that Government had done something, but he wanted more to be done.

Mr. Speaker, the Mover was quite aware that something had been done, and as the Assistant Minister for Education said, schools had been built and something has been done.

But, that something is not enough, and I feel here, Mr. Speaker, that if Government could furnish the Member with plans and the programme they have for the district, it would be in what he is asking for. So, Mr. Speaker, I feel actually meeting him almost fully, because that

[Mr. arap Soi]

were given money will not be happy, and others will not wonder and say, "What are we?" If there is any money set aside by Government to be given to the people, that money should be distributed equally to every district, but not to some particular districts.

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

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

The two Harambee schools, Sigor and Litein, Mr. Speaker, are very important in our own district at the moment. Why? Because we have sent there pupils who could not go to any other school in the whole country, pupils who passed the examinations but could not find a place because there were not enough secondary schools. We sent them there and are trying to educate them, but the Government is not coming forward and helping us. This is a serious thing which, in future, will really affect this Government. We people are questioning our confidence in this Government. It is a big question mark in the minds of the people and this Government will be disappointed in the not far distant future.

Now, Mr. Speaker, I want to touch on these other schools which are Government schools, such as Tenwek Secondary School and Kabianga Secondary School and Kaplong Secondary School. I am sure my colleagues have touched on them, but they are very good schools—

The Speaker (Mr. Slade): You have reached the end of your time, Mr. arap Soi, I am afraid.

Mr. arap Soi: Mr. Speaker, I beg to support the Motion.

Mr. Mairori-Itumbo: Mr. Speaker, I am particularly moved by a sentence in this Motion where the hon. Mover, Mr. arap Biy, "urges the Government to appreciate what the Kipsigis have done in putting up such magnificent projects and, by so doing, allocate more secondary school streams."

Mr. Speaker, we generally in Kenya, feel that our Ministers are trying to reduce their power, their Ministerial power, to a constituency capacity, whereby one may easily imagine them to be constituency Ministers. When the hon. Mr. Kerich was speaking, he told the House that only three Ministers have ever dared to visit Kericho District. The Ministers he mentioned were the Minister for Local Government, the Minister for Home Affairs and one more, whose name I forget. But it seems that as far as the Local Government Minister is concerned, that is the way to his home; he passes Kericho because it is on his way to Kisii. Also the Minister for Home Affairs is a Kalenjin and is a local Minister.

Therefore, Sir, I feel that the Government of the day must put Kenya on the map. Kenya is demarcated in such a way that we have several constituencies. We have to believe in our Constitution which says that we are going to uplift the less developed areas; and I believe that Kericho is one of these areas. When people pass through Kericho, they see tarmacked roads and the beautiful buildings which were put up sometimes by the settlers; but I believe that if you went over the district by air you would see most of these places, especially where the last speaker, the hon. Mr. arap Soi, comes from, near the Chabarungu River, and you will find that most of the area is still backward. I feel our Government does not have Kenya at heart, because how will the Minister for Education know the troubles or what is lacking in various constituencies unless he has been to such places? Mr. Speaker, I challenge the Minister for Education to tell the House how many times he has been out, visiting various constituencies in Kenya, if he is really working for the development of the country.

And even his Assistant Ministers, Mr. Speaker: when will they come to visit my area, Kuria, which is an undeveloped area, having no secondary school, nothing at all? Yet people are being encouraged by some politicians: "Help yourselves and afterwards the Government will take over such projects to lighten your hardships." I believe that it is high time that we were told the plan of the Government, because unless we are told about this plan we are not going to stand on the sidelines seeing how the Ministers are kicking a football to their own goals while we just stand as spectators, watching, seeing how they are kicking the ball to their own respective constituencies. Harambee schools, are being opened day after day, but there are particular areas where the Ministers do go and open these projects. They do not do it in other areas, as we know.

Mr. Speaker, I feel that the time has come for us to say something in this House when we come to decide whether we support the Government or not, because we were told that from 1963 to 1970 was the period when Government had planned development, agriculturally, educationally, socially and in every way. We should be now showing the country where we were going, but it seems that they are now developing certain areas repeatedly and not others, as I have already said. We can no longer stand aside and watch how these people are repeatedly developing their own areas but not certain areas like Turkana, Kuria, Masai, Kericho and others which are known.

Mr. Speaker, if a Minister is appointed to look after everyone in Kenya and see the development of his Ministry, we expect him to visit every

[Mr. Mairori-Itumbo]

constituency of every hon. Member in this House so as to know what is lacking and so as to be aware of what is the need in that particular constituency. Some of these Ministers, Sir, are not aware of what is going on in the country; they are being advised by permanent secretaries and under-secretaries and civil servants. Some of the tribes in Kenya, Sir, have not even an under-secretary or a district officer or a district commissioner or a provincial commissioner. How do you expect a tribal provincial commissioner or district officer or permanent secretary to think of the hon. Member from Pokot area? How on earth, if the Minister, who is such a big man and the head of a department, is unable to plan and visit various areas, will the permanent secretary who is a private man, and who wants to send all he can to his own respective area, advise the Minister as to the right way?

We believe that this Government is being run purely by politically minded people, which will dominate other areas, and we are not going to tolerate being asked in this House repeatedly to support the Government for nothing. How can I support the Government and yet I see nothing being given to my constituents? I am a politician, I am a representative of the people; if my people are not going to be given anything, how can they expect me to support the Government? I am not going to do it. Even if they plan to get rid of some of us, let them go ahead, Mr. Speaker, and do it but we are not going to support the Government merely for the sake of supporting the Government. We are not criticizing the President of the Republic, because the Government is being run from under cover, and these people are the ones who are dominating the country. I would say that it might have been better for the British people to stay here because now these people seem as if they are hungry. When they came into power, they ate food which was very nice and as sweet as sugar. Now they are eating rapidly, just looking around like dogs, not wanting to see anyone else hanging around. We are not going to tolerate seeing people eating and others suffering and starving.

With these few remarks, I beg to support the Motion and urge the Government to look into the problems we are now facing, otherwise a revolution will be necessary.

The Speaker (Mr. Slade): Unless you have business to discuss with the Minister I must ask you, Mr. Mairori, to find another seat.

Mr. Mairori: I am just leaving.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I rise to acquaint the

hon. Members with the facts, the hon. Members who have spoken, the Mover and the Seconder of this Motion: They have tried to completely ignore what the Government has done in this area, having recognized what the people in this area have done.

Now, Mr. Speaker, Sir, the hon. Mover did clearly indicate that the people of Kipsigis had done a lot of good jobs to help themselves and very deliberately tried to avoid mentioning what the Government has been able to do so far, after independence. It is clearly shown in this Motion, Mr. Speaker, Sir, that all that the Kipsigis people have done which they accomplished during the colonial period. It was not done during the time when this Government was in office. But, now, Sir, the Mover and his supporters have tried to criticize the Government as though it has done nothing since it came into power. But, Mr. Speaker, Sir, let me quote a few things which the Government, since internal self-government, has been able to do in this particular area. It is true that the Kipsigis people did put up good permanent buildings. They did build modern primary schools, intermediate schools, health centres and water supplies in the area, without the support of the former Colonial Government and this is quite understandable, Mr. Speaker, Sir, because, by then, the Central Government was not responsible for the promotion of these things since they were run by the African district councils or county councils, and this is why, even though it was a Colonial Government, a Central Government could not have assisted the Kipsigis people. But, Sir, immediately after this Government came into power, a lot of things took place:

Now, Sir, let me give a few examples. I am informed, Sir, that since 1960, there was only one secondary school with a single stream in the Kipsigis District, and this was at Kericho. This, as the hon. Members know very well, is as it was. Now, Sir, what has this Government done after that period? Now, Sir, in 1963, this Government opened a secondary school at a place known as Tenwek. As the Members from that particular area know very well if it were not for the help of this Government, that school could not have been opened. Again, Sir, following that, still in 1963, Kericho School obtained a second stream, and also a third stream was opened. A third school also was opened at Kablong. This is also some of the things which the Member for that particular area did not care to mention, but all that he said was that this Government had done nothing. Again, Sir, in 1964 a fourth school was started at a place called Cheptenya. This is a fact, Sir, and the hon. Members from the area know very well that this school is there.

[Mr. Makone]

are going to be granted in 1966/67 at any period. He should be given a map to show the district and each constituency inside the district; this map should show what the Government is intending to do for that particular district. That is precisely what the Motion is asking for. When the regional government died, all the powers of the regional government were placed in the Central Government with the hope of facilitating the easy running of the Government, and all things falling on one person in each Ministry. But we find that in this case, because some other people are in the office, they are using that opportunity to benefit the places where they come from; that is, their own districts. We are not going to accept, Mr. Deputy Speaker, this sort of arrangement of a Minister or a civil servant being in a certain position and using that position for the benefit of his own area, despite the necessities in other areas.

Mr. Deputy Speaker, Sir, it is true that necessity is the mother of invention. If there is any necessity for water supplies in this constituency, then the Member should be told what plans are there to increase the water supply in the area. If there are more tea factories needed, he should be told that there will be more in 1965/67; there will be more tea to be allocated. This is precisely what he is asking. If there is a need for more schools or secondary schools, he should be told there will be no more secondary schools until such-and-such a time, because his area is receiving attention for more water supplies.

Mr. Deputy Speaker, we are told today, for example, in Kisumu the headmasters of secondary schools are choosing the boys for Form I, and we are told that Kisii is given only one stream out of seven, and we are three districts. There were seven Form I's given to Nyanza. We are entitled to two Form I's, Central Nyanza two, South Nyanza two and Kisumu Municipality one, to make seven. We are told because somebody in Kisumu belongs to a particular tribe, therefore he gives Kisii only one Form I out of seven. Is this centralization of the powers?

An hon. Member: It is tribalism.

Mr. Makone: Is this not the highest degree of tribalism? The Kisii Members of Parliament will never support this.

Mr. Deputy Speaker, development is more or less the Bible of our country, to know that we are working from a given point to a definite destination, but here in our country nobody knows where we are going. If you go to the Ministry of Agriculture, nobody will tell you anything. If you go to the Ministry of Lands and Settlement—

The Deputy Speaker (Dr. De Souza): Keep yourself to this resolution and not generally on the government of the country.

Mr. Makone: Mr. Deputy Speaker, I thought I was speaking on development as it affects this—

The Deputy Speaker (Dr. De Souza): As long as you confine yourself to this particular resolution. I think you are going a little too far now.

Mr. Makone: Mr. Deputy Speaker, Sir, quite a lot of facts have been expressed by the Mover and Seconder of this Motion. What I want to put forward, in order to alert the Government, is that the Members are entitled to explain to their people what plans are in the Development Plan 1965/70 for every district and, where possible, in every province, so that we can tell our people which is receiving the first chance, second chance and third chance. By so doing our people will know how to adjust themselves for these coming years, so as to be ready for a particular development plan. To keep our people in darkness in the way we are doing in all Ministries means confusion. It means that as a Minister wakes up in the morning, he has to answer for things of which he himself was not even aware of yesterday.

Therefore, Mr. Deputy Speaker, I say with all sincerity—and I see only one Minister here, who is the Assistant Minister for Education; I do not know where his Minister goes every day—that we should be kept in the picture on the Development Plan in every district, and this Motion is the right one to bring us into the picture on this plan.

With this, Mr. Deputy Speaker, I beg to support the Motion.

Mr. arap Sol: Mr. Deputy Speaker, I am very glad to be able to stand and speak on this Motion, as it is a very important one. And I want to congratulate the Member who moved it in the first place.

Sir, it is an obvious thing that the Government has neglected many districts or many divisions in the country, as far as development is concerned. This is, Sir, I think, because of the appointment of Ministers or Assistant Ministers in this Government. I think many parts of the country are getting tired with the Ministerial appointments which mean that many districts are neglected. I think the Cabinet today is not really an African socialist one; it is based on a foreign set of appointments. If they mean socialism, they should really practice socialism where every district has a say in the Cabinet or in some part near the Cabinet.

[Mr. arap Sol]

Now, I am grateful for the Motion itself for water and schools and other important projects are thus emphasized. I want to touch on water first, in Kericho District. Most of the department of Government in that district usually assume that Kericho District has enough water, but it may be one of the backward places where water has not been developed. In Bomet Division, there is a location called Chepalungu where it is now very dry and people are lacking water. They have to travel between twenty and fifty miles to get some water for drinking and for their cattle. This is a serious case, Sir, and there was even an incident which took place recently in part of this location where the settlement department has property where there is a boundary, which is a river, between the former Kipsigis Location and the former Scheduled Area. This river nowadays is flowing but the former settlers used to refuse the African people, the Kipsigis, permission to water their cows in that river, the River Sosion. When the settlement department took over the farm, the people brought their cattle to drink water in this river, when it was so dry and there was no water anywhere else. The settlement department arrested the people, confiscated the cattle, took them away and took these people to the courts; and the judge—I do not know what happened—decided that all these cows and everything would be sold, but nothing was given to the owners of the cattle.

Now, imagine such a dry place and yet our Government treats its people in that manner. I want to bring to the attention of the Government that they should really go into every part of Kericho District. Some Minister from either Natural Resources or Planning should visit Kericho District and go round these backward areas where the need for water is very great.

Now I come to the so-called potential areas of Kericho District, where tea is grown, where there is a lot of maize and other things. These places still need a lot of water. They need piped water; they need water in their houses so that cattle and people can drink it at home, not travel from place to place. This is damaging development.

Now, Sir, I know that this Motion or such Motions are usually brought to the House but Ministers or, shall I say, the Government, neglect to come and listen and learn. They neglect to visit the areas and they do not come to listen to the Members elected by the people. When they want to know anything about a district, they simply call in the civil servants; and the civil servants are no longer travelling

very much, as they used to in the colonial times. They are not travelling round the districts to see what is necessary; they simply give a report and say, "You know, Kericho is a high-potential area; there is no need for water, there is no need for such and such." This is a very serious mistake which is being made by civil servants in high positions and by Ministers who are lazy. I am sure the Ministers have been accused of only visiting some very nice places in some nice districts. This has happened in Kericho District, where there is the Tea Hotel, where the President himself goes frequently. But they never visit the inside of our district and see our people. The President passes Kericho when he goes to South Nyanza because there is the Tea Hotel, but he never goes to my own constituency, which is very poor. He has never appeared there. This is a serious thing.

Now the business of the President should really be to go and see the poor people in poor areas, not the rich places.

I would like to turn now to schools, Mr. Deputy Speaker, Harambee schools. There are several in Kericho District, but the people are not very happy about them. They have built them, they are running them now, but they are running short of money. When they started to build Harambee schools, they thought that the Government would come forward and help them, take over the Harambee schools and run them for the people, or, at least, contribute some money every year to run the schools. But what is happening is that the people have really done their best; most generous groups have contributed, but they cannot pay teachers, very clever teachers who demand over Sh.1,000. Now this is a serious case because people were encouraged to come along and build schools, and then the Government said it would come forward and help them.

Now there are so many contributions being given by Ministers, the President, of Government in different places where they make frequent visits. Some people in some districts, such as Kericho District, wonder and say, "Well, is that Government money? Is that personal money? Does the President give these gifts as the President? And if he does so, can he not come to our district? Is he not our President? Why does he not come and give us some money or send it by post if it is so difficult to come to Kericho?" This is a question in the minds of several people in several districts; I do not think it is just in Kericho District. This is a serious thing. It would be better if the President visited people and never gave them any money, so that some people who

Mr. Kerich: Thank you very much, Sir, for allowing me time to second this Motion.

Mr. Deputy Speaker, Sir, a lot of things which I was going to mention have been mentioned by the Mover, but I wish to make two remarks. It is well known by the Members of this House and the public at large, and perhaps by the angels in heaven, that Kericho District has been neglected by this Government. Mr. Deputy Speaker, Sir, the reason why I say this, that the Government has neglected the Kericho District, is because even today we have had our independence for almost three years. If I could count the Ministers who have visited Kericho District, there are no more than three and I wish to mention their names because the public should be informed. One of them, Mr. Speaker, is the Minister for Home Affairs, and Dr. Mungai when he was the Minister for Health and Housing, and, also, Mr. Ngei. How is it that these are the only Ministers to visit our district?

An hon. Member: Do you not think the President is a Minister?

Mr. Kerich: Yes, the President, of course, Mr. Deputy Speaker, we do not mention. Nevertheless, I would also suggest, Mr. Deputy Speaker, Sir, the Minister for Economic Planning should have visited the area to receive complaints and to answer them.

I would like to start my first point on the Ministry of Education, Sir. Since we have had independence, we have had only secondary schools which were the products of the regions, and since then we have never had anything from the Central Government. And yet this Government was persuading us to destroy the regions and hand over the power, especially the educational powers, to the Central Government. So we now think that the Government was cheating us.

Mr. Deputy Speaker, Sir, Mr. Biy has mentioned the secondary schools we have in Kericho District and these secondary schools were approved by the regions, and since then I have mentioned that in the last three years there has been no secondary school sponsored by the Central Government.

An hon. Member: It is shame on them.

Mr. Kerich: I am very glad that one of my colleagues has said that it is shame on the Central Government for neglecting our district.

Mr. Speaker, Sir, I would like to mention one blunder made by the Central Government. When the regions existed, we were told that at

Kabianga there was going to be a secondary school and that it was going to have a second stream in 1965; and thereafter the Central Government grabbed the powers of granting secondary schools, and it was transferred to the Central Government, and this Government—I mean the Ministry of Education—even removed one class from Kabianga in 1965 and took it to a new destination. I do not know whether it was still in the Central Region, whether in the Nyanza Region or whether it was taken to an unknown place, I really do not know. I trust that when the Minister for Education replies he will mention where this class was taken. And then we remained with only one class, and yet this school, Kabianga Secondary School, has a lot of buildings; there were at that time about thirteen empty classrooms, so you can imagine that of thirteen empty classrooms only one was used, and twelve were just empty. And there were about eight dormitories, and only one was used, so the remaining seven were empty.

An hon. Member: Because of lack of children?

Mr. Kerich: Yes, because of lack of children, but also because—

An hon. Member: But what do you want a school for if you do not have children?

Mr. Kerich: And, Mr. Deputy Speaker, Sir, one of my colleagues is talking about the lack of children. At the time—at the beginning of 1965—I visited the school and at the time there were 75 students capable of being admitted to secondary schools and there were only 35 admitted. Those 75 were lost. So, when my friend says that there is a lack of boys he does not know the situation and he should not open his mouth. And, Mr. Deputy Speaker, Sir, in this place we need—I wish to show appreciation of one point, and that is that in 1966 we have two classes per one stream, so congratulations should perhaps go to the Assistant Minister for Education because I mentioned this to him and he agreed and I am sure he should now be congratulated.

But, Mr. Deputy Speaker, the only thing which I hold against the Minister for Education is the fact that he has never appeared in this House. He has never visited Kericho, he does not know what it looks like.

My second point, Sir, is the question of the Presidential speech. I am sure that this Presidential Speech was approved by a representative Cabinet, and that is why it was not well framed. By that I mean that less developed areas were not given preference, those areas which were neglected by the Colonial Government. The

[Mr. Kerich] Presidential Speech should have stated that preference should have been given to Kericho. I think this area, Sir, was neglected by the Colonial Government and they used to tell our people they were good, and people used to applaud them, but did nothing for them. This Government is following in the same shoes. We do not like to be neglected like that and yet we are supposed to be within the present Government.

Mr. Deputy Speaker, Sir, I see that my time is going, so I would like to mention water supply. Dr. Mungai visited Kericho in 1964 and promised that ..... (Inaudible) ..... markets, and shops ..... secondary schools would have a water supply. Up to now, Mr. Deputy Speaker, nothing has been done. This shows that this Government is a government of words, not of action.

An hon. Member: Question.

Mr. Kerich: Mr. Deputy Speaker, Sir, my third point is the question of Higher School Certificate. Mr. Biy mentioned that we wish to have Higher School Certificate in 1966/67. It was also not planned by this Government. The regions had proposed that the former European Primary School should cater for Higher School Certificate in 1965, and then and there the powers were transferred from the region to the Central Government and then it was stopped and they said that there were many Higher School Certificate schools in Kenya. Therefore, the former Kericho Primary School was not given the status of catering for the Higher School Certificate. So, Sir, I quite agree with the Members who have mentioned that the Cabinet needs to be reshuffled so that we have representatives from all parts of Kenya.

An hon. Member: Question.

Mr. Kerich: Some Members are saying "Question", I think I have the right to express my opinions here. I do not want anybody to catch hold of me here or to curtail my rights to express and expose the mistakes in this Government.

Mr. Deputy Speaker, Sir, my last point is the question of projects. We have raised so many questions and the Government usually says that our county councils should initiate these. Our county council has initiated so many projects and it is the responsibility of this Government to instruct the county councils to initiate any project because all county councils are responsible to the Ministry of Local Government. So, we do not

want these tricks. The Ministry should also realize this. So, Sir, when we raise questions here, we should not be told that the county councils should start the projects, since the top Ministries—the Ministry of Local Government, the Ministry of Agriculture, the Ministry of Water and what—should instruct county councils to initiate any project which is needed by the people.

Mr. Deputy Speaker, Sir, my last point is the question of factories. As far as these factories are concerned in Kericho, we have only one tea factory in Buret, but this one is not enough. My constituency, especially, is suffering a great deal and we need a tea factory in Belgut also to cater for the farmers in that area, because when people in my constituency pluck the tea it takes them about thirty minutes to transport this tea to the factory, and by the time it reaches the factory it is already dry and is graded as third grade. Yet these people are required to repay the money which the Kenya Tea Authority loaned to plant the tea.

So, Mr. Deputy Speaker, I hope the Minister will take these remarks into account, and we want a constructive reply.

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

(Question proposed)

Mr. Mankoo: Mr. Deputy Speaker, thank you for giving me this chance to support the Motion in question.

Mr. Deputy Speaker, the Member who has brought this Motion is entitled to know exactly what development plan, if any, there is in the 1965/70 Development Plan for his own district. It is a fair Motion, Mr. Deputy Speaker. He should be able to tell his people what sort of projects, if any, are receiving the first chance: whether water supplies or tea planting or the granting of more primary or intermediate schools. This is precisely what the Member is asking the Government to tell him, so that the people of his constituency will be in a position to know exactly which way the Government is moving.

Mr. Deputy Speaker, this Motion is most fitting because, although I was a supporter of the Central Government as opposed to regionalism, I find quite a lot of things are happening here which are not in the interest of the people with the greatest need, but because somebody is in the office there is, therefore, an interest in certain areas.

Mr. Deputy Speaker, Sir, if you will allow me to say this, the Member here, as I said before, should know exactly how many secondary schools

[Mr. Tuva] year, and, because of pressure, he promised us that he was going to apply this Order so that land would be available for squatters. But he was taking advantage of this Order to sell the land to people from outside the Coast Province. This has already been mentioned, Sir. I remember this Minister discussed this with us in the Mombasa Municipal Council Hall some time last year, and this was the Minister for Economic Planning and Development. This Order I regard as a very temporary measure in solving the squatter problem and, in fact, it is not being used to solve that problem, but is used only for the benefit of some Assistant Ministers and Ministers. Therefore, I ask the Government to change its attitude.

Mr. Speaker, the Government reply told us that there was special attention being paid to cotton growing at the Coast. You will find that it is only in the Tana River area where the cotton growers are not squatters. In the other areas still, the growers are under this sort of feudalism which has been going on for years. The growers have to pay ground rent before they grow cotton, and now they are going to have to buy cotton seeds. This, in fact, is going to discourage people from growing cotton. I do not think there will be anybody in the Coast Province who will be prepared to buy cotton seeds, when their opposite numbers in Nyanza will be able to cross the Uganda border to get free cotton seeds, without having to pay 25 cents per pound for them; and those in the southern part of Kenya will be able to cross to Tanzania to get free cotton seeds. But those in the Coast Province will have to buy them, and I am sure that these cotton growers are not prepared to buy cotton seeds.

In the Government reply, Sir, we heard of the Tana River Irrigation Scheme. I remember hearing of this since the time of the former Colonial Government. One Parliamentary Secretary—it was in the days of the Coalition Government—one Jeneby, mentioned that there was a Tana River Irrigation Scheme, and today it is still a myth.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): On a point of information—

Mr. Tuva: No, I do not want the Assistant Minister to inform me. There is no dam being built there.

Mr. Speaker, I would ask the Government, since I have to speak on the amended Motion, to pay special attention to everything which is in the Development Plan, because my fear is that,

by 1968, when we face the elections as Kanu, there will be nothing to tell the people, about what has been done. There was supposed to be a paper factory at Broderick Falls. I have been to that place and I know the people were promised that there would be a paper factory, but up to now nothing has been done.

The papers are there to bear witness to all these promises: the Development Plan, the paper on African Socialism, the President's speech and all the Budget speeches. They are there to prove that the Government has done nothing.

Mr. Speaker, I beg to move.

(Question put and agreed to)

Resolved accordingly:

THAT in view of the fact that the Coast Province is regarded as one of the backward areas in the country for development purposes, this House urges the Government to accord special consideration in the Development Plan to the Coast Province, along with all other areas of Kenya in similar economic conditions.

#### MOTION

##### INCREASED SERVICES FOR KIPSIGIS IN DEVELOPMENT PLAN

Mr. arap Biy: Mr. Speaker, Sir, before I move this Motion, I would like to point out that in place of the word "mechanical" I would like to put the word "piped".

The Speaker (Mr. Slade): "Piped"? That is the last line but two, substitute "piped" for "mechanical"? Yes.

Mr. arap Biy: Mr. Speaker, Sir, I would like to move the following Motion:—

THAT in view of the Harambee initiative employed by Kipsigis as far back as 1948 in building permanent and modern primary and intermediate schools, health centres and water supplies without requesting the then Colonial Government for any grants, this House calls upon the Government as a matter of urgency to appreciate what the Kipsigis have done in putting up such magnificent projects and by so doing allocate more secondary schools streams, health centres and piped water supplies in the course of the implementation of the 1965/70 Development Plan.

Mr. Speaker, Sir, before I speak on this Motion, I would like to point out, particularly to the Assistant Minister for Labour, the hon. Mr. Odero-Jowi, that the Kipsigis are not Nandi. Nandi are Nandi. Kipsigis are Kipsigis, and it is very unfortunate that last time when the hon. Assistant Minister for Labour was talking about

#### 537 Motion—Increased Services—

[Mr. arap Biy] the employment of youths on permanent terms the Government he mentioned that the Kipsigis and Nandi are treated as one and the same thing. This is very serious, Mr. Speaker, Sir, because the Kipsigis are over 500,000 people, whereas the Nandi are about 300,000 people. Mr. Speaker, Sir, when we come to the question of the Kallenjin as such, then they can be treated as one, but when we come to the entire question of grouping then the Kipsigis are included. Mr. Speaker, Sir, speaking on the substance of the Motion, I would like to say this.

The Kipsigis employed the spirit of Harambee a long long time ago, before it was brought to the notice of other tribes in this country. They contributed their cattle, their sheep and goats in order to convert into money to build schools, and such schools were built very magnificently without any assistance from the Government. This, Sir, shows us that these people knew exactly what at some time the Kenya Government would do at the same spirit of Harambee, and, Sir, in addition to that the Kipsigis used their time in contributing free labour in building these schools.

Mr. Speaker, Sir, these schools were built with stones and have corrugated iron roofs, which now, when one goes around, one will see that they were wonderfully built. They are very attractive and sited in very good places, where they can and should be expanded into secondary schools without any further cost. Sir, these schools have enough room for Form I, Form II, Form III and up to full secondary streams.

Now, Sir, to speak on the question of health centres, there are more than ten health centres which were built in the self-help spirit, such as the ones at Tebesonik, Kebeneti, Cheptalal, etc. These health centres were built with money which was contributed by the people of those areas. Also, Sir, water supplies were built by the same people who were contributing their money voluntarily without any force at all. All this, Sir, was done in the spirit of Harambee. The then local government was not approached at all to give us even a cent. Now, Sir, since all this has been done and carried out successfully we now request the Government to do something about the promotion and taking over of these various projects. So, to go back to the question of schools, because this Motion comes under the Ministry of Education, I would like to request the Minister for Education to take into account, and very seriously, too, the question of allocating more secondary streams in these schools. At present we have about eight streams in six schools which are not enough to cater for all the Kipsigis children

who pass the Kenya Preliminary Examination very highly. Only about 300 children are taken into these schools, and the rest are left loitering about with their beautiful certificates which show that these children have been working extremely hard in their primary schools. So, Sir, it is a question of a real demand for more secondary schools to be expanded in those schools. For example, we have the Kericho Secondary School which is already a big school in the district and we would like to see this school being given a higher school certificate class to cater for those who qualify highly in their School Certificate Examination.

Mr. Speaker, Sir, we would, again, like to see such schools as Tenawek, Kaplong, Kabianga and Kipsigis Girls Secondary School given trebled streams so that they could cater for these children who pass in their Kenya Preliminary Examination with flying colours.

Sir, those secondary schools are national institutions, and we would also like to see that some Kipsigis students are taken into Kenyatta College, for example, because, at present, we have, in fact, only two out of about 500 who are taken into that college, which shows exactly that this tribe is not given any chance at all to enjoy the fruits of our uhuru in this country.

Also, Mr. Speaker, Sir, we would like to demand that some more technical schools be built in the district so that children who do not pass their Kenya Preliminary Examination could be trained to work in various fields. We also would like to see that those children who do not pass their Kenya Preliminary Examination are given a fair chance of repeating their respective classes, and also we would like to see some of the Kipsigis get into the teacher training college at Kericho so that they could teach in the primary and secondary schools in future.

I would also like, finally, to request the Minister for Health to give aid to build more health centres in the district. Mr. Speaker, Sir, I have pointed out the reasons why that district needs such development to be carried out which should be implemented fairly soon. The plan, as I understand, does not include any reasonable project in the district.

Mr. Speaker, Sir, I do not need to say much, and therefore I would like to give my hon. friend from the district time to speak and say more about this Motion.

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

So, Mr. Speaker, Sir, I beg to move.

**[The Assistant Minister for Labour]**

I would like to see my province advance, and I would not like to see my province being rated as second-rate in the matter of development. And even within my own province, I would like to see my district rated as first in development. I think that all of us, in all fairness, must agree that we want our own areas to develop and, consequently, the country as a whole. But, Mr. Speaker, Sir, this determination only underlines the fact that the Government must encourage balanced economic development all over the country.

The previous speaker, who made the amendment to the Motion, said that there are certain areas in Kenya which are really deserving, much more deserving in fact than the Coast Province. We know that the ten-mile strip in the Coast Province has received a lot of attention in previous years. We know that the hinterland, the area behind the ten-mile strip, has been neglected for a long time. Now, as a matter of fact, as I look at that area and compare it with the whole stretch from Kajiado to Kilgoris on the other side, are they not similar? Is it not true that these areas have been as much neglected as the others? Does that area not compare very favourably with the former Northern Frontier District? If there are any people representing the Northern Frontier District in this House, are they not as much entitled to put up a Motion like this in support of their area as the Members from the Coast Province are?

Mr. Speaker, Sir, I think that the amendment to the Motion brings us back to what is only logical and fair, namely that the Government must look around and take development in all those parts of Kenya which have been neglected before. Mr. Speaker, Sir, I am saying this, and I think it is the only logical development policy which this Government should embrace; anything else is going to create discontent. If there are certain areas which have had a fair deal and are likely to have an even fairer deal now because of the establishment of an economic infrastructure, the Government must revise these things and take development to where it is most needed, because we want this country to develop for the sake of the people, not for the sake of making money, not for the sake of making profits. I think this Government, as a socialist-oriented Government, has accepted that. We must develop the country for the sake of the people, not for the sake of prestige or anything else.

Therefore, the best thing, if we want to promote that, is to take development to those areas which have been neglected, so that every part of the

country is raised equally. Mr. Speaker, Sir, this being the case, I think this House can do the Government a lot of good by accepting the Motion as amended because this represents what every part and every corner of this country want.

Mr. Speaker, the Coast Province, we have been told, has not had a fair deal. The other day I was travelling with the Member for Kilifi, the hon. Mr. Ngala, from Mombasa to Kilifi when we made a sharp bend, and he told me that the Minister for Works and Communications, the previous year, had promised that that road would be put right and that the construction of the road would be completed before the year. I know that that promise has not been kept, and I am sure the Member for Kilifi will bring up this. Mr. Speaker, Sir, I could also take him to my constituency and try to compare the roads in my district and, say, in my province, for example, with the roads in the Coast Province. The Coast Province, I think, has some tarmac roads, whereas Nyanza Province, I think, does not have any tarmac roads. Mr. Speaker, Sir, I am saying this only to emphasize this, but let us be fair. If we concentrate too much on our own areas, neglecting other areas, we are not going to do this country any good and, in the long run, the economy of this country can improve only when every part of the country and every citizen in this country is contributing fairly to the task of developing the country. In order to promote that, in the first place, everybody must work hard, because we cannot expect any development when we do not go out and do the work ourselves. Secondly, the aid that the Government can afford to give, in order to help various parts of the country to develop their own areas, must be distributed fairly, so that all the efforts all over the country are given a fair chance of success.

This is why I think that the amendment to the Motion really represents the fairest policy line which this Government must take. Therefore, I support the Motion as amended, Mr. Speaker.

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

The Speaker (Mr. Slade): In the very short time left for debate—it is only four minutes, actually—debate on this amendment can be combined with the debate on the main Motion.

Mr. Ngala: Mr. Speaker, Sir, I had not intended to speak on this Motion until the hon. Mr. Kibaki spoke.

I think the Government must understand that this Motion has been moved as a result of great frustration that the Coast people generally have because of the decisions and actions, in relation

**[Mr. Ngala]**

to the economy, concerning the province. It is no good for the Assistant Minister responsible for economic planning to stand here and admit, very clearly, that they have done nothing in the past for the Coast. All that he has given us is proposals. He has given us proposals for fisheries; he has given us proposals for ranching schemes in Lamu District and also in Tana River District. All these proposals, Mr. Speaker, Sir, are meaningless because, for example, the ranches are trodden over now by *Shiffa*, there is no livestock now; they are *Shiffa* ranches. He keeps on telling us of the irrigation scheme in the Tana River. This has been a song by Government ever since I came to Parliament in 1957, and have they implemented it? For the last ten years they have been singing this song, but they have not implemented it. Mr. Speaker, Sir, he has been telling us of—

The Assistant Minister for Works, Communications and Power (Mr. Bonnett): On a point of information—

Mr. Ngala: No, not a point of information.

Mr. Speaker, Sir, therefore, what I would like to emphasize is that we are tired of the Coast being used as an experimental ground and a place where investigations are always carried out but where we do not have any results. When the Government are held up, they always set up a commission. They now have a special squatters' commission. Again, it is a tactic, it is a manoeuvre to keep the Coast Province backward. I would like to say definitely that we are doing a lot to help ourselves. For example, when you say, "plant cotton", I think the Coast is the second area in Kenya as regards the production of cotton. Since we are one party now, we should never be discriminated against, and the Government's attitude of ignoring the Coast should be dropped by the Minister for Economic Planning and his Ministry.

Mr. Speaker, Sir, as regards the co-operative milk scheme when the hon. Kibaki talks of milk he knows himself that in Mariakani the Government is stopping the people from developing because Government is taking over the milk plant instead of giving it to the co-operative society.

The Speaker (Mr. Slade): Order! It is time for the Mover to reply; we must dispose of the amendments first.

*(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)*  
It is time now for the Mover to reply.

Mr. Tuva: Mr. Speaker, what I can say is that the Assistant Minister has succeeded in showing us that the Government so far has done nothing. We have had promises in the past and today the Assistant Minister has fed us with some more promises.

Mr. Speaker, although this amendment has gone through, you will find that the Government has, in the past, tried to help at least the other backward areas. We were told last year that even people who had failed the Kenya Preliminary Examination in the North-Eastern Region were given places in secondary schools. This is a clear indication that the Government has been paying a lot of attention to that area. Children who had failed their examination were given places in secondary schools at the expense of other successful children elsewhere. Mr. Speaker, whenever any scholarships are advertised, the Ministry of Education allocates five to the Masai people; five scholarships are earmarked for the Masai people because they are backward. This is another indication that the Government is paying attention to Masai education.

Therefore, Mr. Speaker, it stands to reason that the Coast is overlooked always in all development by the Government.

Mr. Speaker, the Government is urged to look into the land problem and the Government reply does not show what the Government is doing at the moment to solve this problem. Land has stopped some schools going up in some places, and in this I am particularly talking about the former Coastal Strip, where all the Africans, the entire African population, in this area are squatters. I remember some schools had to be pulled down because the landlords did not want the schools to be there.

The industrial estate at Malindi, which has been the theme song of the Minister for Commerce and Industry for years now, has not yet materialized. This is because of the ownership of the land. The landlords want their piece of land to form 51 per cent of all the shares so that they dominate the industrial estate; and the Government is aware of this. Yet they do not want to look into the matter.

The application of the Management Order on some mismanaged farms came about in the Coast because of a Minister who was down there last

**[The Assistant Minister for Economic Planning and Development]**

Ministry of Agriculture, that five of the Government ranches, indeed the only Government-sponsored ranches, will be in the Coast Province covering more than 700,000 acres. They will be in the Coast Province. Three of them will be near Lamu, and one each near Kurasa and Galana. Now, Sir, these are Government-initiated schemes. We have, in fact, a programme, and the hon. Member for Kilifi South knows it, to have thirty co-operative and group ranches in the Coast Province. Indeed, these ranches are the only ones today being sponsored by Government in the whole country, and yet we are told that we are doing nothing.

Mr. Speaker, Sir, we have a water survey programme in the Coast. It is true, Mr. Speaker, Sir, that we had certain water schemes in Kwale District, which the hon. Members ought to admit were left neglected and the pipes are now corroded to such an extent that they cannot be used. The Kwale District County Council failed to maintain that water scheme, and yet it has been installed.

Mr. Speaker, Sir, the production of milk is higher with the Mariakani Scheme being expanded, with the loans being available, with more stock farms being started, and the hon. Member for Kilifi South was only recently at one of these field days. Mr. Speaker, Sir, these are things which are going on in the Coast. We are told that there are no factories, and that a Member wants a cashew nut factory, but it is a fact that this has been investigated and it is intended to start one in the Kilifi District, but then we want to ensure that the production will be economic for this factory. Whose fault is it if the people do not grow the cashew nuts? Must we really be expected to send a team from wherever they expect it from Nyanza or Central Province, I do not know, to plant the cashew nuts? What do they want us to do?

Mr. Speaker, Sir, we talked about the fishing industry. The largest proposed programme of fishing development will be at the Coast. Indeed, the hon. Members know that the Food and Agricultural Organization which has been investigating this programme has now issued a report, and the hon. Members know that negotiations are going on for the purpose of setting up this fish factory and also for the purpose of improving the marketing and freezing facilities at Mombasa, Shimoni and Lamu and improving the harbour facilities at Malindi.

So, if it happens—as the hon. Member for Tana River complains—that plenty of the ener-

getic people who do the fishing come from Nyanza; now, Sir, what am I expected to do? Mr. Speaker, Sir, I hear the hon. Members shouting "officers", but we know indeed what the hon. Member meant, that the people who will be getting the money, and who are getting it now by this improved programme, happen to come from up-country, from Nyanza Province. These people do a lot of fishing on the lakes; if they are able to do plenty of fishing in the ocean, there are plenty of fish in the ocean; and they cannot finish them. Now, what is wrong with an African from Kenya participating in an industry which is located in Kenya? Mr. Speaker, let us drop the old tribalism.

Mr. Speaker, Sir, it has been stated that we are not helping Africans to initiate business in the Coast. I happen to know for a fact—and these hon. Members should make investigations before they make wild allegations—that the Industrial Commercial Development Corporation is, in fact, investigating, and has contact with the Coast people for the establishment of various small-scale industries. I say small-scale, because the hon. Member himself admits that our people do not have the know-how or the capital to start up on a large scale. These small-scale industries include fibres, salt, edible oils, jute bags, suitcases, shoes, plastic pipes, furniture, jewellery, as well as all these metal tanks. These are not experiments. We have, in fact, some African businessmen who have started on these and who are doing very well. We are not doing this everywhere because we are short of capital, we are short of manpower, and the fact that the Coast is getting this much priority and this much attention made us think that we should have been given a little credit for having given that attention.

Mr. Speaker, on the side of roads, the hon. Members are complaining. Of course they admit that we have already improved the Mombasa, Nairobi Road and it will be completed during the next year. Now, this should improve their tourist industry, and that is why I advise them not to despise the people who go to night clubs. The tourist industry may become one of their most important industries at the Coast. Sir, we have started a programme of improving the Mombasa, Malindi Road; the Malindi Airport itself has been improved, the Mombasa Airport is to be improved. Mr. Speaker, Sir, the Mombasa/Lunga Lunga Road also is on the plan for bituminization and the construction of the approach roads to the Mombasa Island itself and the road from Garsen to Lamu are being improved. Equally the road from Voi to Wandanyi, that most complicated and difficult road, is being improved. Now, this is a

**[The Assistant Minister for Economic Planning and Development]**

programme of road bituminization which is more than any other province is getting, and I would challenge the hon. Member to quote any other province. He is quoting Central Province. We have only—

Mr. Kase: On a point of information—

**The Assistant Minister for Economic Planning and Development (Mr. Kibaki):** No, Mr. Speaker, I do not know this information on roads. I happen to know so much about these roads.

**The Speaker (Mr. Slade):** It is hardly fair to challenge an hon. Member and then not give him a chance of answering you.

**The Assistant Minister for Economic Planning and Development (Mr. Kibaki):** Mr. Speaker, the point is that the Central Province was mentioned. We have only one bituminized road running from Nairobi to Nyeri, and I think it ought to be stated—it would appear from what the hon. Member did say that we are giving priority to this road. This road was built even before we were independent and it is one road only. I have just mentioned five major roads in the Coast Province which will be done.

Mr. Speaker, we know that the Mombasa Hospital has already been expanded with the new mental ward.

On schools, I could give the whole list here of what schools are being expanded. But I want to emphasize equally, as the hon. Members talked about technical training for those people who do not get a chance for further education, that it is a fact—and the hon. Members know it—that the Mombasa Technical Institute is being upgraded and expanded, and within a short while it will become a fully fledged polytechnic, like the one we have in Nairobi. Now, this is a programme which is quite expensive.

Now, on the investigation of the minerals which we know to exist at the Coast, this—again—is going on, Sir. There are indications, but we have not proved the economic value of these finds, that there is lead, zinc, manganese, asbestos, kyanite and other minerals. The Government's own department, in collaboration with other agencies, is investigating these.

I would mention too, Mr. Speaker, that there is a proposed major programme of development of the Tana River Basin. Now, this again will affect the hon. Member's area and will be a very major development programme affecting the Coast.

Mr. Speaker, Sir, I have mentioned these few points merely to emphasize one point, that the Coast is getting today as much attention in development programming as is consistent with what we must do for other areas in Kenya which are in similar economic condition.

Mr. Speaker, I would therefore urge the hon. Members here not to raise a particular province as being in any way special. What is required is consideration of certain areas of Kenya that were for a long time left behind. It is futile and a waste of time to try and do a post-mortem as to who seems responsible for these areas having been left behind. What we are called upon to do now, Mr. Speaker, is to turn our attention to positive development in those areas.

It is for that reason, Mr. Speaker, that I would like to amend this Motion and I would like to amend it by deleting all the words after "accord" and substituting therefor the words "special consideration in the Development Plan to the Coast Province, along with all other areas of Kenya in similar economic condition". Now, the reason that I have deliberately left in the words "Coast Province", Mr. Speaker, is that I do not want to negate the intention of the hon. Member's Motion, because we agree that the Coast Province, not all of it—particularly the rural areas—contains Mombasa, which is our second industrial centre in Kenya. We must not be vague over this fact. Mombasa is the second most important industrial centre. But we accept that the rural areas of the Coast Province have a need for this special consideration in our development programme, but in agreeing to that, we agree too that there are other areas of Kenya—such as the whole of what used to be called the Northern Frontier District, and other parts which are well known—which require to be given a similar priority in our development programme. It is for that reason, therefore, that I am requesting the hon. Member to accept this minor amendment which would merely restore balance to our thinking in development and not try to establish a lop-sided kind of approach to development.

Mr. Speaker, therefore, I beg to move this amendment.

**The Speaker (Mr. Slade):** Who seconds the amendment?

**The Assistant Minister for Labour (Mr. Odero-Jowi):** Mr. Speaker, Sir, I think the gusto with which the Members for the Coast Province have supported this Motion only shows that they are determined to have their province advanced. Now this determination I think is found in every Member who represents a constituency. I, for one,



[Mr. Omar]

is not heard in the Cabinet where all the plans are made. So this is very important, and I would be glad if the Minister, when replying to this Motion, would mention something about the demand of the lower Coast people for their voice to be heard in the Cabinet. This is very important and we still demand that our voice be heard in the Cabinet.

Another point, Mr. Speaker, in the Coast Province, is about the Ministers. They have told us from time to time that we must help ourselves in the spirit of *Harambee*, so we do it, and sometimes we get Ministers down to the Coast to show them our self-help projects. When we do this, we expect them to make contributions. But when they come there, it is only the President himself who has made any contribution to self-help projects. Some of the Ministers, like the Vice-President, like other Ministers, come there, we show them the self-help projects; but they make no contributions to these projects. Therefore, they discourage the people of the Coast Province from pursuing these self-help projects. The Coast people feel that they are neglected by this Government, because when these Ministers go to other constituencies and are shown the self-help projects there, they make very big contributions to such projects. Therefore, the Coast people feel, "Well, this Government does not recognize us as Coast people; it is neglecting us." Perhaps, in a way, this makes some people feel that we are being punished simply because, during the Kanu and Kadu days, the Coast was a stronghold of Kadu and now the Government is probably punishing us for having opposed Kanu which is now in power. So if the Ministers and the Government want us to recognize them, they should make a contribution to our self-help projects, and also assist the boys and girls who are looking for scholarships.

We have quite a number of boys and girls with Cambridge School Certificate and others have passed Higher School Certificate. When they applied for scholarships which were published in the newspapers, and came for interview, very few of them were given scholarships, very few. You find that Kenya Preliminary Examination people from other provinces up-country here are given those scholarships and go abroad to study and so on. So in the field of education, the Government must give serious consideration to the Coast applicants.

Another thing concerns health, Sir, you find that in Kwale District, for instance, which has a very big population, they only have one hospital, and Kilifi District also there is only one

hospital with very few beds, which cannot meet the requirements of all the people who fall sick.

So we think that there is a need for this Government to build more hospitals in Kwale District, Kilifi, Tana River, Lamu and all other districts in the Coast. But, looking at the Development Plan for 1964/70, which is being revised now, you find that in the Coast Province what they are going to do is only to introduce television. Well, television is, of course, needed but it is not important at this moment. The Government would spend this money more wisely if it was going to build more secondary schools and technical schools and health centres. We would prefer this, rather than getting television, which will only benefit people living in Mombasa and very few Africans will benefit because they are poor, they will not be able to buy television sets. So I think that is not important, and we would like to have more secondary schools, health centres and technical schools built in the Coast Province.

Now, Sir, coming to the Civil Service, it has already been pointed out and it is a fact, Mr. Speaker, Sir, that during the colonial days the Sultan of Zanzibar in the former Coastal Strip employed only Arabs as administrators and the Africans were not employed in the administration at all, as liwalis or district assistants and so on, and after we attained independence this Government of ours is pursuing the same policy of the Sultan of Zanzibar. They are giving preference to Arabs and neglecting the Africans in the Administration. We have about forty-one districts, but not in any of these districts will you find a district commissioner who comes from the Coast Province. I can challenge the Government to tell me the name of any Coast African who is now a district commissioner in this Republic of Kenya; there is none. You will find that the majority of them are either Jalu or Kikuyu district commissioners. This, Sir, is one of the things we do not want, and it is also one of the things that makes us feel that we are being neglected in this Government. You can hardly find a district officer from the Coast except those Arabs who were employed by the Sultan of Zanzibar, some of them today are district officers, but none of the Coast Africans are district commissioners or district officers.

So, Mr. Speaker, Sir, with these few remarks, I beg to support this Motion, and I hope the Government will realize the position is serious.

The Speaker (Mr. Slade): It is the end of your time, Mr. Omar.

KS Motion—

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Speaker, Sir, I will be brief.

Mr. Speaker, Sir, I am very pleased to see that the hon. Mr. Jabazi does say that the Coast needs to wake up, which seems to be an admission that there was something wrong before. Now, Mr. Speaker, Sir, we clearly, in the Development Plan, do not want to think back over past history. We have been told so much history here, which we must all of us have learnt either in school or must have seen with our own eyes during our numerous visits to the Coast for various purposes. Mr. Speaker, Sir, I would, therefore, urge the hon. Member to accept the spirit which was put forward by one of them, that what we want to do now is to look forward to the future, what is to be done from where we are now. Mr. Speaker, Sir, the point which first must be rejected outright is the assertion that the Coast Province, by some peculiar device, by some evil-minded people from up-country has been left behind. This is the kind of complex that we must get out of the minds of the Coast people, if we are to lead them forward to self-sufficiency, reliance and development. We cannot afford at this late hour of independence to continue to harp on this complex, that there is some sinister scheme for up-country people to have greater influence than the Coast; this is entirely false.

Mr. Speaker, Sir, the point, therefore, that I want to emphasize, and I know that every hon. Member here knows it, is that the whole of Kenya, in fact, is underdeveloped and it is quite false for us to identify one area and say that it must be given very special consideration. Indeed, Mr. Speaker, if there is a place that needs very special consideration, then could we not say that it is Turkana, for example? Anybody who has been there, and I have been there many times, would agree that if we want to say that there is a place where the people are so destitute, that they require subsidies, then surely these areas can be identified. I would, therefore, Mr. Speaker, appeal in this Motion that we think of development in Kenya in all these areas. We accept in our development planning, and indeed we have said so in Sessional Paper No. 10 and also in our previous development plan, that it is right for an independent nation to aim at minimum level, a minimum standard, a minimum decent standard of living for all citizens of the country. And indeed, Sir, this is the only way you can lay a foundation for a proper nation. But then that is acceptance that the areas which require special consideration are not merely the Coast, Northern Frontier District,

but many other areas. I have been to so many other areas which require special consideration.

Therefore, Mr. Speaker, Sir, it will be my intention to amend the Motion slightly in a minute, but before I do so, I clearly want to point out once more that development starts and ends with the will of the people to develop themselves. It is absolutely wrong to build false hopes in the mind of the people, that some benevolent power from above will bestow development upon them. We have to take it from the President, take his example, take his word and take his teaching that development will start from the grass roots, from the hands of the people themselves. Now, Sir, that is the spirit we want to preach to the people, not the expectancy of everything from some benevolent power above. This is not to say that the Government does not have a positive role. We have a positive role. Indeed, Mr. Speaker, Sir, the hon. Members talked about agriculture in the Coast, but what is going on in the Coast about the development of agriculture? This was from the beginning of independence earmarked as one of our key areas for cotton growing. We started this campaign in the Coast Province, Western Province and Nyanza Province. It happens to be true that, for instance, in the Western Province which I have recently visited, the campaign has been taken very seriously. I understand that in some parts of Nyanza it has been taken equally seriously. Now, Sir, if, by the efforts of the people, the production of raw materials in one province will be so significant that we are forced to start the first industries for textiles in those parts, will this be the fault of the Government? No, Sir, I say no, Sir, and it is therefore false for the hon. Member here for Tana River to harp on the question of title deeds. This is absolutely wrong. He is clearly not informed. The fact of the matter right now, Mr. Speaker, Sir, is that the Government, through the Agricultural Finance Corporation, is giving loans even to farmers who do not have title deeds. Indeed, we have given lots of loans to Masai people for ranching.

Sir, here in Kajiado, ask the hon. Member for Kajiado, they have been given loans but they do not have title deeds. The hon. Member is shouting "where", but we have given more than 100 loans to farmers in the Bungoma District who do not have title deeds.

Mr. Speaker, Sir, in the field of agriculture, in the present plan, it is visualized, for instance, that the Coast Province will be the one area, if the hon. Member will listen, where the Government is going to undertake a large-scale programme of ranching. Indeed, I am told, by the

519 Motion—

**(Mr. Kase)**

Schools, Sir, have been running privately and Government has not thought it fit even to take over some of them.

Now, Mr. Speaker, there is one mistaken thing. When a Minister goes to Mombasa he calls that the whole Coast. We want them to forget this idea completely. Mombasa is not the whole Coast. We always hear that the Coast has industries, but they are at Mombasa and Mombasa is not the whole of the Coast. It is like claiming that Kiambu has so many Ministers and, therefore, the whole Central Province has so many Ministers. Mr. Speaker, this is a mistaken idea. We want the Government to go out of its way to help the Coast people to come up in every walk of life.

Mr. Speaker, I beg to support.

*(Question proposed)*

**Mr. Jahazi:** Mr. Speaker, Sir, today I want to declare that the Coast giant is awake and is armed. We have been called very good people, very quiet, and it is said that there is no trouble there; we are always being patted on the shoulder by both the colonialists and this Government, in which we placed all our trust, and we have been told that being very good-tempered, sane people, we will benefit from that. But now we see that the quieter you are these days, the more you suffer; the more you are called a good man, good boy, good province, the more you suffer. You reap no benefit whatsoever from that and now I think in the Coast we are going to desert that pattern and try the other way and see where it will take us. Therefore, we are going to speak with an open mind and with all the frankness we have to spare and tell the Government that we want developments which are our right, like all other provinces.

Mr. Speaker, Sir, the Mover and the Seconder have said a lot of things here which are all true, and I would like to add that the question of land in the Coast, I think, is far worse than even in the Central Province, because in the Central Province you will find twenty people at least coming with title deeds, even in this House here; twenty Central Province Members of Parliament will come with title deeds and show that this is their land; but ask any Coast man here to produce a title deed for any land. Even our leader, Mr. Ngala, does not have one; although he has a farm, it is still Government land. He is paying for it. We are proletarian in the true sense of the word, we do not have anything. But, Mr. Speaker, Sir, we thought that when the Government realized that they inherited this trouble, they would tackle the land question first, but this is

the third year, I may say, of our independence and there is not even a sign of progress on these lines.

For instance, Mr. Speaker, Sir, yesterday in *Taifa Leo* I saw a notice from the Ministry of Agriculture saying, "*Shamba Lita Ouzwa—Mweshamba*" Two farms are going to be sold in the Mtwapa Creek, and the conditions are that those who want to buy them must produce 50 per cent of the cost of those farms. Mr. Speaker, whom does the Minister expect to buy those farms? Africans? Tell me a single Coast African who can produce 50 per cent of one acre, leave alone those 80 acres and all that. We read notices in the Gazette, "This farm has been taken over under the Management Act." When the first farm was taken over under the Mismanagement Act, or whatever, we shouted happy that at least the Government now has started, but now we have found out that these are tricks, because today the farmer is told that it is under a management order, and the owner is asked to produce some funny papers, and what happens? Then you read that it is no longer. You see the same owner sitting comfortably on the farm and nothing happens. So all these things are just manoeuvres to manipulate people's expectation because they expect that now the farm has been taken over, there will be settlement, but you do not see any settlement and the old owner, in fact, is firmly installed back on the same farm and it goes on being mismanaged.

Although we have been quiet, we have been watching, our eyes have been open to see what is going on, and now what is going on is not to our advantage, as Coast people, and we are passing everything now openly in this House.

Mr. Speaker, Sir, even in Mombasa, they may say, "Oh, Mombasa has industries," but tell me, count about five Coast Africans who are sharing in these industries, only five who are sharing in these. Instead when there is a factory there, you hear Rubia is a director; you hear So-and-so is a director; all from here. I understand that with all the developments we have for Mombasa, there is a master plan from Nairobi and Kiambu areas to buy all Kilindini Road business, especially hotels. You do not hear what is going on because hotels are being taken over overnight, and to the tune of Sh. 100,000. Africans have invested in this hotel. When I think of Africans here who can afford Sh. 100,000 without Government assistance. I do not see any, but every night new business is cropping up from Nairobi, chains of business from here to Mombasa. This is not African business. The Government is giving loans at night through the back door for people to come and take over from us. We cannot have that, Mr. Speaker.

51 Motion—

**(Mr. Jahazi)**

In the Coast we give the President the biggest cheer, when he comes down there, the streets are flooded, we fight with the Asians, they come out, and even our living is threatened because we tell everybody to come out and meet the President because of our loyalty. Every Minister who comes we nearly carry him high; Mr. Otiende was given a big welcome there. We give them company and make them most welcome, expecting that our good heart and kindness will reap us something for the Coast, but now we see that we are being manipulated, they think we are just a lot of good boys who can tolerate these things going on; but now I want to tell the Government that the Coast is no longer a good boy. When it comes to our rights, call us any name, but we must have our rights, because we are tired of being good boys.

Mr. Speaker, for instance, we have been trying a plan in Changamwe for an owner-tenants' scheme. All we wanted was a Government surveyor to demarcate the plots for people to build their own houses. Up to now—it is now three or four years—not a single surveyor has come to subdivide a plot of land for our people to build their own houses. Instead, slums are being condemned and people are told, "Pull down your buildings," and they have nowhere to go. We have no land to build on, all plots are sat on by hungry landlords who are waiting, speculating, and thinking that by 1970 this tract of land will be worth so much, and they are allowed to sit on this land while people are sleeping on the streets or in caves. Now, what is the Government doing for us? You hear of Karibangi, you hear this and that in Nairobi. Can any Minister quote me any project, except the Likoni one which the hon. Mr. Otiende came kindly to open? Where is our Karibangi, where is our Langata in Mombasa, the second biggest town in Kenya?

All this bluff must end because our eyes are now open, because we have been watching the trends now we have come out with a plan confidently and we shall have no more bluffing because our eyes are open and we want a true development plan, not only papers. Let there be action, let the plans be practical, not only a question of showing us the Coast will be this and that. The industries which are there are not benefiting Africans as such and the whole of Mombasa town and the district and the Coast is not owned by Africans, only the hinterland which is waterless, very empty, not fertile, without any crops. The piped water, the pipeline, just passes to the ships and when we say, "All right, give us a little connexion so that the people

in the hinterland get something to drink", the Minister here says, "Oh, the water must go to Mombasa because, even if it passes through the countryside, if you tap it, perhaps the ships will not have enough water." What is the use of such a development, Mr. Speaker, if water is passing through a country which is very thirsty, which is dying of thirst, and you cannot even connect a few points? We know the difficulty, but at least connect a few points so that from there you can develop; or at least dig some boreholes. But we are told, "All right, 1967, 1970-80, 1980-2000." It will go on like that. So if we do not take this meekness off our faces and tell the Government what we feel, we will continue to suffer.

Therefore, Mr. Speaker, Sir, this is the line we are going to adopt in this House from now on, and the Government must see that we are no longer their good, quiet, sweet boys.

**Mr. Omar:** Thank you very much, Mr. Speaker, for giving me the opportunity to speak on this Motion. This is a very important Motion, Sir, and it seems as if some Members do not realize this. But it is very important, because it is not only the Coast Province which has been neglected; there are some other provinces in the country which were neglected by the former colonial rule, and they are also still being neglected by this present Government of ours.

Mr. Speaker, one point has already been mentioned by the Mover of this Motion; and I feel I should also say something about it because, whenever I go to the Coast, I always receive delegations, from Mombasa, from Tana River, Kwale and Lamu. The lower Coast at the moment is not represented in the Cabinet of our Government.

Mr. Mwanumba comes from Taita District, not from the lower Coast.

Now the lower Coast covers five districts, Mombasa, Kwale, Lamu, Tana River and Kilifi. And there are about ten Members in the House of Representatives here. Yet you find none of them is in the Cabinet, and therefore the interests of these five districts are not represented in the Cabinet, which is a mistake on the part of this Government. When the President came to the Coast last year and this year, I made an attempt to lead a delegation and I presented a memorandum to him, demanding that the lower Coast should have a Minister in this Cabinet, so that all the planning of development can be expressed by a Minister from this area.

Without a Minister from the lower Coast, we feel very strongly that we are not fully part and parcel of this Government, because our voice

[Mr. Tuva] down himself about three or four months ago this was pointed out to him: what he said was that he had never heard of it.

In Mombasa and Malindi, you find that Africans can not own shops or bars because they can never own a piece of land to call their own and build on it. In Malindi today, no African can own a bar in the town, because all the land is owned by Muslim Arabs who can never allow a bar to be built on their land. This is why we ask the Government to look into the problem so that everybody down there can feel that he is in a free Kenya. I am a Christian, Mr. Speaker, but I do drink; Christianity does not prohibit drinking.

Mr. Speaker, I urge the Government, therefore, to look into these problems carefully. I am not quarrelling with the Government, but I am trying to point out these things, because every time a Minister is told something he says he has never heard of it. Today, therefore, I have tried to point out, in this short time, what the Government has to put right, and I hope it will.

Mr. Speaker, I beg to move.

Mr. Kase: Mr. Speaker, Sir, I think the Mover of the Motion has covered quite a number of points but I think he has left out one important point which needs to be stressed with regard to this Motion.

Now, Sir, we understand—and the Minister will rightly say this—that people have not been stopped from buying farms, hotels and bars. But what we find at the Coast, Sir, is this. When you want to buy any important piece of land, or you want to develop a piece of land, the securities that you are asked to give to Government are quite impossible, when they ask you to produce a title deed, and yet the Government itself has failed to register that land.

They will ask you to produce your banking account, but when, Sir, did my grandfather have a banking account? These, Sir, are the conditions that we are asked to fulfil. Now, Sir, when we ask the Government to come and register this land under our names, they say that they have no staff. When we also ask them for a loan, the same Government says that we have to produce the security. They do not want to do your job, because when they do your job, they say that they cannot do it because you do not have it. Now, Sir, what confusion exists in this Government?

Now, Mr. Speaker, Sir, we were told by the Minister in charge of planning in this country that if any county council passed a resolution on

any piece of land that it was yours, then you will get a loan. But, Sir, we are ashamed when county councils of various places say, "Let us push this area for this man to have a ranching scheme." When we call the bosses from Nairobi, I do not know his name, but a European, he says, "No, this land is not registered," and yet we are told from the same Ministry, Sir, that you can get this land so long as the county council passes a resolution, but that same officer comes back and tells you that you cannot have it because it is not registered. What, Sir, do they want us to do? We have not refused them permission to register this land, but they still insist that it must be registered, and yet they have no staff to do it and this stops us from progressing.

Now, Mr. Speaker, Sir, it is this change which we do not want to experience at the Coast. I have noticed in other parts—and I have travelled widely in Kenya—that people are just putting pegs around their *shambas* and are being given loans that are guaranteed security, but when you do likewise at the Coast we are told, "No". Now, Sir, this Government must accept the fact that it has made a mistake which it has inherited from the Colonial Government. They must try to break these chains.

Sir, I would now like to turn to trade and perhaps you have noticed that when you apply for a bar or a hotel you are told that you must produce so many shillings first. But we notice, Sir, that the same Ministry, and we are looking at this very seriously, appoint their own friends at the Coast who buy hotels. The same hotels which we want to buy, Sir, they tell us that we must produce the money first, but the people who buy them later only pay Sh. 1,000, but when we show them Sh. 1,000 they refuse it. This, Sir, is the Ministry of Commerce and Industry, because they have some interest in Mombasa. We are telling this Ministry, Sir, that we have seen favouritism failing the Government, therefore, Sir, unless this Government loses their great interest in Mombasa, there is going to be trouble in Mombasa. We have noted further, Sir, that some farms come under the Mismanagement Act, when they are mismanaged. Some very clever person who has been bought out up-country goes back to the Minister and the Management Order is withdrawn. This same man who was bought out in Ol Kalou buys another farm in the Coast, and when we ask the Minister why he cannot settle the squatters he says, "No, the Management Order has been withdrawn," and then Mr. White from the Coast is bought out and Mr. Brown from up-country is placed on that same farm. We know of a farm in Kilifi, Sir, where some Africans approached the Government for them to be able to settle on this

[Mr. Kase] had, but the Government just said, "No, we will withdraw the Management Order," and then the organizing secretary of a company plus other Italians bought this farm, but when we wanted to buy it we were told that we could not buy it. Now, Sir, this is the type of corruption we do not want.

Now, Mr. Speaker, Sir, if I may go ahead. We find in the education problem that we have the problem of the Muslims, and the Minister knows about this. When they come up and want to go to school they are told, "Oh, no, you are not educated enough to make it possible." Now, Mr. Speaker, Sir, people who never wanted to go to school before, when they want to go to school today—

An hon. Member: Go, send them to Mecca!

Mr. Kase: An hon. Member is telling me to send them to Mecca, but we are not interested in Mecca. Now, Sir, when people want progress, the Government tells them that there are not enough of them. Now, Sir, I will tell you one thing, boys from Mbalabala come to Shimo le Tewa to attend secondary school, and when we ask for a secondary school to be built in Tana River or in Lamu so that our children do not suffer, they say, "No," and adopt the same old colonial viewpoint, saying that the people have enough schools. Now, Mr. Speaker, Sir, we want this Government to get away from the colonial days *kabisa*, so that we can have a change and the people in the Coast can go ahead.

Now, Mr. Speaker, Sir, telephone services do not exist in all district headquarters and when we tell this Government they say that there are not enough people to telephone.

The Speaker (Mr. Slade): Order! There is a lot of noise around.

Mr. Kase: Now, Mr. Speaker, they say there are not enough telephones, but you will notice that after the tarmacking of the Mombasa Road there will be more vehicles than before; nobody wants to ride on a rugged thing. Now, when you have telephones I am sure you will find more use for them.

Now, Mr. Speaker, Sir, we want this Government to get away from the colonial things and to stop this corruption. You will see Africans at the Coast cleverer than the Minister for Agriculture. Africans who apply for loans are suppressed by the Indian trade officer in Mombasa. Co-operative officers do not exist anywhere, so you find all co-operatives at the Coast failing, not because the people are not interested, but because there is not the manpower to do this.

Lastly, Mr. Speaker, if I might end, I come to the question of chiefs, Sir, I feel that this Government is the most lazy Government I have seen. How does a Government, Sir, take two years to appoint a chief of a location, two years? A reshuffle is necessary. Even the Colonial Government dismissed a chief now and then and appointed another one. We were told to vote for these chiefs, that they would be made chiefs. Now two years have passed and the Government has done nothing. We do not want locations to be left without chiefs so that there is no progress. This is a deliberate move, Sir, by Government to keep the people backward. When we invite them to come to our places, Sir, they say there are *Shifta*, but is it our mistake that *Shifta* are there? It is their business to remove the *Shifta*, it is not our business. Now, when the Ministers come to the Coast, they come and stay two hours and then they go away, and not all of them come.

Finally, Mr. Speaker, if I might end, we want the President, when he comes to Mombasa, Sir, to go to the interior, Lamu, for that matter, he only goes to Mombasa. And even the Ministers, Sir, if I may say, they like sleeping in Mombasa because we have such beautiful night clubs. This is known, Sir, and there is no question about it. A Minister is prepared to fly to Lamu, but instead of staying there for five or six hours, he will stay one hour and fly back to Mombasa in the evening. And some of them, Mr. Speaker, have called themselves Ministers for women.

Mr. Godanna: On a point of order, Mr. Speaker, I wonder whether the hon. speaker is in order to call Ministers Minister for women, when we know that we do not have any women Ministers in this House?

The Speaker (Mr. Slade): Order! No, the hon. Member was completely out of order and was getting carried away. I think you should just withdraw that remark, Mr. Kase.

Mr. Kase: On a point of order, Mr. Speaker, I said the Minister had called himself the Minister for women, and he is the Minister for Health, Housing and Social Services who called himself the Minister for women in the Florida Night Club.

The Speaker (Mr. Slade): Order! Order! Yes, Mr. Kase has justified himself. His time has run out, but there was that little interruption and I think he can have another minute.

Mr. Kase: Now, Mr. Speaker, if this is the essence that Ministers go for, not to see where things are bad so that they can help the Coastal people, Sir, we are not going to have it.

Mr. Tuva: Mr. Speaker, Sir, these people were shouting and making me lose my head.

The Speaker (Mr. Slade): Do not let them.

Mr. Tuva: But, Mr. Speaker, I will go back to my Motion.

The next thing that I want to point out is on education. Mr. Speaker, the Ministry of Education, in distributing secondary schools at the moment, are allocating only two classes every year to the Coast, and they claim to be led by a percentage that they call an opportunity index. Mr. Speaker, this opportunity index is very misleading because they are working on 10 per cent; the intake to secondary schools is 10 per cent of all the candidates who sit for the examination. Mr. Speaker, this is very misleading, because you find that 10 per cent of 1,000 is 100 and 10 per cent of 60 is only six. Therefore, the provinces which have many candidates also have more places in secondary schools. You will find that at the Coast, Mr. Speaker, if every year the Coast is going to be given only two classes for secondary education and the other provinces get an aggregate of over 48, this is a very bad percentage indeed. You will find that there is no proportion, and I ask the Government not to work on this opportunity index which is misleading, but the secondary places all over the country should be decided by the percentage of people that pay tax. The places for secondary education should be reflected by the people that pay tax to the Government and not this opportunity index which seems to be helping a lot of people, particularly in the Central Province.

I have one other point to raise on development. Mr. Speaker, as regards education. You will find that most of the secondary schools or classes are placed in Mombasa, a very small area of the Coast Province. Mombasa alone has 28 classes, whereas the other rural areas have only six, an aggregate of six. Therefore, Mr. Speaker, I ask this Government to distribute secondary classes fairly, so that they cover the whole area. Mr. Speaker, you will find that boys from the rural areas who go to Mombasa for secondary education can fill about six classes if these are distributed equally in the rural areas, but you find boys from Taita, Kilifi, Tana River and Kwale going to Mombasa as day scholars. They have to pay fares, rent houses in Mombasa and be day scholars. If the Government could only distribute these classes equally, they could remove some classes from the four-stream schools and allocate them to the different districts of the Coast Province, other than Mombasa. You will find that most boys—

Mr. Bala: On a point of order, Mr. Speaker, the hon. speaker is going away from his Motion because he is trying to attack the set-up of schools in Mombasa. Is this in order while he is demanding that something should be done for the Coast as a whole and Mombasa is part of the Coast?

The Speaker (Mr. Slade): You are quite entitled to raise the question of relevancy, but it occurs to me that so far the hon. Member is in order, because he seems to me to be saying that there is not sufficient development anywhere but in Mombasa. That is to say that whatever development educationally there is, it is concentrated in Mombasa, at the expense of the rest of the area. I think he is entitled to say that.

Mr. Tuva: Mr. Speaker, going further, I should congratulate the Ministry of Commerce and Industry on one thing only: that they have posted a few officers to the district who were not there before independence, but one wrong thing is that they are still keeping there somebody whom we have asked the Government to remove: that is, the Provincial Trade Officer in Mombasa. He is an Asian and we find that there is too much stress still on Asian participation in trade.

One other thing that has been pointed out to me by some officials is that they are keeping back education because they want to expand the tourist trade. They say that if many people are educated in the Coast, then there will be no room for tourism because they want the Coast to remain like the national parks of the Masai country. Therefore, Mr. Speaker, I would like the Government to change this attitude.

One other thing, Mr. Speaker, in the Development Plan which was stressed in the President's speech on 2nd November is the co-operative movement. The co-operative movement will be very usefully applied by the Government, in conjunction with the produce boards, to bring about African participation in the economy of the country, but we find that there are not enough co-operative officers. There is no district at the Coast which has a single co-operative officer. Those who are there are only co-operative inspectors and one co-operative officer in Mombasa who is replaced every month by another.

This will not bring about development at all. It appears as if the Government has a master plan to see that the Coast remains as it is. The staff of the co-operative movement do not have transport of any sort. There was a Land-Rover in Taita and this was transferred to do better work in Nakuru.

13 Malton—

[Mr. Tuva]

Mr. Speaker, I will not complete what I have to say without mentioning agriculture. Agriculture, Sir, has been stressed by this Government, and particularly by the President himself, by his call of "go back to the land," but you find that all this means nothing as far as the Coast is concerned, because no one there, no indigenous person of the Coast has any land he can call his own; he is either a squatter in the former Coastal Strip or he has no title deed in the other parts of the Coast. Therefore, Sir, I would ask the Government to settle this land problem immediately so that the people can develop agriculturally, to land and, in return, play a big part in commerce.

Mr. Speaker, the Government has in the past shown commissions to study the land problem at the Coast, but although there have been up to now about four commissions no report has been brought to this House. At the moment, there is a commission—the Shimechuo Commission—which is studying the land problem, and I think the report was completed about four months ago, but it still has not appeared, and that is why there is all this trouble in the former Coastal Strip. This week there was some trouble on the Oorhauser's farm. This is because of the slackness of the Government in not caring about the Coast troubles.

Mr. Speaker, another thing is promotions and employment of the Coast people, and this is part of our development. You will find that even if a Coast man qualifies in the Kenya Institute of Administration, he will still be the last person to be considered for any promotion. All those who were there in 1963 are, up to today, district assistants, and those they used to beat in class at practical work are most of them today, district commissioners. This is a question for the Government to answer. In the same way, those who went to the institute for a community development course: School Certificate people from the Coast who did very well practically and also in the written examinations, are still assistant community development officers, while those from other places, Kenya Preliminary Examination Certificate holders, who did not do as well, are today community development officers. This is another question for the Government to answer.

Mr. Speaker, I spoke in this House concerning the chiefs in the former Coastal Strip. These chiefs were employed by recommendations of the Franks and the Sultan of Zanzibar, and I asked this Government, since these chiefs are not progressive, to dismiss them. But the Government did not want to dismiss them. Letters were written through

the proper channels for the dismissal of these chiefs, but they are still there today, keeping the Coast back, just as we heard yesterday the Minister for Agriculture saying that the chief was not doing his work. This is the sort of chief that we have at the Coast; they never co-operate with the politicians; they regard us as trouble-makers. This is the sort of thing the Government must look into. The people there today do not believe that there is *Uhuru*, because they hear over the radio that so many chiefs have been dismissed, but their own chiefs, who had to pay their first allegiance to the Sultan, are still there even today. This is another thing for the Government to look into.

Mr. Speaker, to wind up, I should like to point out three things to the Government. Since we do not have a Minister from the lower Coast in the Cabinet, we have nobody to voice the Coast problems there. I ask the President kindly to appoint one Minister so that he can be in the Cabinet and air the Coast views. We have seen appointments of Ministers being made and for some particular reason some new Ministers are appointed from time to time when we hear there has been a re-shuffle. But no attention has yet been paid to the Coast, particularly the lower Coast. Therefore, I ask the President kindly, next time, to appoint somebody from the lower Coast—and of course the person is known—the right voice to air the Coast views in the Cabinet. We feel, Sir, that the Coast is regarded as a thorn in the side of Kenya, and that is why no development is being carried out there. The Development Plan shows so many things that the Government was going to accomplish by 1966. One was the Takaungu-Kilifi Road which was going to be tarmacked and reduced to six and a half miles. It was said that this would be ready by 1966 and up to now it has not even been started. In the Development Estimates of 1965/66, it is shown that Malindi Airport would have lighting and seating facilities, but up to now nothing has been done about this. The other day I was ashamed when a Kenya Government Minister was passing through Malindi Airport and had to stand for the whole of the twenty minutes because there were no seats.

Mr. Speaker, I mentioned in this House to the Minister for Local Government that the Malindi Urban Council wards were badly divided. You find that the Africans, in a ward of 1,700, return only three councillors and in other wards, because those wards are European-populated and Arab-populated, with only about 14 voters, return also three councillors. I pointed this out to the Minister for Local Government and when he went

[The Assistant Minister for Agriculture and Animal Husbandry] did yesterday assure the Members that in our Ministry we would appoint a qualified auditor who would be going round all these statutory boards and checking their accounts. He would do this as a surprise, he would not let them know that he was going on what day. So, this question we are very aware of this and we are trying to check all these accounts as we do not want any repetition of what has happened in the Western Kenya Marketing Board.

Again, the Member for Uasin Gishu, Mr. Tuwei, said that there were very few pigs in his constituency because Europeans have left the country. This is what I said when I was introducing this Bill, because we know exactly that before and after independence some Europeans, who were actually the pig keepers, had left the country and in some parts of the country there are not now any pigs left. What I would tell the hon. Mr. Tuwei is that if he eats more pig meat he would create a market and so increase production. If he tells his people to eat more pig meat we would be able to meet his wishes.

Mr. Speaker, Sir, the hon. Member for Kikuyu, Mr. Gatuguta, raised many questions and said that this Bill should not have been brought to this House. I do not agree with him. There were too many amendments in the existing Bill and,

latterly, it was not possible to amend every clause here and there without making it clumsy. This was done on the advice of the Attorney-General's Chambers.

An hon. Member: So what?

Mr. Murpor: Mr. Speaker, pig production representation. Producers sell their stock to Uplands and are eligible to become members of the Uplands Pig Producers Association, and are eligible for appointment to the Pig Industry Board.

So on these questions about which the Members did not know, I think we have been able to clear some of the criticism, and most of the criticism was, in fact, repetition from one hon. Member to another.

With these few 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)

#### ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper. The House is now adjourned until tomorrow, Friday, 4th February, at 9 a.m.

The House rose at thirty minutes past Five o'clock.

Friday, 4th February 1966

The House met at Nine o'clock

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

#### PRAYERS

#### NOTICE OF MOTION

DISMISSAL OF CIVIL SERVANTS: COAST PROVINCE  
Mr. Kiser: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House, noting with deep regret the delay in the appointment of chiefs, in this country, especially in the Coast Province, recommends that all civil servants responsible for such delays be dismissed forthwith.

#### MOTION

DEVELOPMENT PRIORITIES: COAST PROVINCE

Mr. Tuva: Mr. Speaker, Sir, I should like, first of all, to point out that there is no Minister, neither is there any Assistant Minister to reply to this Motion.

The Speaker (Mr. Slade): I am afraid we have to carry on all the same.

Mr. Tuva: Mr. Speaker, Sir, I beg to move the following Motion:—

THAT in view of the fact that the Coast Province is regarded as one of the backward areas in the country for development purposes, this House urges the Government to accord priorities under the Development Plan in order to enable the said province to catch up with the other parts of Kenya.

Mr. Speaker, Sir, I did not bring this Motion to quarrel with the Government, but I have brought it to point out to the Government that so far since independence, or since the Development Plan, 1964/70, was drawn up, nothing has been done, that is mentioned in the Development Plan. However, Mr. Speaker, I have to congratulate the Government to begin with, for working hard on the Mombasa/Nairobi Road, which I have always mentioned in the Budget speeches.

Firstly, Mr. Speaker, Sir, I would like to blame the Colonial Government which the present Government is trading on. That is, the Colonial Government neglected the Coast in all walks of life.

In trade no Africans were given loans. In education, the Coast was left behind purposely. I do not know why. Medically, too, no good hospitals were built at the Coast. Generally, the Coast was neglected and has been regarded until now, as one of the most backward areas in the country.

Mr. Speaker, because of the lack of schools, we do not have enough educated people to fill posts in the Coast and, therefore, we find that most of the Government posts and even those in different companies are filled by people from other parts of Kenya and not the Coast Province. Take, for example, Mr. Speaker, local authorities. In the Mombasa Municipality you will find that the top personnel are people from other parts of Kenya, not from the Coast. Mr. Speaker, there are some people who are now saying that they are Kanyans. You will never find a chief from the Coast employed anywhere, say in Kakamega, Kisumu or even Kiambu. You will never find the Town Clerk of Nairobi is a Giriama or a Taita. You will never find, Mr. Speaker, somebody from the Coast as a fisheries officer in Kisumu, but you will find that all the African fisheries officers at the Coast are people from Kisumu, people who cannot even speak Swahili. They can never be understood by the people for whom they are working. Therefore, this, Mr. Speaker, is what I am asking the Government to put right.

In all other areas where there is an expatriate officer and the post is going to be Africanized, normally, they wait until a local person can fill the post and then it is advertised and filled by somebody from that area. That is why we ask, Mr. Speaker, the Government to be on the lookout to check such mistakes that have been made all over the country, particularly at the Coast. An example is the post of the Town Clerk of Mombasa. If this post was in Kakamega, Kisumu or Nakuru even, they would not have taken somebody from far away. Normally, they leave the expatriate officer there to work until a local person is obtained, and this person then fills the post. That is why the Town Clerk of Mombasa has not been confirmed, and I am sure that he will never be confirmed and somebody else will fill that post from the Coast.

Mr. Speaker, I am being accused of being tribal, but tribalism is natural in Kenya. When one of the big posts in Kenya is vacant, the question put forward by everybody in the country is, will this post be filled by a Kikuyu or a Luo? That is the question, and that is why today we are trying to point out to the Government that there is a danger of laying too much stress on these two tribes so that they appear to dominate the whole country.

The Speaker (Mr. Slade): Order, Mr. Tuva. You are getting away from your Motion now, I think, are you not? Keep to the question of development of the Coast.

[Mr. Gatuguta]

surely this is a job which could be done by an ordinary civil servant in the Ministry, a veterinary officer or someone else can do this job without necessarily creating a board.

Next comes "advising the Minister on any matter affecting the pig industry". Here again the Minister can always be advised by the field workers. In fact, I fail to understand how members of the board who are not in the field, who are not being acquainted with the day-to-day problems of the producers, will be able to advise the Minister. The Minister can be better advised by the veterinary officers and other experts in agriculture.

"Promotion and advancement of the pig industry": well, that is probably the only function the board can carry out, but how much they can do towards this is a question mark.

So all this goes to show that unless we are creating boards for the sake of creating them, there is no need at all for one more. A very important point was raised on this subject by the hon. Mr. Muliro who said that the pig industry could be amalgamated with the Kenya Meat Commission. After all, in the final analysis, this is a question of selling meat, selling and eating meat. My own view about the Bill is that I can see the good side of the Bill only in so far as the Bill eliminates the question of licensing producers, the question of limiting the production of pigs and also this abolition of the quota system. I do agree that this is the best side of the Bill. But I say it would be better to bring in an amendment of the existing law to include these things—

**The Speaker (Mr. Slade):** I do not think, Mr. Godana, you were here when I mentioned a little point of order after Question Time, that the right way of crossing the Floor for hon. Members is at or near the Bar.

It is all right, Mr. Godana, but bear it in mind.

**Mr. Gatuguta:** Mr. Speaker, I was going to finish by saying that I would find it very difficult myself to support this Bill. I do not find any sense in it, and whatever sense I do see could have been brought to us in the form of amendments to the existing legislation. I do not see any good reason for the establishment of a new law, entirely separate from the existing law.

**Mr. Malinda:** Mr. Speaker, Sir, I want, first of all, to say that if the Assistant Minister, when he was speaking, was as right as he was, then, I submit, that the Bill appears to be unnecessary. I associate myself with the sentiments expressed by Mr. Gatuguta, that if this is just an extension of an existing board, then the right and simple

thing would have been to amend the law which governs the existing pig industry. But maybe, as the Assistant Minister says, there is some colonial language or some colonial provision which he does not want to see on our Statute Book, and for that I give him credit. And in that respect, I wish to support the Bill.

But, Mr. Speaker, before supporting the Bill entirely I should like the Assistant Minister, when he replies, to clarify some points here which did not seem to be quite clear to me. First of all, Sir, the definition of a butcher here is such that if, as one earlier speaker said, I keep pigs and, for some reason, I would like to slaughter a pig for a feast or something like that, it seems as though I will be prosecuted if I do such a thing, because it is an offence according to this Bill. Why should I, being a producer of pigs, and wishing to treat my family or my friends to a feast, why should the law restrict me from enjoying my property, the property that I possess? Why should I have to go and get a licence to slaughter the pig?

**The Assistant Minister for Works, Communications and Power (Mr. Godana):** Mr. Speaker, on a point of order, I think this subject has come in for some repetition on the part of various Members, and I would like to move that the Mover be now called upon to reply.

**The Speaker (Mr. Slade):** I think we are getting near the time when the House should entertain that question, but not quite so urgently as to interrupt Mr. Malinda's speech, if he will close fairly soon. At the end of that, I would allow that question to be moved.

**Mr. Malinda:** Mr. Speaker, I will move from there if the Assistant Minister is worried about that. But it is, I think, a valid criticism of the Ministry of Agriculture, which the Minister should clear up, and make the point clear to the House and also to the people who will be directly affected.

Now, Sir, a lot has been said about clause 3. I will not repeat what has been said but, as regards clause 3 (d), it says "no more than three additional members appointed by the Minister". Here I would like to know what qualifications these people will have, whether it is just any Tom, Dick and Harry that the Minister feels like appointing or if it is somebody, such a member who is to be appointed, with a direct interest in the pig industry or someone who has some other technical qualification or knowledge which would be beneficial to the industry.

Mr. Speaker, very few Members of Parliament have any knowledge of pig keeping, so I do not think that being a Member of Parliament is a qualification!

[Mr. Malinda]

Moving to clause 3 (3) (d), it gives reasons for removing a member from the board. It says "An appointed member of the board shall cease to hold office if . . . he undergoes any term of imprisonment on conviction for any offence". Mr. Speaker, that, I think, is too wide and there should be some definition or some restriction on some of these offences. Mr. Speaker, if it is not an offence connected with the pig industry, why should a man be penalized? If somebody has been imprisoned for a traffic offence or for a political offence, which, of course, goes on his record, is that really serious enough to debar a person from serving on this board? I should like that clause to be looked into and straightened up.

My last comment, Sir, is in connexion with clause 21 (f), application of funds of the board. I suppose I am following what the Assistant Minister said, that the present Pig Industry Board, which is in existence now, has a chairman, members, a general manager, an accountant and all that; and it has been a practice in this House, when Bills of this nature are submitted, to provide for the appointment or employment of a general manager. Or is this board going to need the services of a general manager? If not, then, Mr. Speaker, that is quite all right. If it is, then it should be defined in this Bill.

Mr. Speaker, after saying that, there is one more thing which I should like to see somewhere in the Bill, that although people who keep pigs will be licensed in accordance with the Animal Diseases Act, very few Africans have any knowledge of keeping pigs and I should like to know how the Ministry of Agriculture is going about, after the enactment of this Bill, teaching the Africans or giving them some explanations or instructions when they are desirous of keeping pigs and how best they can do it. Farmers' training centres are only places where people go and stay for something like two weeks; and I do not think that two weeks is enough for one to be well acquainted with the keeping of pigs.

With those few remarks, Sir, I beg to support.

**The Speaker (Mr. Slade):** Mr. Godana, if you wish to move the closure?

**The Assistant Minister for Works, Communications and Power (Mr. Godana):** Mr. Speaker, Sir, I beg to move that the Mover be called upon to reply.

(Question, that the Mover be called upon to reply, put and agreed to)

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor):** Mr. Speaker, Sir, I must take this opportunity of thanking all

the Members who have given their fair criticism of this Bill. I am very sure and happy that during this debate interest has been shown from all over the country, even on the part of the Masai, where I thought they would not be interested in pigs.

The hon. Mr. ole Tipis has said, Sir, that there are a lot of boards and this was another board being created. I do not agree with him, Sir, because at the present time we already have a Pig Industry Board, and this is not a new creation; it is a board which was already in existence.

Several Members raised the question of whether, after passing this into our Statute Books, the Ministry will provide services. I must assure the hon. Members that we in the Ministry will do all we can and use all our field and veterinary staff in extension services; and at this moment, the Agricultural Development Corporation have already employed an officer to deal only with pigs. This is straightforward and we are doing it to help our pig keepers.

The composition of the board: so many Members talked about this and said the composition is not as it should be, but I must assure them that the Minister will see to it that all the people appointed will be producers. Because we do not have at the moment an organization of African pig keepers, we rely mostly on this Uplands Pig Suppliers Association because they are mainly the people who are keeping pigs. Some Africans do supply pigs, and they will know exactly.

I must at this juncture assure the House that, when choosing these people, we will not choose somebody because he belongs to a particular race or any thing like that. The Minister will appoint somebody who is capable and who is a pig producer.

Mr. Speaker, Sir, in sections 10 and 11, the question of slaughtering pigs, when we talk about butchers we mean the people who actually slaughter pigs on a commercial basis, so the question of slaughtering one of my pigs for my family in my own home is up to me.

Mr. Speaker, Sir, the hon. Mr. Gichoya, the Member for Gichugu, raised the same question as the Member for Narok East. The two members who will be appointed by the Minister, as I have said, will be producers, irrespective of their race. At the moment we have Mr. Kaguru from Nyeri, who is already a member of the Pig Industry Board, so the question of whether this will be one-sided does not arise.

Clause 7 (c). As you know, the Members were very much surprised by the recent affair in the Western Kenya Marketing Board, my Minister

[The Assistant Minister for Agriculture and Animal Husbandry]

did not want to hear pigs being discussed. When a Bill comes up like this, to bring our people into the pig industry, it is our duty, I think, to try and assist our farmers, our people to come into the pig industry, which also pays just as any other domestic animal industry could pay. Members may not know how much income one could get from keeping pigs, but I would tell the hon. Member for Kuria that if he tried to keep pigs tomorrow, he would find himself richer than he is now, because the price of bacon, to begin with—his should know the price of bacon; he is not a Muslim—is higher than the price of beef. As such, the income derived from pigs is definitely higher than the income derived from cattle.

Mr. Deputy Speaker, I want also to bring forward another—

Mr. Khalif: On a point of order, Mr. Deputy Speaker, is the hon. Member in order, Sir, to insinuate that Muslim hon. Members in this Chamber are uninterested in the discussion of this Bill?

The Deputy Speaker (Dr. De Souza): No, I do not think that is an insinuation. He was merely stating a matter of fact, that many Members who are Muslims left the Chamber when we were discussing this; there is nothing unlawful or immoral about that allegation.

Carry on, Mr. Osoyo.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osoyo): In fact, Mr. Deputy Speaker, I am waiting to hear the contribution the hon. Member for Wajir North will give on this Bill, if he is interested in pigs at all. I am happy he is here, and I will be glad to hear what he is going to say about pigs.

However, Mr. Deputy Speaker, I would like to make one point very clear. Hon. Members should not, for goodness' sake, Mr. Deputy Speaker, think that we are trying to create a new board. This is not a fact. Also, it should not be thought that this Bill is being brought forward because we want to make jobs for anybody. What we want to do by the new Bill is to bring our people who have been cut out of the pig industry into the pig industry; that is what we want.

The hon. Member for Uasin Gishu has stated very vaguely that the pig industry in his constituency is dwindling, that farmers are being advised by people from my Ministry not to keep pigs. This, Mr. Deputy Speaker, is not true at all, and it is a pity that Members of this

House should wait for a Bill like this one to put forward what irregularities are going on in their constituencies. I think the door of our Ministry is very open to hon. Members to bring such complaints to us, so that we can look into them immediately, but if hon. Members wait for a Bill to come up in which they would air their grievances or the grievances of their constituents, I think we are not going to help our people much. If we know that there are people from the Ministry of Agriculture and, particularly, the Veterinary Department who are asking people not to keep pigs, this should be brought up so that we deal with it immediately. Yes, hon. Members may say they know where the people are advised not to keep pigs, but this, of course, depends, as we are advising people, for example, living in my constituency not to plant coffee. That is not because we do not want them to grow rich, but because coffee cannot grow well there. It is possible that at a very high altitude or due to some geographical effect, pigs might not survive well in some areas and, therefore, these people are advised not to keep pigs. That is a different matter altogether.

But the fact that former farmers, as the hon. Member for Uasin Gishu put it, kept pigs on their farms and when they abandoned the farms, the farmers that have taken over these farms are now dissuaded from keeping pigs, I think, is very unfair indeed. I am inviting the hon. Member who has suggested this to bring these points up specifically to my Ministry and we shall look into them and rectify the position.

However, Sir, I would very much have liked hon. Members in this House to speak specifically on the Bill, pointing out which sections they think should be amended, pointing out which sections they think are unfair, rather than generalising that the Bill is creating a board or that the Bill is trying to give a chance to European farmers to do this and that.

I would not like the Members to make these general statements, rather than looking into specific sections of this Bill and pointing out to our Ministry that such-and-such sections should be amended to be in line with what their thoughts are.

With these few remarks, Mr. Deputy Speaker, I hope hon. Members will keep to the theme of the Bill, the sections being suggested in the Bill, rather than hammering the creation of a new board, which is not true. Thank you, Mr. Deputy Speaker.

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I only wish to say a few words about this Bill.

[Mr. Gatuguta]

The first thing is to say that there is no reason whatsoever for this Bill to be brought to this House, because, if there was any question of changing the existing law, we could have done so by bringing amendments to this House. There is no need for a Bill. If the Assistant Minister who has just spoken insists on saying that there is already an established board, then the question would arise, what is the difference in functions between the existing board and the present one? It is quite possible to bring in amendments instead of bringing Bills here for debate.

Mr. Deputy Speaker, Sir, when I look at this Bill, I can only see very few important things which could have been brought in this House in the form of amendments: that is all. On this idea of pig producers not being licensed, we agree it is a very good idea. Africans should be allowed to keep as many pigs as they want without being bothered with licences, but this is a matter of amendments of the existing law. Similarly, the production of pigs, according to this Bill, is not limited by law. I accept this, it is a very good idea, too. But then I say this is a question of amending the existing law.

A similar thing applies to the quota system. We are not interested in quotas, we want as many people as possible to keep as many pigs as possible. I agree with those things, but, as I said, it is not necessary to bring a new Bill. As I said, it is not necessary to bring a new Bill to enable the people to do these things. It is a matter of amending the existing law.

Now, Mr. Deputy Speaker, Sir, there are certain things which have been brought in this Bill and which I find it very difficult to accept myself. One concerns section 3, the composition of this board. Mr. Deputy Speaker, we are living in a democratic country and the whole business of our Constitution itself provides that the people of this country will be given opportunities to exercise their democratic rights in every field, whether it is freedom of speech or anything else. Our people must be able to make decisions. We no longer have a Colonial Government where decisions had to be imposed on our people. In every institution in this country, whether it is a voluntary organization or a Government body, the people must be given the voice to make decisions.

Now with regard to this section 3 here, the Bill has been brought to this House to help the producers and yet we find that the composition of this board does not give any opportunity to

the ordinary producer, the ordinary person, to select a member of the board. Everywhere it is the Minister.

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

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

Perhaps I may be told that section 3 (c) provides for the Uplands Pig Suppliers Association to recommend two persons. Surely this is most unfair. I think it would be fairer for the pig producers to be given a voice on this board. But they are not given a voice; they are told that the Uplands Pig Suppliers Association will recommend two members to the Minister and then he will decide whether to appoint them or not. I want direct elections. If you mean serious business in the pig industry, then surely let the people who produce pigs have a voice to elect their own people to the board. I do not say that they should elect all the members of the board, but let a fair proportion of those members be elected by the pig producers.

After all, if you can allow the Kenya Co-operative Creameries which is now to be called the Kenya Dairy Commission to elect their own people on that commission, surely it is only fair that in the pig industry also the producers are allowed to elect their people.

Section 13 (2) provides that "any person who sells any pig to any person, other than a butcher or a licensee of a bacon factory or a pig producer, shall be guilty of an offence". Now this section limits the activities of the producers. In other words, you are not by law supposed to sell your pigs to anyone else except to a butcher or a licensee of a bacon factory or a pig producer. Well, suppose the Assistant Minister now is a big producer and he is approached by some other person for one pig or two, not necessarily for business but for family purposes, in the form of food or something. Does this Bill intend to tell us that he cannot sell it to some person without a licence? And if some person is living in Kisumu he has to come all the way to Nairobi, to where the board is going to sit, to get this particular licence? I think this is very unfair. This particular portion of the Bill should be eliminated completely, or be amended to suit the desires of the people.

Now the functions of the board are provided for in section 10 of the Bill. Surely these functions could be easily be exercised by the Ministry of Agriculture without forming a board? In fact, this board will be having no work to do because if the functions of the board are "(a) licensing of butchers and bacon factories".





[Mr. de Tipsis]

somewhere. Either we are here to raise various points which fall on deaf ears. I do not know, but let us examine ourselves. I see, the hon. friend of mine is trying to ask me where, but he knows as well as I do where things have gone wrong. Now, Sir, the thing is this. We have so many statutory boards in this country. We have given each statutory board powers to elect or select who their auditors, provided they are chartered accountants, are going to be.

In all these boards, it is costing the public of this country a very big sum of money to audit all books of accounts of the various statutory boards. I did raise it earlier in the various Bills before this House, to let us try for economy's sake to centralize the auditors for this matter. I mean that once a firm of auditors know that they have six or seven quasi-semi-Government accounts to audit, then the charges will be lower. This is left to the discretion of the various boards, and this, in my view, has more or less raised the audit fees tremendously, which is a charge to our public funds, and, Mr. Speaker, the individual, the producer and the consumer for that matter. Now, Mr. Speaker, I do not know what is going on, whether in these various boards some people have inclinations and have established boards by an Act of Parliament. They have every right to approach an accountant firm to tell them that we pay you £200, or £100 for that matter, per annum to audit just one cash book, a small ledger and possibly a small journal for that matter, and provided you satisfy us, I do not know, I think the whole thing should be centralized to reduce all these audit fees. They cost the country very much. We have told the Minister, the various Ministers here time and again, and nothing has been done about it and it is necessary. If I may repeat it again, what is there preventing the Auditor-General's Department having one or two accountants, after all, this is public money, to deal with the specific audit and checking of these quasi-Government bodies' accounts. It will save us a tremendous amount of money, rather than go to these commercial firms, or does the hon. Assistant Minister want to tell us that it would be cheaper to go to these commercial firms than to centralize the whole thing and have two accountants full time, pay them and be satisfied that nobody can corrupt them, nobody can approach them when they detect a mistake and say, "Tengenezia hii mkeno sisi nao angalia." What I meant, Sir, is that they will be beyond approach by the ordinary boards, because they are paid by the Government, who they are duty bound to support fully, and they are loyal to the services that employ them.

We have had rather a lot of this including the Western Kenya Marketing Board. If the whole accounts were in the hands of a Government auditor, he would have detected them before they made away with this big sum of money.

Now, Sir, I do not want to dwell for long on this because I did speak earlier on, now if I come to this question of licensing of butchers, that is clause 10 protecting members and functions of the board and the rest of it. Now, the licensing of butchers and bacon factories. I do not know where we are on this because there are butchers and there are people who indulge in only slaughtering one pig for their family and the neighbours buy whatever supply is left, and this is in accordance with African Socialism. Even our hon. Minister, the Assistant Minister, when he goes to Elgeyo he slaughters a bullock, he does not get a licence to slaughter it. He takes what he wants for his family, and the rest he sends to be sold—*wewe ngoja kidogo*. Does he have to go for a licence? No, of course not, the last time we went to your place and we killed a goat, did you get a licence? Mr. Speaker, what I am trying to get at, if it is on a big commercial enterprise, well and good, but please do not be rigid, Mr. Assistant Minister on this. Please remember that this is Kenya of today, Mr. Speaker. When it is only one animal, whatever is surplus, let the people enjoy it according to African Socialism. Do not say that they are guilty of an offence.

Now, Sir, the last point which I have is quality. I think the point here is this, Mr. Speaker, that here we are duty bound to raise not only the animal products of the domesticated animals of this country but also the agricultural products of this country. Do not let us, Mr. Speaker, deceive ourselves, there is quite a lot to be done, and I would hate to see a policy whereby those who have more will have more added to what they have already. For instance, today, Mr. Speaker, and I am glad that the second Assistant Minister for Agriculture has just walked in, the first or second, I do not know—they are equal in status, they receive the same salary. Now, what I am getting at, Mr. Speaker, is this; so far the pig industry has been in the hands of the non-indigenous people of this country. They have not contributed much to the economy of this country, but that much we have very much appreciated. But the time has now come when instead of putting the whole thing to the Uplands Bacon Factory, let this Ministry of Agriculture, if it really means business in the true sense of the word, send its officers into the bush, into the wilderness, and teach the people from Kirinyaga, from Narok, from Masai, from Busia how to

[Mr. de Tipsis]

rear pigs so that we can all contribute and send our pigs to the common pool. But if we send them just to Uplands Bacon Factory, we do not want that, we want it to go to the ordinary black man, if you do not know.

Mr. Muliro: Mr. Speaker, I find that the only meat in this Bill is found in the Memorandum of Objects—

The Speaker (Mr. Slade): Presumably pig meat.

Mr. Muliro: Yes. That is the only pork we can find.

Mr. Speaker, what I say is that the only reasons that might have ever brought this Bill before this House are found in the Memorandum of Objects and Reasons. The one is that pig producers will not now be licensed by the Pig Industry Board. Then the pig production will now be limited by law and quotas will no longer be imposed by law. This, Sir, would have just necessitated an amendment to the Act as it is now without creating a board. I find the Ministry of Agriculture is mad about boards. They are creating one board after the other for the sake of creating jobs for the small boys.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of information, Mr. Speaker—

Mr. Muliro: I do not require any information from the Assistant Minister. I have kept pigs before and I do not think that he has seen a pig in his sty. Mr. Speaker, I find that the only way we can reorganize effectively the economy of this country is to go for efficiency, and if we go for efficiency we must amalgamate some of these boards, so that the marketing organization is carried out by experts, so that the research work is carried out by experts. We do not want half-baked brains playing about in some of these boards so that we get inefficiency. These, Mr. Speaker, I find, and my submission is that the Minister for Agriculture to get those three items I have already quoted in the Memorandum of Objects, Act without creating a board. This Pig Industry Board should have gone together with the Livestock and Dairy Board to create one board so that it carries the Kenya Meat Commission, the Kenya Co-operative Creameries, the Dairy Board and the Pig Industry Board. These departments specialized in the various ways to bring about what he wanted, but to create a board because the Minister would like to get credit by appointing one man as a chairman, and then by putting the Director of Veterinary Services

on the board, by appointing two more members himself on the board. All this and many others, Mr. Speaker, is just creation of jobs for the sake of appeasing some hon. Members or some friends of the Minister. It is not in the interest—

The Speaker (Mr. Slade): Order! No, you do not impute things like that, Mr. Muliro.

Mr. Muliro: I am sorry, Mr. Speaker.

The Speaker (Mr. Slade): You must withdraw that imputation, Mr. Muliro.

Mr. Muliro: I did not intend to impute any improper motives to the Minister, so I withdraw.

Mr. Speaker, I find that the most important thing the Minister should have done in the light of his own statements in this House, yesterday he laid a Paper on the Table here, telling us that he is streamlining everything, instead of streamlining everything he creates more boards again. When

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

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

we want to see that there only three or four boards in Kenya, we see the Minister is going over the limit of thirty-five. There are today almost thirty-five statutory boards under the Minister for Agriculture and other Ministers.

Now, any hon. Member who disputes that, Mr. Deputy Speaker, will have to enumerate the whole gamut of the boards before he can prove me wrong.

Mr. Deputy Speaker, my submission is that these boards should be created, should be made fewer in order to enable the ordinary farmer, the ordinary producer to get the best out of his sweat. They should be streamlined in order to enable the consumer in the urban areas to pay lower prices, because the cost of production will be minimized, the overhead charges will be minimized; hence the producer will get a good price and the consumer also will get a better price for his money. This, Sir, is my submission and with the few remarks I would have asked the Minister to amend the original Act without creating a new board for giving a few boys more work.

With this I beg to oppose.

Mr. Tavel: Mr. Deputy Speaker, Sir, this new Bill has come into the country when most of the consumers of pork and bacon have already left the country for their own countries and, therefore, I do not know why we have to make a new law. We do not know why we have to create and make a new law, in such a way that

[Mr. Gichoya]

accountant when we pass this Act. But, again I am faced with the situation of the West Kenya Marketing Board, and I wish the Minister was here so that already having experienced the bitter lesson of the West Kenya Marketing Board he should understand what we feel about this clause. Now, if the board is given the discretion of appointing its own accountants, and not the Government, we might be landed in the same situation, Sir, as with the West Kenya Marketing Board. It was a statutory board like this, and was under a Minister of the Kenya Government. But we have learned a bitter lesson, that accounts could not be audited, accounts were not kept for so many years, and the Government was unable to check the misuse of public funds by board members, or the management of the board. In this respect I see that there might be contradictory arrangements on this Bill, because a few days back the Minister did say that he was going to take some steps to see to it that in every board there would be regular checking of accounts, and if this is the case then this board should be exempted from that regular checking, because the law as it is says that the board will have to submit audited accounts after six months. Now, if anybody then thinks of going to check the accounts before six months are up, this would be infringing the very principle we are now trying to make here. So, I would like to hear from the Minister why there should be such contradictions.

The other thing, Mr. Speaker, on which I would like the Minister to tell me what he is going to do, otherwise I am bound to put an amendment to it, is clause 10. These are the functions of the board. Mr. Speaker, we are told that the functions of the board shall be: (a) licensing of butchers and bacon factories. Now, if we admit that pigs could be found in every part of the country and that it is not possible to have factories in every district in the country, it then follows, Sir, that individual pig owners wishing to have two or three pigs slaughtered in the countryside, in a market place, would be forced to come to Nairobi if the headquarters of the board would be in Nairobi, to get a licence. It is stated clearly in clause 11 "any person who carries on business as a butcher, unless he holds a current licence from the board to slaughter pigs, shall be guilty of an offence." Now, Mr. Speaker, Sir, I am trying to find out what arrangements have been made by the Minister to make it possible for the representative of the board to be in a district, and the Bill does not say that the district commissioner would be empowered to issue the licence. Mr.

Speaker, if these things are not there how shall I believe that if I wished to slaughter a pig in my own village I should not have to come to Nairobi to get a licence? This again means that it becomes a very big problem for an ordinary person with two or three pigs to make some benefit from those three pigs, because transport costs from his own home to Nairobi would be extremely high. Maybe, Mr. Speaker, there is someone living in the North-Eastern Province where the mode of transport from the old Northern Frontier District is mainly by plane. Is it reasonable for someone to come from the Northern Frontier District, or, for that matter, from Mombasa to Nairobi to get a licence to go and slaughter two pigs, or one pig? Here I need a very strong clarification. But Mr. Speaker, when we come to the stage of bringing amendments I am bound to put in an amendment. This, Sir, would be meant to facilitate an ordinary person to make the best use of a few pigs he might have in his own house, either for getting money for his own children's education, or to pay the Graduated Personal Tax, or to pay the normal tax that is needed. But, if it means that one has to come to Nairobi, Mr. Speaker, to get a licence as if he has a factory I think the Bill becomes a punitive measure as far as the citizens who have low incomes are concerned.

Mr. Speaker, Sir, these were my worries and unless they are made clear by the Assistant Minister who is jotting down whatever is being put forward by the Members, I am bound to move an alteration to the Bill.

With these few words, Mr. Speaker, I rest, waiting to hear.

Mr. ole Tips: Mr. Speaker, Sir, we have this Bill before the House and, of course, some of us are beginning to wonder as to where we are heading. We seem to be creating statutory boards almost every day, almost every night. And I believe, Mr. Speaker, that the time has come, for the interest of the nation, that in order to avoid the overheads, some of these boards should be amalgamated so as to cut the overheads and try to get a whole team of experts, not only in the field of animal husbandry, but in the various other agricultural products.

Now here we have a board, we have the Pig Industry Board, we have the Kenya Meat Commission, we have the Kenya Dairy Board, we have so many other boards, the *Kuku* Board, the Coffee Board. Now, Mr. Speaker, I do not see how on earth this Government, or our Government, for that matter cannot sit down and try to amalgamate all these various boards and, by that, economize on the various experts.

49 Bill—Second Reading—

[Mr. ole Tips]

Here, Sir, I must admit that I am in the same line as my friend, the hon. Assistant Minister who is there holding his cheeks and waiting to see if there is an expert on pigs, neither am I, Sir, he is not an expert on pigs, neither am I, Sir. So, as far as this pig industry is concerned, Sir, I would like to ask very seriously, that Sir, I would like to ask the Uplands Bacon Factory from the employees of the Uplands Bacon Factory, what are the experts employed by the Ministry of Agriculture and Animal Husbandry who are really employed in the field in various districts to advise our people on the pig industry? We rely entirely on the goodwill of the Uplands Bacon Factory.

If this is not the fact, then the Assistant Minister can correct me. If I am wrong, because I now have not seen one in Masailand. I think, Sir, and even if you go to Kiambu where there are so many pigs, you see only a gentleman who I know, he is a friend of mine from Uplands, working on his own commercial line, but is an adviser paid by our Government. So, this is an issue to come and try to cover up, or cloud up the issue, to protect a commercial firm to go on at this sort of line.

Now, Mr. Speaker, Sir, I do not want to be critical on this Bill. Mr. Speaker, Sir, I just want to touch upon a few clauses in this Bill before I conclude. Firstly, Sir, I would like to touch upon clause 3 which deals with the establishment of the board. Now, Sir, here we have, and we believe that we have, genuine reservation, because in all these boards the whole thing is left entirely in the hands of the Minister to appoint or nominate whoever he believes, or he thinks, is the right person. The Ministers are ~~man~~ being as everybody else, and, of course, we in Kenya who believe in the true word of democracy, would like to see the process of democracy carried out right through. We do not want any favouritism. Some of us might be speaking bitterly, and you might find us not on top of the boards, but we speak our minds and therefore it should not prevent us, but we want people who really contribute for the good of the nation and the country and not to be frightened that unless he sings his master's voice, he is out. We do not want that kind of thing, Sir.

So, Sir, in clause 3 (1) it says, "There is hereby established a Board, to be known as the Pig Industry Board, which shall consist of—

(a) a chairman to be appointed by the Minister;

(b) the Director of Veterinary Services or a person deputed by him in writing for the purposes of this Act; . . ."

The Director of Veterinary Services is, of course, under the strong hand of the Minister. It goes on to say, "(c) two members to be appointed by the Minister, on the recommendation of the Uplands Pig Suppliers Association, . . ."

Mr. Speaker, Sir, what is the membership of this Uplands Pig Suppliers Association? We want to know, Sir. We have no quarrel, Sir, they can be Europeans. If they are the best producers, they have every right to be there, but we want a breakdown so that we know the type of person, Sir, whom they are going to appoint as members of this Pig Industry Board. In clause 3 (d) it goes on to say, "(d) not more than three additional members appointed by the Minister." Now, Sir, starting from clause 3 (1) (a), (b), (c) and (d) all these are concerned with the appointees of the Minister. I would not like to use the word that we overruled in this Parliament, although my friend on my right is trying to whisper it to me, but I do not want to use that word. They are all appointees of the Minister.

But, Sir, what about the producer? Where does he come in, to cater for or to serve the interests of the producer, and where does the consumer come in also? This is a big question, Sir. There is no mention here as to who will represent the interests of the producer, who will represent the interests of the consumer, but it just says that all these are appointees of the Minister. The Minister is not an angel, he is just a human being. We all make mistakes every day, every moment. But, Sir, we should have been told that there was a very competent board to advise the Minister on the various panel of names before he makes his final selection.

Now, Sir, I would like to go on briefly to clause 4, which reads as follows, if I may quote, Sir, "In the exercise of its powers and in the performance of its functions under this Act, the board shall act in accordance with any general or specific directions as may be given to it by the Minister". Now, Sir, here the only quarrel I have is that it is true that somebody must direct things from the top, but, Sir, there is no escape door whereby if you give a directive, it might be a wrong one, that we will accept, but if it is a wrong directive which will be to the detriment of the Pig Industry, what avenues are there for the board to appeal to another quarter for any wrong doing to be remedied? That, Sir, is a very questionable point, which, I think, the Minister should have taken into account.

Mr. Speaker, Sir, like my hon. friend Gichugu, I would like to come to clause 7 which deals with audits and accounts. Now, Sir, on this one, I think something has gone wrong

[Mr. McKenzie.]

me finish. He reported the whole matter to him, asking him if he would pass it on to the district officer and the district commissioner at Kwale. He went back to work, as I have said, again on the 29th and again the people came to see him. He then not only spoke to the chief again, he was concerned about things and got in touch with the police and with Mombasa.

But I must tell the hon. Member that this man is a surveyor, an assistant surveyor, and to my mind he did what was absolutely right in going to the administration, reporting the matter to them, reporting it to the police and reporting it to Mombasa.

Mr. Ngala: Arising from that reply, Mr. Speaker, Sir, is the Minister aware that the final meeting on Friday, when the trouble had started, was not addressed by politicians nor the chief of the area but was addressed by the police officer whom the people did not know and whose Swahili they did not understand?

Mr. McKenzie: No, Sir.

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

#### POINT OF ORDER

RULING ON MATTERS FOR MOTIONS FOR THE ADJOURNMENT UNDER S.O. 14

Mr. Omar: On a point of order, Mr. Speaker, because of the seriousness of this matter, Sir, and because of the representations which have been made to the Members of Parliament from the Coast Province about this matter by the people concerned, the Digo tribesmen, I would like this matter to be debated under Standing Order No. 14.

The Speaker (Mr. Slade): Again I have to rule whether this is a definite matter of urgent public importance; and I would explain to hon. Members that to decide that I have to be satisfied, first, that it is a definite matter, secondly, that it is urgent and, thirdly, that it is of public importance. All those things. And if any hon. Members are in doubt as to why I ruled on the previous request, I will tell the House that it was because it seemed to be neither sufficiently definite nor sufficiently urgent. Here I cannot see any urgency and, as far as I know, the main matter is finished. It is a matter of inquiry into what has happened rather than stopping what is happening. I cannot allow it as a matter under Standing Order 14.

Mr. Mwanzandi: On a point of order, Mr. Speaker, it might be that you said it does not involve public importance—

The Speaker (Mr. Slade): I did not say it was not of public importance; I said it was not sufficiently urgent.

Mr. Mwanzandi: Yes, because you do not know what is happening there today.

The Speaker (Mr. Slade): I heard a good deal about it.

Mr. Mwanzandi: There is a police post kept there today and we do not know what will happen perhaps if those Wadigo all gather together to follow those policemen.

The Speaker (Mr. Slade): Sorry, Mr. Mwanzandi, but there was no suggestion of that kind in all the supplementary questions that were asked. I have to go on what I hear in this House and I have gone on what I heard. I have given my ruling, and that is the end of that matter.

#### COMMUNICATION FROM THE CHAIR

##### MOVEMENT ACROSS FLOOR OF THE HOUSE

The Speaker (Mr. Slade): Before we go on to the next Order, I would just like to deal informally with a point of order. I have noticed during the last few days a tendency among hon. Members—particularly Ministers and Assistant Ministers rather naturally—to move across the House close to the Mace. I would ask hon. Members to bear in mind that the right way of moving from one side of the House to the other is at or near the Bar. I think it only arises with Ministers really; if those who are present would kindly remind their colleagues of this, I would be grateful.

#### BILL

##### Second Reading

#### THE PIG INDUSTRY BILL

(Assistant Minister for Agriculture and Animal Husbandry on 2nd February 1966)

(Resumption of debate interrupted on 2nd February 1966)

Mr. Kibaga: Mr. Speaker, Sir, this Bill is most welcome because previously the management and the control of pig keeping was rather in a mess, and we find in most cases that before we achieved independence the pig industry was controlled by the settlers, the European settlers, and this organization has continued since independence. If some people wished to keep pigs outside the settled areas, they had to ask permission from the Pig Board and get permission from the Veterinary Department, and this was very complicated. So the idea of the control and the licensing of pig keeping being kept on a district level is a very good idea, so that whoever wishes to keep pigs

[Mr. Kibaga.] will only have to go next door, about a mile or a few miles, to reach the officer and then be allowed to keep pigs. Another thing, Mr. Speaker, Sir, is the idea of licensing from the Pig Board only the breeders.

But there are two clauses on which I have a question and I think they should be clarified by the Minister or his Assistant Minister. One is clause 3, the establishment of the board. Under this clause, it is written:

"1. (1) There is hereby established a board, to be known as the Pig Industry Board, which shall consist of—

- (a) a chairman to be appointed by the Minister;
- (b) the Director of Veterinary Services or a person deputed by him in writing for the purposes of this Act;
- (c) two members to be appointed by the Minister, on the recommendation of the Uplands Pig Suppliers Association, to represent pig producers;
- (d) not more than three additional members appointed by the Minister."

Mr. Speaker, I have no quarrel with (a) and (b), in fact as the chairman and the director are concerned. But I am concerned about (c) and (d). The Uplands Pig Suppliers Association is given the chance of recommending two members but in (d) the other members are only to be appointed by the Minister. If this association is to be given the chance to appoint its own members, the members it trusts, I see no reason why, in the districts where pig keeping is going on, the people there should not be allowed to recommend to the Minister the people they want to represent them in the pig industry. We do not want the Minister choosing from the Uplands Pig Suppliers Association and later on there is no limitation; he may again have to go to the same suppliers whom he probably knows better and choose the same people.

So when the Minister comes to reply, I would like some more clarification so that because the Pig Industry is quite important all the people throughout the country will be given the chance to benefit from the pig industry.

I especially would consider this one and request the Minister to when I consider clause 21, application of the funds of the board. The board, when fully established, will control the research, the investigation and it will also do the advertising and it could also do the experiments. If the board is established badly, if it is composed of people from one section of the country, I do not see how it can function properly. So I hope,

when the board is established, after correcting clause 3 (1) (c) and (d), it will also take into consideration that, although there are so many parts of the country where pig keeping is not being carried on, experiments should be carried out throughout the country so that no people are left behind over this question.

Again I hope that when this board is established, the officials of the Ministry of Agriculture at the district level will talk to the people and let them understand what is happening. We do not want one section of the country benefiting, while the other areas are suffering. I would especially request the Minister and his assistants to see that the areas where pig-feeds are available in large quantities are considered and the people are encouraged to keep pigs. And experiments should be carried out there.

Mr. Speaker, apart from that, I think the Bill is very welcome and I have no quarrel with anything else. I support the Bill.

Mr. Gichoya: Mr. Speaker, Sir, I rise to support the Bill but I intend also to make some comments on it. I expect the Minister or his Assistant Minister to be able to enlighten me on them, otherwise I will be bound to change my mind as regards supporting the Bill.

If we take the establishment of the board, we see that the Uplands Pig Suppliers Association, which, in actual fact, traditionally is European-owned—there is no doubt about it because there are no Africans at the present moment who might be constituting a substantial number within this association. Here the Minister says we must have two Europeans on the board. The Minister should then be able to tell us, in order to avoid this question—well, they may be non-Africans, non-citizens, because we have already allowed non-citizens to stay in Kenya as long as they live within the laws of Kenya. But I think it is here, where we have a board of this kind, where we have to do a bit of Africanization; and the Africanization should not only be confined to the Civil Service but should be extended also to the industrial life of this country.

Here, I would like to hear from the Minister whether these two members who will be appointed by the Minister will be Africans or Europeans.

That is one, point, Mr. Speaker, which gives me the impression that we are bound to go against the principle of Africanization.

The other thing, Mr. Speaker, which I wanted clarification from the Minister on is in connexion with accounts and annual report, that is clause 7 (3). Now, we are told here that the board will be given the powers to appoint an

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

COMMUNICATIONS FROM THE PUBLIC

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

COMMUNICATIONS FROM THE PUBLIC

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

THIRD

Second Reading

The Pig Industry Bill

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Kibogo: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

Mr. Speaker: I have a question to ask the Minister... (faded text)

when the board is established, after correcting clause 3 (1) (c) and (d), it will also take into consideration that, although there are so many parts of the country where pig keeping is not being carried on, experiments should be carried out throughout the country so that no people are left behind over this question.

Again I hope that when this board is established, the officials of the Ministry of Agriculture at the district level will talk to the people and let them understand what is happening. We do not want one section of the country benefiting, while the other areas are suffering. I would especially request the Minister and his assistants to see that the areas where pig-feeds are available in large quantities are considered and the people are encouraged to keep pigs. And experiments should be carried out there.

Mr. Speaker, apart from that, I think the Bill is very welcome and I have no quarrel with anything else. I support the Bill.

Mr. Gichoya: Mr. Speaker, Sir, I rise to support the Bill but I intend also to make some comments on it. I expect the Minister or his Assistant Minister to be able to enlighten me on them, otherwise I will be bound to change my mind as regards supporting the Bill.

If we take the establishment of the board, we see that the Uplands Pig Suppliers Association, which, in actual fact, traditionally is European-owned—there is no doubt about it because there are no Africans at the present moment who might be constituting a substantial number within this association. Here the Minister says we must have two Europeans on the board. The Minister should then be able to tell us, in order to avoid this question—well, they may be non-Africans, because we have already allowed non-citizens to stay in Kenya as long as they live within the laws of Kenya. But I think it is here, where we have a board of this kind, where we have to do a bit of Africanization; and the Africanization should not only be confined to the Civil Service but should be extended also to the industrial life of this country.

Here, I would like to hear from the Minister whether these two members who will be appointed by the Minister will be Africans or Europeans.

That is one, point, Mr. Speaker, which gives me the impression that we are bound to go against the principle of Africanization.

The other thing, Mr. Speaker, which I wanted clarification from the Minister on is in connexion with accounts and annual report, that is clause 7 (3). Now, we are told here that the board will be given the powers to appoint an

So I hope...

Mr. Mwamzandi: Mr. Speaker, Sir, I beg to ask a question by private notice of the Ministry of Agriculture and Animal Husbandry:—

Will the Minister explain to the House the circumstances which led to the fighting between the police and Digo tribesmen at Oberhausers' Farm on 31st January 1966 at Ukunda in the Kwale District?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, there is a large farm in this area which we took over as a mismanaged farm. The boundaries of this farm are not visible. Therefore, we sent in a survey team to find the true boundaries, to take soil samples and to cut trace lines through the bush to help us decide upon subdivisions to settle the genuine old squatters on this land: that is people who had been residing there for some time. We started this work on the 25th January. Work went ahead extremely well, under an assistant survey officer with visitations from a senior officer from Mombasa. We had had trouble a few weeks earlier, in this area, in registration of people who were residing on the land and the length of time they had been residing on the land. What we were attempting to do, or what the Special Squatter Commissioner was attempting to do, was to find out who on this land deserved to have priority treatment in being given part of the land. The moment he started doing the registrations, a whole lot of people then started coming on to the land, new people, I presume with the hopes that he would accept them, as well as the people who had been on the land, in putting their name down for part of the land. But naturally, this meant that there were far too many people for the land.

On the 28th, the survey workers, twenty of them, were surrounded by a group of people who said to them, "We do not want you to come here again. We do not want you to survey this farm. We do not want you to do anything with this farm." The assistant survey officer that afternoon reported it to the chief in the area. On the 29th, the survey workers and the soil-testing people went back to work and were told again that if they came on the 31st, Monday, there would be trouble. The assistant survey officer then went to the chief in the area, and he was of the view that the chief was not taking this matter seriously enough. So, he then went to the police. The matter was then reported to the district commissioner and to the police in Mombasa.

On Monday, 31st, the Government survey people and the soil people went on to the farm with police protection. The police at all times up

all now and on the 31st were unarmed. They were there under the control of the police inspector from Mswambeni.

Now, Sir, at about eleven o'clock on the Monday, whilst the senior officer from Mombasa was present, the party of Government workers were attacked, together with the police, and after a short fight more police were fetched from the police station, and the whole police party, still unarmed, then attempted to disperse the people of whom there appeared to be approximately 100 to 120 in parties of 20 and 30 armed with pangas/rungus, and bows and arrows. Four policemen were wounded and the Government workers, minus the pangas which they had been using for cutting the bush, and the survey equipment, then returned with the police to the police station. Later, when police reinforcements were sent from Mombasa, not only to maintain law and order but to give police protection to the workers who were, at this time, at the police station.

Now, Sir, the Government therefore notes that this particular group has defied Government's intention to measure the land, so as to hand out parcels of land to the people who have been living on this land for many years. Firm steps have now been taken to re-establish law and order and resettle genuine squatters on this land, and, at the same time, repatriating the trouble-makers, whom we have since found own land elsewhere and, in our opinion, are only squatting and coming on to this land to test the Government's strength.

Mr. Mwamzandi: Mr. Speaker, Sir, is the Minister aware that although he had decided to take the farm under a Management Order, when the Oberhausers came down to Nairobi to see him, he decided to withdraw the Management Order due to the fact that the Oberhausers agreed or he himself decided to give half of the *shamba* to the squatters and the squatters became hostile because of this information, because they did not know why the survey was going on?

Now, if this information—that Oberhauser had given them half of the *shamba*—had been told to them, would it not have made the situation better?

Mr. McKenzie: No Management Order has been taken off.

Mr. Mwamzandi: Mr. Speaker, Sir, I have reliable sources even in our provincial agricultural committee, there is a section whereby during the committee there was a long discussion by telephone—

The Speaker (Mr. Slade): I am sorry, Mr. Mwamzandi, you know you cannot make it a long story of your own, you must ask a question and just give a few facts justifying this question, that is all.

Mr. McKenzie: Mr. Speaker, Sir, there has been no long telephone conversation from Mombasa on this matter with me up until after this incident had taken place, when I have spoken to various Government officials. There have been telephone calls, I well know, with personnel in my Ministry, but the hon. Member, if he is a Member who watches the Gazette, will see that in all these mismanagement notices, the owner must give cause why we do not go ahead with the order, and there is every right for an owner of the land, irrespective of whether he is considered the rightful owner or not, if he holds the title under the Ministry of Land, he, under the law of this country, has the time and the opportunity of stating his case. We do not just take a person's head away and put a Management Order on it, without giving him an opportunity to talk to us. But by what we are doing, we must show the hon. Member that the rumours he is listening to cannot be correct. We are continuing, we are demarcating, now to put the squatters on it. We are looking for the boundaries of this property. One of the biggest problems at the Coast is that the boundary beacons are just not there, and I am sure that the last thing he would want me to do is to take land belonging to somebody, maybe an African or someone who is farming his land properly next door, and thinking that we are taking this other man's land and taking it by mistake.

Mr. Ngala: Arising from one of the replies by the Minister, Sir, I have three questions to ask of this.

The Speaker (Mr. Slade): We will see how far you get on. One at a time.

Mr. Ngala: Mr. Speaker, Sir, I think the Minister is aware that I visited the site on the day and I saw that what started the fight between the surveyors and the Wadigo was the fact that their own *cassava* was being ploughed in in some parts. The Minister has clearly indicated that the purpose of this survey was to determine the quality of the soil. What had the ploughing in of *cassava* to do with the soil, when there was a serious shortage of food in the area?

Mr. McKenzie: Mr. Speaker, Sir, I am surprised that the hon. Member should ask this, because he knows in the scheme up in the Kilifi area you have to cut trace lines, and I am told, Mr. Speaker, Sir, that the trace lines, that the

*cassava* which he is talking about, was where they were putting the trace lines through, and when you are surveying you have to be able to see from one point to the next point, and if it so happens that there is bush or *cassava* in the way, it has to be cut down. But, Mr. Speaker, Sir, if the hon. Member tells me that there was ploughing going on, and I presume by ploughing he means either by tractor or by cattle, or uprooting, and if he tells me that there was uprooting going on outside the trace lines, I would be very grateful for this information, as I, myself, am going down there to look into this.

Mr. Ngala: Mr. Speaker, Sir, is the Minister aware that three Wadigo were seriously injured and are lying in hospital for a fault which was not theirs, because the fight could have been avoided if Government had carefully explained the purpose of this survey and definitely given a decision that all settlers or squatters would be given plots? I was quite convinced when I saw them fighting on that day—

The Speaker (Mr. Slade): I think you have asked a long enough question now, Mr. Ngala.

Mr. McKenzie: Mr. Speaker, my information is to the contrary. My information is that a number of Government administration people, including the special commissioner himself, had been and had discussions in that area. I am also told that two or three days before this, when they started on the 25th, there were discussions down there. What we find very difficult to work out is why this work went on without any difficulty for four or five days, to begin with. I am told that there were discussions and that they were quite happy about it. But there must have been something which sparked it off, and, as I said to the hon. Member, Mr. Speaker, I am going down there myself and I hope that we will find out what sparked it off.

Mr. Kase: Mr. Speaker, Sir, since the Minister or those particular surveyors carrying out that particular work on that farm found out that there was trouble, and knowing that the squatter problem is a very touchy one, what effort was made to contact the local politicians or the local Members of Parliament and ask them to talk to the people so that the people would allow this thing to go on?

Mr. McKenzie: Mr. Speaker, Sir, I did say that the squatters in that area for the first time, on the afternoon of the 28th, approached the assistant surveyor. The assistant surveyor immediately went to the right quarter, which was the chief of the area, and reported the whole matter. Just let

The Speaker (Mr. Slade): What is the point of order you would like to make?

Mr. Shikuku: I would like to seek your guidance on this, whether it is in order for the Minister to query my presence when I am present here?

The Speaker (Mr. Slade): Of course it is, it is quite open to the Minister to comment on the fact that you were not here when the question was first called. It is perfectly true, and he said so, as you commented on the absence of the Minister on another occasion. How you make a point of order out of that I do not know.

Mr. McKenzie: But as I feel that there must be a very good reason for him to ask this question I am only going to answer half of it. And the answer to the first half, (a), Mr. Speaker, is one.

Mr. Shikuku: Arising from the Minister's almost arrogant reply, could he tell the House why he found it unnecessary to answer (b) when it is already here on the Order Paper?

Mr. McKenzie: Mr. Speaker, I have already said why I am refusing to answer it because the hon. Member got up and chastized a colleague of mine for not being in the House when he asked a question, and when he was here to put the question today when I am here to answer a question by him, he was not here, therefore the question cannot have been all that important for him not to have been here. But, as it is an important question, I am answering one half of it. I understand that he may have been detained or held up at the Voice of Kenya, if he was—

The Speaker (Mr. Slade): Order! I must say I think, Mr. McKenzie, you are making a mountain of the fact that Mr. Shikuku was not here at the time his question happened to be called. It is quite common both for Members and for Ministers to be appearing in the House rather later in question time, but as long as they are here before we have finished with questions no one usually worries very much.

Mr. McKenzie: The answer then, Mr. Speaker, to the second part of the question is also, one.

Mr. Shikuku: Arising from the Minister's reply of one, Mr. Speaker, could he tell me the one and his name, because I also indicated that I wanted to know their names?

Mr. McKenzie: The hon. Mr. Kibaki.

Mr. Shikuku: Arising from the reply, "the hon. Mr. Kibaki", could he tell the House whether the hon. Mr. Kibaki is serving in (a) and (b) statutory boards? The same person?

Mr. McKenzie: Yes, Sir.

Mr. Shikuku: Arising from the answer, "Yes, Sir," could the Minister tell the House why he finds it necessary to have one hon. Member serving on the two statutory boards rather than having any other Member serving on that, or any Assistant Minister, if that is the rule of the day?

Mr. McKenzie: There are other hon. Members sitting on that board.

#### Question No. 168

#### CO-ORDINATION BETWEEN KANU AND GOVERNMENT

Mr. Khalif, on behalf of Mr. Lorema, asked the President which Ministry was co-ordinating Kanu Party affairs and those of the Government.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. No Ministry is specifically charged with the function of co-ordinating party and Government affairs. It is considered that all party affairs should be dealt with through the party machinery, as required by the Kanu Constitution.

As regards the co-ordinating relationship between the party and the Government, the House should note that party and Government organizations have a continuing relationship, as, for instance, His Excellency the President is also President of the party. In addition, the vice-president, the general secretary and the treasurer of the party, are also Ministers of the Government. The executive officer of the party is also a member of the Government.

Mr. Khalif: Mr. Speaker, Sir, is the Minister of State aware that the Kanu Party machinery has completely and utterly failed in view of the fact that because the Government has indicated that it is completely disinterested in Kanu Party affairs, there is a party called the People's Action Party in the process of being formed?

Mr. Nyamweya: The hon. Member, Mr. Speaker, is absolutely entitled to his own views and the laws of this country do not prohibit anybody, including the hon. questioner, the freedom of forming and organizing a political party.

Mr. Mbogoh: Mr. Speaker, Sir, is the Minister in agreement with me that the affairs of the party have failed disgracefully because of the Ministers of the Government being too busy to attend to the party, so they cannot co-ordinate the affairs of the Government and the party?

Mr. Nyamweya: Mr. Speaker, Sir, I am not here to agree or disagree with the views which various hon. Members of this House hold.

Mr. Waribibi: Mr. Speaker, Sir, yesterday we received a circular which stated that the party was being mismanaged and was in debt. Can the Minister accept that these disclosures are true, or can he deny them?

Mr. Nyamweya: Mr. Speaker, Sir, firstly, I have not seen this circular, and secondly, I am not responsible, neither is the Government responsible for the political activities of various Members in this House.

Mr. Kali: On a point of order, Mr. Speaker, Sir, I wonder whether the Minister is in order to allege that the Government, which was formed by the Kanu Party, is not responsible for the activities of the party which formed that Government?

The Speaker (Mr. Slade): I cannot rule on that as a matter of order.

Mr. Kagga: Mr. Speaker, Sir, arising from one of the earlier replies of the Minister, and in view of the fact that the Kanu officials do not visit Kanu headquarters and also in view of the fact that the Kanu Government Party has not met for a number of years, could the Minister tell us how they co-ordinate the activities of the Government and the party?

The Speaker (Mr. Slade): Order! I do not think we should get confused between the organization of the party, as such, which is, in my view, beyond the scope of a parliamentary question, and the relationship of the party to Government, and the relationship of the subject of the question, co-ordinating the affairs. Let us keep to co-ordination of affairs between Government and the party.

Mr. Masinde: On a point of order, Mr. Speaker, Sir, I stand for your guidance. In view of the fact that this question touches one of the most important things, that is, the party and the Government, will it not be in order for the Government to answer exactly how the party and the Government can be co-ordinated, particularly at the ground level, and say, at the provincial administration, because today the district commissioners and the provincial commissioners do not know who to deal with, because there are two chairmen of the party in every district, or at least in most of the districts?

The Speaker (Mr. Slade): Since you rose on a point of order, Mr. Masinde, I will repeat that questions relating to the co-ordination of Government and this party are in order.

Mr. Kagga: In view of the fact that the Minister said that the president and the secretary-general of the party were also Ministers of the

Government, and he told the House that they co-ordinate the affairs of the party in that way, in that double position, was it not in order for the Minister to tell us how they co-ordinate when they do not visit the Kanu office?

The Speaker (Mr. Slade): Yes, I cannot add to what I have said to the House already on this point, but now we have had so many points of order, we have exhausted question time apart from a question by private notice.

#### POINT OF ORDER

#### RULING ON MATTERS TO BE RAISED UNDER STANDING ORDER 14

Mr. Khalif: On a point of order, Mr. Speaker, Sir because this question is very important and needing a wider scope of discussion, are we not in order, Sir, to request you to approve this question to be raised under Standing Order 14, as a matter of national importance?

The Speaker (Mr. Slade): Order. It is always in order for hon. Members to request the Speaker to consider a matter being raised under Standing Order 14, but as hon. Members know, before we can allow that, the Speaker has to be satisfied that the question is a definite matter of urgent public importance and I cannot find that it is so.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, in connexion with that—

The Speaker (Mr. Slade): No, not in connexion with that. Not questioning my decision.

Mr. Anyieni: I have a point of order.

The Speaker (Mr. Slade): You said in connexion with that. I say not in connexion with that. Is it a different one?

Mr. Anyieni: Yes, it is a different one. Mr. Speaker, Sir, when you think that a matter is not of national importance, do we not have any clause in the Standing Orders where we can have a chance to persuade you to see that it is a matter of urgent public importance?

#### QUESTION BY PRIVATE NOTICE

#### FIGHTING BETWEEN POLICE AND DIQO AT UKUNDA

The Speaker (Mr. Slade): Mr. Mwamzandi, I think you have a question by private notice? Will you ask it now?

**The Speaker** (Mr. Slade): Order! Mr. Shikuku, do you want to raise it on adjournment?

**Mr. Shikuku**: It is quite in order; I will support him.

**The Speaker** (Mr. Slade): Yes. Mr. Balala, you must give me written notice in the usual way.

## ORAL ANSWERS TO QUESTIONS

### Question No. 173

#### MONEY FOR SELF-HELP PROJECTS, MERU

**Mr. Mate** asked the President how much money had been contributed towards self-help projects in Meru such as the Jamhuri Ward at Meru Hospital and Secondary School building during the President's visit on the 16th and 17th of November this year.

**The Minister of State, President's Office** (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. I am informed that no money was contributed towards self-help projects in Meru District during His Excellency's tour of the area on the 18th and 17th of November last year. No contribution has been received from the hon. Member, the questioner, the Member for the area.

**Mr. Mate**: Mr. Speaker, Sir, in view of the importance of these Presidential visits to any part of Kenya—Mombasa, Kisumu, Machakos or Nyeri—why did the President not even take the trouble to give a shilling or two for the Jamhuri Ward at Meru at least, which the Meru are building themselves, as an example to the Meru people of his generous heart towards the Meru people?

**Mr. Nyamweya**: Mr. Speaker, Sir, I sympathize with the sentiment of the hon. Member, but perhaps it would be better for me to brief the hon. Member as he is not aware of the President's contribution. The purpose of this visit to Meru last year by the President—he should remember—was to open the Jamhuri Ward at Meru Hospital. It should be recollected by the hon. Member for Meru Central that the Jamhuri Ward was put up by the contribution made by His Excellency the President in the year 1964 when the President contributed £3,000 for the construction of the Jamhuri Ward. It is a pity that the hon. Member does not know this.

Coming to the part which deals with the secondary school, I am told, Mr. Speaker, that there has been a contribution of Sh. 25,000 to build Meru Secondary School dormitory and there is also a further collection of Sh. 30,000 for water improvement at Mithiani Secondary School, and many other contributions to which, I regret to say, the hon. Member has not contributed a cent.

## NOTICE OF MOTION FOR THE ADJOURNMENT

### UNSATISFACTORY REPLY TO QUESTION No. 173: MONEY FOR SELF-HELP PROJECTS, MERU

**Mr. Mate**: On a point of order, Mr. Speaker, in view of the unsatisfactory reply, I wish to raise the matter on adjournment.

**Mr. Anyien**: On a point of order, Mr. Speaker, is it in order for us to bring questions to this House which have to do with the voluntary offerings of some Ministers or some Members of Parliament as a subject of discussion in this Parliament?

**The Speaker** (Mr. Slade): Yes, I think so. Order! I think so. The scope of questions is fairly wide, including matters for which Government is responsible or with which Government has any official association whatsoever. If you were to treat gifts by the President as purely personal and not in his capacity as President, I think you would be right, but this question is based on the assumption that these gifts made by the President to various places are in his capacity as President, in which case I think the question is in order.

**The Minister for Finance** (Mr. Gichuru): Mr. Speaker, Sir, is it not true that the President has always made it very clear that the gifts he gives are personal gifts?

**The Speaker** (Mr. Slade): I was not aware of that myself, Mr. Gichuru. If it is so, then I may have to alter my attitude to questions of this kind, and I would be very grateful for any evidence that it is so.

**The Assistant Minister for Defence** (Mr. Argwings-Kodhek): Mr. Speaker, Sir, can I give the evidence on that one?

**The Speaker** (Mr. Slade): Not at the moment; it is not necessary.

## ORAL ANSWERS TO QUESTIONS

### Question No. 201

#### EMPLOYMENT OF ARABS AND ASIANS IN KWALE

**Mr. Mwanuzandi** asked the Minister of State, President's Office whether he would tell the House why so many Arabs and Indians had recently been employed in the Provincial Commissioner's Office, Coast and the District Commissioner's Office, Kwale as if there were no Africans today who could be employed in these posts.

**The Minister of State, President's Office** (Mr. Nyamweya): Mr. Speaker, I beg to reply. Mr. Speaker, Sir, I am somewhat in difficulties in dealing with this question because I do not know really how recently the hon. Member for Kwale East wants me to go. May be he could tell me what he considers to be "recently" before I deal with the question.

**Mr. Mwanuzandi**: Mr. Speaker, Sir, it is upon the Minister to find out when this "recently" was, because if he wants it clear, in the ..... (Inaudible) ..... of the provincial commissioner's office, the last month, there are about eight girls—Indian and Arab—who have recently been employed. Is he not aware of that?

**The Speaker** (Mr. Slade): We are getting back to the girls again, Mr. Nyamweya.

**Mr. Nyamweya**: Mr. Speaker, Sir, since the hon. Member does not want to say how recently this was, I would like to answer his question in the following manner. No Arabs or Indians, male or female, have recently been employed in the Provincial Commissioner's Office, Coast, or in the District Commissioner's Office, Kwale.

**Mr. Mwanuzandi**: Mr. Speaker, Sir, despite the fact that recently can mean one month, two months or three months, is he aware of the girls I have talked about?

**Mr. Nyamweya**: Mr. Speaker, Sir, I want to be extremely helpful to the hon. Member and I want to give him the list of the people who are employed in the office of the Provincial Commissioner, Coast, and the date of their appointments. The office superintendent, one Asian who was appointed on the 29th December, 1950; personal secretary to the provincial commissioner, one Asian who was appointed on the 7th August 1959; stenographer/secretaries, three Asians, one was appointed on 1st April 1961, another on the 17th December 1961, another was appointed on the 8th November 1963—Mr. Speaker, Sir, I thought the hon. Members could be patient in order to enable me to give them this information—then, registrar assistants, only one who was appointed in December 1949, an Asian; copy typists, two, one was appointed on the 19th August 1963 and the other on the 1st May 1964.

**Mr. Speaker**, Sir, since the hon. Members do not want to hear further information, I do not find any other person who is the subject matter of this question who was employed recently.

**Mr. Mwanuzandi**: Mr. Speaker, Sir, the Minister has gone as far as mentioning some of the names, but he did not mention the names of those

who were recently employed. And by recently I mean 1965, between 1964 and 1965. If you did not mention 1964 and 1965 are you aware that—

**The Speaker** (Mr. Slade): Order! Address the Chair.

**Mr. Mwanuzandi**: Mr. Speaker, Sir, is the Minister aware that, apart from the names he has given us he has forgotten the name of a young girl, Zena?

**Mr. Nyamweya**: Mr. Speaker, Sir, in the District Commissioner's Office, Kwale, there is someone who was appointed—just a minute—on the 2nd June, 1965. I do not know whether this is Zena, or who. In the provincial commissioner's office I have no information available at the moment that a Miss Zena "X" has been appointed. But I will definitely make enquiries to find out the details of Zena for the hon. Member.

**Mr. Gichoya**: On a point of order, Mr. Speaker, if the Minister states that he is going to find out as to whether the information given here is true, how shall the House be able to know, Sir, when he does not assure this House that he is going to put it here?

**The Speaker** (Mr. Slade): The usual way is to ask a further question at some time.

### Question No. 198

#### ASSISTANT MINISTERS ON STATUTORY BOARDS

**Mr. Shikuku** asked the Minister for Agriculture and Animal Husbandry—

- whether he could tell the House how many Assistant Ministers were serving on statutory boards, and
- could he also tell the House how many statutory boards had Assistant Ministers serving on them and the names of the Assistant Ministers concerned.

**The Minister for Agriculture and Animal Husbandry** (Mr. McKenzie): But, Mr. Speaker, Sir, I am in a little difficulty in deciding just how I should answer this question because the hon. Member for Butere some weeks ago in this House chastized my colleague, the Minister for Local Government, because he was not here to answer a question. Today, when this question came up, the hon. Member was not here to ask it. So—

**The Speaker** (Mr. Slade): Order! Order! It is a fact, you were not here. There is no point of order on that one.

**Mr. Shikuku**: Yes, it is a point of order, Mr. Speaker.

**[The Minister for Home Affairs]**

In answer to the second part of the question. There has never been a police post at Kibigori, and therefore, none has been closed. The position is that there is a police patrol based at Kibigori which is manned at the discretion of the divisional commander, depending on the crime situation in the area. The patrol base is still manned and operating.

**Mr. Bala:** Arising from the Minister's reply, Sir, what factors are there to show the Ministers that the cases are decreasing? Because, as far as I know, Mr. Speaker, there are cases which are reported to the police and they do not record them.

**Mr. arap Moi:** Mr. Speaker, Sir, we receive daily records of what is happening as regards crimes of all sorts daily, from every district and location, including the activities of the hon. Member.

**The Speaker (Mr. Slade):** I do not think you meant criminal activities, did you, Mr. Moi?

**Mr. arap Moi:** No, Sir.

**Mr. Bala:** Mr. Speaker, arising from the Minister's reply, what would be the feeling of the House if I could prove to the Minister that a patrol base is no longer existing and that the Minister is cheating the House?

**Mr. arap Moi:** Mr. Speaker, that is a very serious matter. I do not know whether the hon. Member is operating a Government of his own to find out whether or not there is a base there. Mr. Speaker, Sir, I did state that the patrol base is still manned and operating. If a stock theft occurs within the area, then a police patrol operates in the area. Therefore, there is no question of suggesting that nothing is there.

**The Minister for Finance (Mr. Gichuru)** On a point of order, Mr. Speaker, did the hon. Member not make a very serious allegation when he said that the Minister had been cheating the House? Is it in order?

**The Speaker (Mr. Slade):** No, it is not. It is most improper language which you will withdraw, Mr. Okuto-Bala.

**Mr. Bala:** Mr. Speaker, supposing the Minister is alleging that there is a police base, and I, as a Member for the area—

**The Speaker (Mr. Slade):** Order, Mr. Okuto-Bala! It is one thing to question the accuracy of a statement by a Minister and another thing to say that he is cheating the House. That language will not be used in any circumstances and, having been used, will be withdrawn now, please.

**Mr. Bala:** Mr. Speaker, I withdraw, subject to the Minister—

**The Speaker (Mr. Slade):** No! Order! We do not have qualified withdrawals. It is an unqualified withdrawal, Mr. Okuto-Bala, please.

**Mr. Bala:** Mr. Speaker, in order not to embarrass the Minister, I beg to withdraw.

**The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor):** On a point of order, Mr. Speaker, is it in order for the hon. Member to say that the Minister did not give an accurate answer, while he himself does not come—his constituency does not cover Kibigori?

**The Speaker (Mr. Slade):** Order! Mr. Murgor, you have heard me warn hon. Members about false points of order many times. You will not get another warning.

**Mr. Khasakhalu:** Mr. Speaker, Sir, in order to prove to the House that the stock thefts have decreased in this particular area, could the Minister give the House the breakdown for the last three years?

**Mr. arap Moi:** Mr. Speaker, that is another question.

**Mr. Ngala:** Mr. Speaker, Sir, arising from one of the replies by the Minister, apparently the reduction in stock thefts is due to police activities in the area. Would the Minister not consider it appropriate to have a post there rather than a base?

**Mr. arap Moi:** Mr. Speaker, since there has been a decrease in stock thefts in the area, there is no reason to have a post there.

**The Speaker (Mr. Slade):** Next question.

**Question No. 170****MINISTERIAL COMMITTEE FOR VOICE OF KENYA**

**Mr. Shikuku** asked the President if he would tell the House the outcome of the Ministerial Committee appointed by him to inquire into the working of the Voice of Kenya.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, I beg to reply. The Ministerial Committee which was appointed by the President to look into the working of the Voice of Kenya was purely a Cabinet matter. There was no intention of making public any findings or recommendations of this committee. May I add, Sir, that this committee has submitted its report to His Excellency, the President, and the President has found it to be extremely useful.

**Mr. Shikuku:** Mr. Speaker, Sir, arising from the Minister's reply, is he aware that the committee appointed interviewed people whom we represent in this House and therefore it was beyond the Cabinet circle and we are entitled to know what the outcome of that inquiry was, because some things have happened which we would like to know more about?

**Mr. Nyamweya:** Mr. Speaker, I agree with the hon. Member for Butere that he represented certain interests in the Voice of Kenya.

**Mr. Shikuku:** On a point of order, Mr. Speaker, is the Minister in order to insinuate or to impute improper motives to my supplementary?

**The Speaker (Mr. Slade):** I do not think he is doing that, though he is alleging that you had an interest.

**Mr. Shikuku:** Mr. Speaker, I did not say I had any interest at all, I said that people who were interviewed are represented in this House.

**Mr. Speaker (Mr. Slade):** Order! Mr. Nyamweya, Mr. Shikuku is suggesting that you have not yet answered his question.

**Mr. Nyamweya:** Mr. Speaker, Sir, with due respect, I think the hon. Member who has some of his electors working for the Voice of Kenya has some interest regarding these people from his constituency who are working for the Voice of Kenya—including myself—but the main point here, Mr. Speaker, is that the purpose of this Ministerial Committee was to brief the President on the working of the Voice of Kenya, and the recommendations of the committee have already been considered by the President. If he decides to make the recommendations public—which I do not think will be the case—he will certainly do so.

**Mr. Shikuku:** Arising from that reply, Mr. Speaker, could I therefore assume that it is because of this inquiry that some of the people have had to be transferred from left to right and some have been taken out of the country? Is that as a result of that inquiry?

**Mr. Nyamweya:** No, Sir.

**Mr. Ngala:** Mr. Speaker, arising from that reply, is the Minister aware that the committee came about as a result of a debate in this House, and one of the Ministers concerned—I think it was the Minister for Economic Planning—promised that this House would have a Paper laid here after the committee had made its investigations?

**Mr. Nyamweya:** I do not recollect, Mr. Speaker, that being the case, but if it is, I will certainly look into it and if that assurance was given to the House, naturally the House will be briefed on the situation.

**Mr. Kibuga:** Mr. Speaker, Sir, arising from one of the Minister's replies, taking into consideration the interest that Members are taking in this question and the very fact that the decision to appoint this committee was announced in a Parliamentary Group meeting by the President, could the Minister take the responsibility of giving Members copies of the report.

**Mr. Nyamweya:** I have already answered that, Mr. Speaker.

**Mr. Balala:** Mr. Speaker, Sir, arising from the Minister's reply, do we assume that the Ministerial Committee which has finalized its findings is fully satisfied or convinced that the Voice of Kenya is being efficiently and properly run?

**Mr. Nyamweya:** Mr. Speaker, Sir, that is to try and make me reveal to the House the recommendations of this Ministerial Committee! I have already said that the Government does not intend, at the present stage, to publish recommendations of the Ministerial Committee, subject, of course, to only what I have said to the hon. Member for Kilifi South: if an assurance was given, then of course it is up to the Government to see what recommendations could be made public or available to the hon. Members of this House.

**Mr. Ngala:** Arising from that reply, Mr. Speaker, Sir, would the Minister give us an assurance? An allegation was discussed here, during a particular debate, that some beautiful girls had been employed as part-time workers on the basis of brotherly favouritism. Has that been discouraged by the recommendations?

**Mr. Nyamweya:** Mr. Speaker, Sir, I am a married man who is not worried very much about beautiful girls.

**The Speaker (Mr. Slade):** Hon. Members will get no more from the Minister today, I think. Next question.

**NOTICE OF MOTION FOR THE ADJOURNMENT****UNSATISFACTORY REPLY TO QUESTION NO. 170: MINISTERIAL COMMITTEE AND VOICE OF KENYA**

**Mr. Balala:** On a point of order, Mr. Speaker, I think this matter is a serious one and I would like to follow it with a Motion on adjournment.



The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. Nothing has occurred to make it necessary for the Minister's powers, under sections 60 and 61 of the Education Act, to close, take possession of, and re-open a school, to be utilized in respect of Kamagambo School.

As the school is unaided, the management is not obliged to charge the tuition and or/boarding fees gazetted for maintained or assisted schools, and the fees actually charged are not subject to the Ministry's approval. Pupils who attended private schools are not eligible for bursaries from public funds, and there is no reason why an exception should be made in the case of Kamagambo.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Assistant Minister deny the fact that the selection of students to this school is purely and simply, without exception, based on religious grounds, and is he also aware that this school is so isolated—and yet it is in a rural area—and so restricted and students are kept so much away from the world that they never take part in any activity? The people in the area are so concerned that the Ministry must rethink its attitude on this school.

Mr. Mutiso: Mr. Speaker, Sir, Kamagambo School is managed by the Seventh Day Adventist church, and as it is a religious body, like any other religious body, like the Catholics or the Muslims, and since this religious body did not apply to be grant-aided by the Government, the Government has no powers to force or make this school cater for pupils who do not belong to this faith.

Mr. Omwete: Mr. Speaker, Sir, would the Assistant Minister tell this House what the outcome of the discussions was which the Seventh Day Adventist leaders had with the Minister for Education in 1964 and the promise which the Ministry gave that the school was going to be taken over the following year, that was July last year. What became of that?

Mr. Mutiso: Mr. Speaker, Sir, the Government cannot take over a school which is managed privately, but if the management of the school does apply for grant-in-aid from the Government, then the Government can exercise some power of control in the particular school, but, so far as Kamagambo is concerned, the management had not applied for this aid.

Mr. Mate: On a point of order, Mr. Speaker, Sir, is it in order for a Minister, who is in Nairobi, to remain absent from the House and let his Assistant Minister answer the questions?

The Speaker (Mr. Slade): Order! I did not follow your point of order, Mr. Mate, sorry.

Mr. Mate: Mr. Speaker, Sir, is it in order for a Minister to be in Nairobi, and yet remain absent from the House and let his Assistant Minister answer his questions, even though he is in Nairobi?

The Speaker (Mr. Slade): It is in order, but the House is entitled to comment on it, but not as a point of order.

Mr. Omwete: Mr. Speaker, Sir, arising from that reply of the Assistant Minister, is he aware that the former Minister for Education, while touring the Nyanza Province, went to this particular school, read the application, made by the leader of this nation that the Government have accepted the application and action was going to be taken by Government? Is the Assistant Minister now trying to tell us that this was not done?

Mr. Mutiso: Mr. Speaker, Sir, as far as I know, we are not aware that such an application was made or was accepted by the Government. If it were accepted by the Government, then I am sure that the Government would have taken certain steps, but as I said, Sir, we cannot force a certain management to apply for aid from the Government, and if this particular religious group does apply for a grant-in-aid from Government, they will certainly be considered along with other religious bodies or other schools which had applied earlier, but they cannot be given preference.

Mr. Masinde: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is it not true that Kamagambo Secondary School was built by the Seventh Day Adventists, that is a religion, and they have the right to enjoy the facilities, since they are supporting the school?

Mr. Mutiso: Mr. Speaker, Sir, this is precisely so, as it is the case with the other religious bodies like the Catholics or the Muslims.

Mr. Godia: Mr. Speaker, Sir, in view of the fact that there is a great need for secondary schools in this country, would the Assistant Minister consider promoting Kamagambo Secondary School to a full secondary school for the county?

Mr. Mutiso: Mr. Speaker, Sir, I thought that I had made it quite clear that the Government, as it is at the moment, cannot exercise any powers of control over this particular school, as also it cannot exercise the same powers over any other religious school which is not grant-aided by the Government, and as I said earlier, Mr. Speaker, Sir, the Education Act does not give the Minister

(Mr. Masinde)  
for Education sufficient powers to control these religious body schools, and if the Members of this House wish it that the Government should exercise such powers, then it is upon the Members of this House to say so, so that the Minister can proceed with the making of the necessary legislation to control these schools.

## Question No. 188

## GIRLS' SECONDARY SCHOOL, MUTHAMBI

Mr. Nyaga asked the Minister for Education whether, in view of the fact that the parents in Muthambi Location had contributed more than Sh. 240,000 so as to put up buildings on a new site for a girls' secondary school, which had been agreed by the Regional Assembly would be opened in 1966, and which had now been completed, and whether in view of the fact that the parents were now unable to contribute any more money for the payment of teachers, the Minister could tell the House what the Government was doing to help so that this school could be opened in 1966 as planned.

The Assistant Minister for Education (Mr. Ole Konchellah): Mr. Speaker, Sir, I beg to reply. The Ministry of Education can help this school by providing professional guidance concerning equipment, curriculum—

Mr. Ngala-Abok: Mr. Speaker, Sir, on a point of order. I was trying to tolerate my disappointment, but, Sir, I would now like to raise this matter on an adjournment.

The Speaker (Mr. Slade): Order! If hon. Members wish to pursue a question on adjournment, they can always do so by giving the Speaker notice. If they want to mention to the House their intention of doing so, they should do so before we move on to the next question.

Please continue, Mr. Konchellah, I do not think you had finished.

Mr. Ole Konchellah: Mr. Speaker, Sir, the Ministry of Education can help this school by providing professional guidance concerning equipment, curriculum, syllabuses and textbooks. The school management should first apply for registration of the school, and only thereafter seek Government assistance through the normal procedure.

Mr. Mate: Mr. Speaker, Sir, in view of the fact that the Assistant Minister himself has visited the site of this self-help project and that the school can be registered within a week, is the Government prepared to meet the Meru

people halfway and give us money to set up a school, which was allowed and approved by the Regional Assembly, which is not so defunct as people think.

Mr. Ole Konchellah: Mr. Speaker, Sir, it is quite true that the Regional Assembly supported the aiding of this very school, but the Regional Assembly only handed over the writings in the Assembly, but they did not hand over a single cent to the Ministry of Education. Besides that, Sir, I did visit this very school, and I really sympathize with the work which was done by the local people, and I, myself in my own view, I thought that the Government should help this school, and when looking into this, into the schools which were aided in that area, then I think that Muthambi was settled and will be helped in 1967 and 1968.

Mr. Nyaga: Mr. Speaker, Sir, since the school in the question was built by the parents, having obtained a bit of money, put up buildings and done much that was necessary on the new site, and now they are only given one which is public by the people of the area, only at least for the people and the teachers. Can the Minister tell us whether the Ministry is going to help supply Government teachers or to pay in the teachers?

Mr. Ole Konchellah: Mr. Speaker, Sir, as said before, I sympathize with the situation of this very school, but the reports which the Ministry has received from the province, they actually did not put any priority on Muthambi, which first of all, had top priority to be helped in 1966 but later on the provincial headquarters changed its mind. I followed the record and they changed their minds that Muthambi was not of top priority, so some other schools were aided instead of Muthambi, and I have already said that my Ministry is ready to aid Muthambi school between 1967 and 1968.

## Question No. 177

## INCREASED CASES OF STOCK THEFT: NYANDO

Mr. Bala asked the Minister for Home Affairs if he could tell the House:

- Why there were more cases of stock theft in 1965 than ever before.
- Why the Government had closed down Kibigori Police Post.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply. There was no increase in stock thefts in Nyando Division as alleged by hon. Member. The information at my disposal indicates to the contrary that a large decrease was registered. Cases of stock theft reported to the police dropped from 227 to 142 in 1965.

[Mr. Masinde] to ensure that this overlapping, having a shortage of seed in the country is not going to be experienced?

Mr. Osogo: I have, Sir, stated very clearly that it is our duty, as representatives of these growers, to educate them to leave the seed here. But, it gives a wrong impression, Mr. Speaker, to tell the House that this shortage is going to continue, because we learn from interesting sources that the price in Uganda next year will drop; it has only been raised this year for political reasons.

Mr. Ngala-Abok: Mr. Speaker, Sir, since the House is very much aware of the political situation, both in Uganda and Kenya, will the Assistant Minister come out with a clear answer, and tell the Members why the maize price and the cotton price should be high in Uganda, whereas in Kenya, no attempt is made to try and raise the prices of either of these commodities?

The Speaker (Mr. Slade): We are only concerned with cotton prices at the moment.

Mr. Osogo: I am dealing with the cotton price, Sir: I will not touch the maize price.

I may inform the House—and I think the hon. Member for Homa Bay knows this very well—that the cotton growers in Uganda are also maize growers and the coffee growers. As such, the prices of this produce subsidize each other. But in Kenya the cotton growers are not coffee growers and, therefore, the price of other produce cannot subsidize the cotton.

#### Question No. 185

##### TEA PLANTING: EGOJI LOCATION

Mr. Mate asked the Minister for Agriculture and Animal Husbandry why had tea planting in Egoji Location of Meru District and the adjacent areas to the south lagged so much behind the other tea areas of the district.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply: The tea line drawn on the then available records, excluded Egoji and the adjacent areas from tea growing. However, I am glad to say that it has been decided to start planting tea in Egoji in April this year. Mr. Brown is also reporting on Mwimbi and Chuka Locations and, if this report is favourable, tea planting will start in these locations when the third plan comes into operation in 1969.

Mr. Mate: Mr. Speaker, Sir, would the Minister answer the question. Why has the tea growing lagged behind? That is my question.

Mr. Osogo: I have answered, Sir, that the line was outside the present operation.

Mr. Mbogoh: Mr. Speaker, Sir, would the Assistant Minister tell this House what quota has been given to the Egoji area and how much has been planted to date?

Mr. Osogo: Mr. Speaker, Sir, I cannot exactly say how much has been planted, but I have said that the planting will begin in April and, therefore, there is no question of how much has been planted.

Mr. Mate: Mr. Speaker, Sir, is the Assistant Minister aware that the Government promised the people of that particular area that they could plant tea some five years back, and that experimental plots in *wimbi* and Egoji started five years back, and that the same Government refused to allow people to do so, and also refused to allow them the use of the bit of forest along that side?

Mr. Osogo: Yes, Sir, I am aware.

Mr. Mate: Mr. Speaker, Sir, if the Government is aware that it has played a part in this lagging behind, is it prepared to hurry land consolidation and also give us more tea seedlings, money and better roads in order to get on so that the lack of progress cannot be blamed on the Members, but on the Government?

Mr. Osogo: Sir, every cash crop in this country has to be planted according to plan, otherwise hon. Members would come here and ask us for more marketing facilities. But, as I have indicated in the original reply to this question, the Egoji people are going to start planting tea in April. I may inform the House here of something which will interest them, that Meru people were given 299 acres of tea to plant in November of last year, but out of this, they have only planted 206. Therefore, Mr. Speaker, I think the people themselves are lagging behind.

#### Question No. 194

##### DIRECTOR OF THE KENYA IRRIGATION BOARD

Mr. Odera-Sar asked the Minister for Agriculture and Animal Husbandry what the necessary qualifications were which would warrant a person being made Director of the Kenya National Irrigation Board which was due to be established in the near future.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. I assume by "Director" the hon. Member means "General Manager" provided for

#### [The Assistant Minister for Agriculture and Animal Husbandry]

by a Bill before the House. If this is so, at this stage we would require a man trained and experienced in laying out and planning irrigation settlements; a man reasonably trained and familiar with the range of crops to be grown; a man experienced in management—whether administrative, agricultural or engineering—and preferably an experienced, mature man. He will deal with the future of many thousands of families. We might have one or two of our own people who could fill the position, but whether they would be prepared to leave their present initially important jobs I do not know. And in any case being involved with duties of such national importance as they are at present doing, it may not be economic or practical to move them.

Mr. Ngala-Abok: Mr. Speaker, Sir, since we may have to begin on the experimental pilot scheme in the Kano area where the irrigation will start, and also in the Tana River area, will the Assistant Minister, in the selection of this General Manager consider inviting the co-operation of the people and also consider promoting an efficient, well-trained person from Nyanza, preferably a Luo?

Mr. Osogo: Mr. Speaker, Sir, the answer is no.

#### Question No. 200

##### TEA PRICES IN MATHIRA

Mr. Wamuthenya asked the Minister for Agriculture and Animal Husbandry whether, since tea grown in the Mathira Constituency and the neighbourhood had a good reputation and was fetching a high price on the world market, the Minister would tell the House the reasons why tea growers were paid only 30 cts. per lb. for raw tea, when 4 lb. of raw tea made up 1 lb. of manufactured tea, and this was being sold on the world market at a price ranging between Sh. 9 and Sh. 10 per lb.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. It is true that tea grown in Mathira is getting a good price. I congratulate them for that, but somebody has been talking through his hat in informing the hon. Member that the world market price for tea is between Sh. 9 and Sh. 10. I wish it was! Perhaps the informant is getting confused between the price of cups of tea in New York, or some other expensive capitalist city, and tea itself.

Mr. Wamuthenya: Mr. Speaker, Sir, may I know from the Minister,—he has said that the price in New York might be high because it is

a capitalist country,—but may I know from him the real price which he knows, because he has denied the price in the world market?

Mr. Osogo: Mr. Speaker, Sir, I did not say that the price of tea in New York was higher. I said the price of a cup of tea is higher. The maximum price paid for the best quality tea is Sh. 4/90 per lb., far from what he suggested.

Mr. Gatiguta: Arising from that reply, Mr. Speaker, could the Assistant Minister tell us which country produces the best tea?

Mr. Osogo: Mr. Speaker, I think I may be in a position to say Kenya is one of the countries that produces the best tea.

Mr. Mate: Mr. Speaker, Sir, arising from the Minister's reply, could he equate the price of 30 cts. to the price of Sh. 4/90? Could he give us an idea of how it happens that they get so much less?

Mr. Osogo: Yes, Mr. Speaker, I am pleased to see that the hon. Member for Meru Central is now reasoning.

The price of tea leaves is 40 cts., but if the hon. Member took into account the processing, the cost of factories, the cost of roads, and all other necessary expenses attached to the processing of tea before it comes to market as tea leaves, he would find that it was well covered in price of tea.

Mr. Wamuthenya: Mr. Speaker, Sir, may I know from the Assistant Minister whether he is aware that the price given today is exploiting the poor farmers and that it is discouraging?

Mr. Osogo: I am surprised, Mr. Speaker, to hear that from the hon. Member who, I presume, is a tea grower. He knows very well what the Government is doing in trying to encourage people to grow tea and it would be very unfair to suggest that the Government is trying to discourage the tea growers.

#### Question No. 181

##### GOVERNMENT CONTROL OF KAMAGAMBO SECONDARY SCHOOL

Mr. Ngala-Abok asked the Minister for Education:

- Was the Ministry of Education prepared to assume control of Kamagambo Secondary School as a grant-aided school, so that students were no longer selected on a religious basis.
- Was he also aware that the students at that school were being over-charged and not allowed bursaries.

[Mr. Anyien]: The Member has been lying to this House? In that case, can he not be called upon to say which lie the Member has told when speaking in Parliament?

The Speaker (Mr. Slade): Order! There is a great deal of difference in Parliament between denying the truth of what a Member says, which hon. Members must be entitled to do, and calling them liars: it is a question of parliamentary language. On the other hand, as a point of order you are entitled to inquire, as you have, what particular fact the Minister says was untrue in the statement.

Mr. Anyien: I would do that, Mr. Speaker,

The Minister for Home Affairs (Mr. arap Moi): So the hon. Member jumps up and suggests that the Government lies: either the Government or the hon. Member lies. I would like to tell the hon. Member that we talk from facts, and if I can tell the hon. Member to tell me now if he is knowledgeable of Government problems, whether these cattle are grazing in the Kuria area—

Mr. Malsori-Itumbo: Yes, they were. On a point of order, Mr. Speaker—

The Minister for Home Affairs (Mr. arap Moi): The hon. Member, Mr. Speaker—

The Speaker (Mr. Slade): Order! What is your point of order, Mr. Malsori? Sit down, Mr. arap Moi; I must hear it.

Mr. Malsori-Itumbo: On a point of information, Mr. Speaker, he asked me—

The Speaker (Mr. Slade): Order! Mr. Malsori, are you rising on a point of order or a point of information?

Mr. Malsori-Itumbo: Information.

The Speaker (Mr. Slade): Not unless the Minister gives way. You said a point of order.

Mr. Malsori-Itumbo: He asked me to say where the ngombes were.

The Minister for Home Affairs (Mr. arap Moi): He did—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, is it not in order for an adjournment Motion like this, and for a Minister to answer specific questions which are put by the Mover, that why did this—

The Speaker (Mr. Slade): Order! Order! Mr. Ngala-Abok, it is not a point of order to insist on a Minister answering or not answering a particular question; you must know this by now.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, the hon. Member opposite is keen on talking and when problems crop up, he runs to the police to rescue him!

If hon. Members here are not prepared to face facts, then they must say that they have given up their responsibilities. As I indicated, Mr. Speaker, the Government is looking into this matter and as soon as the report comes out, the hon. Members will be informed. I indicated to the hon. Members that should anyone be in difficulty we will look into it, but we as a Government we are not prepared to compromise with anybody stealing anybody else's property. We want to protect all the people.

Therefore, Mr. Speaker, with these very few remarks I have just made, I will be in the area in the next few days to acquaint myself with the situation on the spot, apart from the report which will be submitted to my office.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I rise to support my Minister very strongly, and to add a few facts.

Mr. Speaker, I am surprised that the hon. Member did bring this matter up at all after being given every possible promise that the matter was under investigation. Now, Sir, not by the General Service Unit themselves. Four or five days ago, on behalf of my Minister, I went to the area and I did discover certain things which are being followed up on behalf of the Kuria people. Also, Mr. Speaker, the Minister has promised that he is going there within a few days with the Member himself and one other Member to make sure that the Government's fairness is not only heard but also seen. When an allegation is made, Mr. Speaker, a child was killed, women were raped, these are very grievous matters, and the Government does not want to come to this House and say things without making sure that the culprits are known. All this information is in the hands of the hon. Member. What surprises me, Mr. Speaker, is that the hon. Member fixes compensation at fifty thousand shillings. How much does it cost a child in Kuria? Is it fifty thousand, ten thousand shillings? How can you fix compensation when you make allegations like this? All that I would like to say and to appeal—we do not know—Mr. Speaker, Sir, the Government attaches great seriousness to this matter, and if only the hon. Member, and the House, can exercise a little restraint, the Government will deal with the culprits, if there are any, very seriously.

I beg to support my Minister very strongly do this.

#### ADJOURNMENT

The Speaker (Mr. Slade): Order! We have had our half hour. The House is now adjourned until tomorrow, Thursday, 3rd February at 2.30 p.m.

*The House rose at Seven o'clock.*

Thursday, 3rd February 1966

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

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

#### PRAYERS

#### NOTICES OF MOTION

##### STATE OF PRESIDENT FOR KAPENGURIA

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

THAT in view of the fact that Kepenguria has some historical significance connected with the early life of our President, the Rt. Hon. Mzee Jomo Kenyatta, this House urges the Government to erect his statue at a place known as Chewoyet, and further, urges the Government to include Kapenguria as one of the chief centres for the Kenyatta Day Celebrations, i.e. 20th October.

##### PROTECTION OF LOYAL SOMALIS

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

THAT in view of the fact that loyal Somali citizens of Kenya are always in a state of fear and despair and are doubtful as to whether their sincere loyalty is being recognized by our Government, and also, in view of the fact that loyal and innocent Somalis are being subjected to torture, beating, detention, confiscation of property, and are being chased away from their towns and homes, etc., this House urges the Government to safeguard the rights and interests of loyal Somalis.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 184

##### KENYA COTTON PRICE

Mr. Bala: On a point of order, Mr. Speaker, I think there is a typing error here. It should be "47 cents", not "shillings", and "59 cents per lb."

Mr. Bala asked the Minister for Agriculture and Animal Husbandry if he was satisfied that the cotton price paid by Kenya of 47 cents per lb., compared to Uganda's 59 cents per lb., did not encourage smuggling of Kenya cotton into Uganda.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. Kenya is paying 50 cents per pound of seed cotton, while Uganda is paying

59 cents. For this reason, there is therefore, an element of risk in the illegal movement of cotton from Kenya to Uganda in areas near the border. Nevertheless, it would be uneconomical for Kenya to raise the price of Kenya cotton to the Uganda price, as it would cost the Government around £200,000.

Mr. Bala: Arising from the Assistant Minister's reply, Mr. Speaker, Sir, what action is our Government taking to ensure that our cotton is not crossing the border into Uganda?

Mr. Osogo: The only action we are taking is to educate people to respect their cotton-growing co-operative societies, to make sure that they are not making their co-operatives fail in taking cotton away from the co-operatives.

Mr. Ngala-Abok: Since the remedy lies—just as in the case of maize—in raising the price, what is the Government doing to see that the growers are contented with the price, rather than educating the people all the time?

Mr. Osogo: Maybe, at this stage, Mr. Speaker, I would inform the hon. Member and the House that the world price of cotton is 47 cents per pound. Therefore, the Government is subsidizing the cotton growers with 3 cents. I may also inform hon. Members that they should keep in mind that the co-operative societies of Uganda have already bought cotton stores and ginneries; they possess them. In Kenya, we have to try and assist the co-operative societies to buy these stores and ginneries.

Mr. Odunya: Mr. Speaker, Sir, is the Minister aware that, as a result of our cotton crossing the border, the Kenya Government this year will be forced to pay over £50,000 to be able to get enough seed for planting, and that will amount to over Sh. 1,000,000.

Mr. Osogo: Sir, we are aware of this, but I think it is the duty of the hon. Member who has asked this question, being a Member from the border, to tell his people that this will be an unnecessary expense caused by their taking our cotton seed to Uganda.

Mr. Odunya: Mr. Speaker, Sir, could the Government, therefore, raise the price by providing this amount of over a million shillings to the Kenya cotton growers, so that we do not have this unnecessary inconvenience?

Mr. Osogo: No, Sir, I should, I think, at this stage, also inform the hon. Members that the growers in the next growing session will be buying cotton seed.

Mr. Masinde: Mr. Speaker, Sir, in view of the fact that we are going to continue experiencing this shortage of seed, what is the Ministry doing

[Mr. Ngala-Abok]

seriously, I must say that there have been some incidents taking place between the Kuria people and the Luos in this particular area. But what the Member is stating is that this was not connected with the incidents of cattle theft; that it was an issue on a special day when the Kuria men were grazing their cattle, and then, probably the General Service Unit men moved in to molest the peaceful Kuria people. This is why I am particularly supporting this Motion, but if it were based on Luo/Kuria conflict, it could be a different matter.

Now, Mr. Speaker, Sir, it is absolutely useless for a Government of the people to allow the General Service Unit to go and raid peaceful people, because this is not only undermining the Government itself, and the Government think that they will get away with it by trying to jeopardize the position of the Member in the area. Government is trying to act through the administrative officers who have no interest in the electors, who actually come to power through mere promotion, but they do not know that we have worked for them to arrive at where they are now. In fact, this was on the instruction of a civil servant, in other words, the General Service Unit staff—a senior man in that area or an officer in charge of the General Service Unit—must have given the order, because the General Service Unit would not move into the area without instruction. But, if civil servants are going to act in this manner, without proper advice from the politicians who are now heading the Government, then the Government is doomed to fail. Even the Prime Minister of Malawi, who is 100 per cent imperialistic in his activities, has employed youths who are now above the police.

The Speaker (Mr. Slade): Order! Mr. Ngala-Abok, you are getting right off the point and you are also breaking a Standing Order concerning criticism of friendly countries.

Mr. Ngala-Abok: I am sorry, Mr. Speaker.

Even in a country thought to be a little bit aligned like Malawi, you find that the Prime Minister has given recognition to his former youths who put him into power, because he knew very well that if he operated directly through the civil servants, who have no interest whatsoever in the future of the elected Members, or the future of the President, for example, in our case, who is a politician and must go back to the people, then the Government is going to fail. And many of these things we are defending in this House here are not going to help us. The fact is that people should not be attacked by the General Service Unit.

Last time, Mr. Speaker, the former Minister, who has now had some of the responsibilities removed from him because of his lack of right direction, stated that the General Service Unit are taught—

The Speaker (Mr. Slade): Order! I do not think you are entitled to say that.

Mr. Ngala-Abok: I am sorry, Mr. Speaker.

The former Minister, who was responsible for the police, stated that the General Service Unit are taught to handle issues roughly when we were complaining about their activities in Central Nyanza. But, what was the occasion on this day, what was happening which the General Service Unit was going to defend, which they were going to normalize or calm down? There was nothing, Mr. Speaker. I would like to repeat what the hon. Mover of this Motion has stated, that we are going to get information which may not be all that helpful, but I would appeal to the Minister to try and let us know exactly, because the Minister is laughing, and—as usual—he will make this one a laughing matter. He has not been attentive, even when the Mover was moving the Motion.

On this date, the General Service Unit moved into this area, and what the Member is demanding to know is whether the Kuria people are going to be compensated and whether those people who fled into Tanzania are going to be brought back, their houses built for them, their maize and everything else brought to them. This is as simple as that. If we can secure the promise from the Government that they will compensate these people then I do not think there is going to be any quarrel. But if there is no compensation, and the Government is not going to promise that the General Service Unit will not merely move into an area, make excuses and try to beat people about and so that they are robbed of their guns, then I can assure the Government that it is heading for bad trouble.

One Minister said here the other day that when we face elections, everybody else will be standing on his own. This is not so, I must assure the House that we came here collectively as Kanu members, and those who were in Kadu have now joined us. We shall either face the people as a team or we shall all fail. But in the majority of cases the Ministers themselves will bear a lot of responsibility for a lot of things, because directions as to industrialization, as to the ruthless actions of the General Service Unit, these are not the responsibility of Ngala-Abok in an area, they are not the responsibility of the Member for Kuria. In fact, he is clean, he is out of it. These people have now run to him to shelter. And

[Mr. Ngala-Abok]

through this Motion people will know that it is the hon. Maisori who is the right person, and the Minister at that time will not even face Kuria people. I beg now that if he tries to move into that area as a Minister he can have it.

Therefore, let us not be brain-washed by these civil servants. Civil servants have permanent jobs, Ministers come and go. Let us try to apply more political direction, not actually act on a political basis and, again, not apply the advice of the civil servants, but try to make it fifty-fifty, to know that your future lies in the support of the people in the field, and make sure that a mistake which is made by the Ministry of Commerce, or the Ministry of Police, or of any mistake, whether or not that mistake is in Mombasa, it has repercussions throughout the country, and it will be applied equally whether you send the General Service Unit to try and damage a certain class of people, either because you fear their politics or because you do not want them for one reason or another, and to do this merely because you are a Minister. This may actually ruin you, it is no excuse trying to act in that manner.

So, Mr. Speaker, I do not want to repeat what has been said, but we are demanding three things here from the Government. One is the promise that the General Service Unit, under whatever circumstances, unless the situation is alarming and Members of Parliament have been alerted, will not be allowed to move into an area which is peaceful. Another thing is that compensation must be promised and be given to these people. Those who have now fled to Tanzania must be brought back, their villages built for them, and the Government must publicly apologize, otherwise there is no use in this Government continuing in power.

Thank you very much, Mr. Speaker, I beg to support.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, the hon. Mover did not tell the House where the cattle were grazing. Also the hon. Member did not tell the House why the General Service Unit were in the vicinity. In any area where the General Service Unit stay there must be trouble. And I should like to tell the House, Mr. Speaker, that the matter is the hon. Mover—

Mr. Maisori-Itumbo: On a point of information, Mr. Speaker—

The Speaker (Mr. Slade): No, not unless the Minister—

Mr. Maisori-Itumbo: But, Mr. Speaker, the General Service Unit was in Kuria.

The Speaker (Mr. Slade): No, no point of information unless the Minister gives way.

The Minister for Home Affairs (Mr. arap Moi): The hon. Member stated in the House that he had reported the matter. I did tell him that investigation was going on in the area and I have not received the report. And to suggest that I do not know what is happening is merely an excuse for wanting to know the problem.

I should like to tell the House, Mr. Speaker, that this area is a very complicated area. The hon. Member knows that I have invited him to be in the area in the next few days together with another hon. Member. We have Kuria in Tanzania; we have Kissi or Gussi; we have Masai and we have Kuria in Kenya. They are all involved in stock theft in the area, and we are trying to keep law and order in the area. If the hon. Member is excited and wants to deny this, I am prepared to sit down.

Therefore, Mr. Speaker, this matter is being investigated by the Government, and the Government cannot accept the allegation. The hon. Member talked about illegal raping, but I wonder where there is any legal raping! We, as a Government, would like the hon. Members to help in every way possible to maintain peace, but if Members are not able to contain the people in any area where stock theft or any other form of violence takes place, I, Mr. Speaker, state that all of us are responsible to this country, and it should not be the attitude of the Member in this House to appeal to the voters here in the House, in order for it to be noted that he is a spokesman of the people when, in actual fact, nothing is being done to protect their lives. We are trying to protect the lives of the peaceful people.

I do not doubt at any moment the loyalty of the Kuria people to the Government; they are loyal to the Government. But the question is, stock theft in the area, as I said is a very complicated one. It involves families in Tanzania, as far as Kurias are concerned, and the hon. Member stated that the cattle were grazing in the area, in Kuria area. I think the best thing for him, Mr. Speaker, is to try and find out the facts before he says what is not actually true.

As I said, Mr. Speaker, this question is being investigated and I do not want to prejudice—

Mr. Anyieni: On a point of order, Mr. Speaker, when the hon. Maisori referred to the Minister who may not be speaking the truth and may speak lies, you ruled him out of order. The hon. Minister said that what the hon. Member said is not true. Is he not indirectly implying that

[Mr. Shikuku] what we did in 1963 is very difficult to remember and it is easy for us to forget, but the point is, why did the Minister not make it known to the hon. Members in this House that he was having the whole Bill reviewed? All the Members—

#### MOTION FOR THE ADJOURNMENT

##### INTERFERENCE BY GENERAL SERVICE UNIT IN KURIA

The Deputy Speaker (Dr. De Souza): Order! Order! It is now time for the interruption of business. I am afraid I have to interrupt you, Mr. Shikuku. There is an adjournment Motion on the Order Paper, so I will call upon a Minister to move the adjournment of the House.

The Minister for Local Government (Mr. Sagini): 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. Shikuku: On a point of order, Mr. Deputy Speaker, I was wondering about this. Once we move a Motion of national importance, is it not for one hour?

The Deputy Speaker (Dr. De Souza): No, no. In fact, I received an explanation from the Speaker about it: that we move on to the next business at 6.30 as usual. Perhaps if the notice had been given in due time, well in advance, the Speaker might have allocated an hour, but as it was, there was not enough time. He might perhaps—I do not know—allocate further time to discuss this particular general Motion, but I cannot say anything about that just now.

Mr. Omweri: On a point of order, Mr. Deputy Speaker, now that the Mover of the Adjournment claimed that Government was acting illegally, but in fact Government was acting within the Constitution, could he be asked to withdraw the allegation?

The Deputy Speaker (Dr. De Souza): Mr. Omweri, that is not a point of order. Order! Order! To start with, Mr. Omweri, what are you saying is not a point of order; we have already moved to another item on the Order Paper and we cannot go back to something which is already over.

Mr. Maisori-Itumbo: On a point of order, Sir, I think that, according to Standing Orders, once the Minister has moved that the House do now adjourn, I think no more time should be wasted, and I would like to claim some five minutes more.

The Deputy Speaker (Dr. De Souza): I do not know whether you can claim five minutes, but if you do not make any more points of order you can continue with your speech. Carry on, Mr. Maisori.

Mr. Maisori-Itumbo: So, Sir, I rise to move a Motion on the Adjournment. It is very ridiculous that I who support the Government have to bring such a Motion to the House. First of all, I must declare my interest and say that I am a supporter of the Government, but even so I have been forced to bring this Motion to the House.

Mr. Deputy Speaker, there was unwarranted interference by the General Service Unit with the villagers of Buirege Location, Kuria Constituency, near the Rift Valley-South Nyanza border on Christmas and Boxing Days, 25th and 26th December last, when they took twenty-five head of cattle from the inhabitants by using force, and burned down twenty-two houses and thirty-five food stores full of stuff. They used firearms, including mortars, resulting in the causing of alarm, the wounding of one person, who had to be taken to hospital, the killing of a baby of six months, while her mother was being raped by these men; also five houses which belonged to the South Nyanza Tribal Police, Sir, were burned down.

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

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

Mr. Speaker, Sir, it was a great shame in the eyes of the people of Kuria and the people of the Republic of Kenya for them to see the General Service Unit of our beloved Government, carrying out burglary and robbery, and to see them misbehaving in a manner which astonished the people in my constituency, by doing all these bad things to the people who are loyal to the Government.

Mr. Speaker, Sir, these people came on the 25th December, that was Christmas Day, a Saturday, in the afternoon, and crossed the border of the Rift Valley and South Nyanza. In fact, they came to my constituency in South Nyanza; and they found my people grazing their cattle near their homes. The General Service Unit men asked my people to give them six *ngombe* or cattle for slaughtering on Christmas Day. When my people wanted to know who sent them, they claimed that, in the spirit of *Harombe*, on Christmas Day, they had to come and collect such cattle for their refreshment.

Sir, it is a pity that when my people refused to give away these *ngombe*, these people used force in order to get these twenty-five head of cattle;

[Mr. Maisori-Itumbo] they used ammunition, mortars, tear gas, to frighten my people, shooting all over the area. Consequently, because my people had not enough weapons to resist the fight which was purposely started by the General Service Unit—these people were well known; they were in uniform; people knew they were the General Service Unit men because they were on the border of Rift Valley and South Nyanza. My people had to run away. Some of these people fled to Tanzania where they are now being taken care of by their relatives who live there as refugees from Kenya. Same to the Government. These people are staying in Tanzania, hopeless, houseless, without any food, Mr. Speaker.

Now the *ngombe* which were taken belonged to a number of people, and I will give their names. One was known by the name of Robi Magba, one was Wamburn Kiguku and the other was Mairi Mwera. Now, Sir, because of the shortage of time, I have a lot of evidence to support my case here, which I may not be able to mention. My people are loyal. We get cases like that in the North-Eastern Region, where our Kenyan forces have been practically defeated in their battle to cool down the *Shifita* activities in the North-Eastern Region. But the innocent people of Kuria were just happily drinking and enjoying their Christmas, the end of the year 1965, and suddenly they found this robbery and burglary happening, men coming to attack them, Mr. Speaker. My people are innocent people, people well known to the Government of the country.

Mr. Speaker, Sir, a child of six months was killed when the mother was being illegally raped and I wonder that Government can tolerate such behaviour. Mr. Speaker, there were many school certificate boys whose certificates were burned in the houses; foodstuffs, clothes, hens and all sorts of property, were burned in the houses. How is the Government going to compensate my people for such wild damage, done purposely, during the daytime, on the 25th December?

And then the next day, the same people came again, better armed, with two Land-Rovers. They came better armed and threatened the people in the area, and when we asked why they came on Sunday again they alleged that they had come because they had lost one of their machine guns, or magazine, and in order to get that gun, they had to burn five villages in the area; the total number of houses burnt down was twenty-two: there were cattle *bomas*, fences, food stores, and again, and all were destroyed. These people did a tremendous amount of damage in this area, and

I am wondering how this Government is going to compensate the Kuria people for such a large amount of damage.

At the time, Sir, I was in Nairobi, and when I got home, the next thing I did was to go there. The district commissioner came, the district officer came, an inspector of police came. We walked right to the place and when we went there, after four days, the fire was still smouldering, burning food, maize, *wimbe*, beans and all kinds of foodstuff. Some of the cattle *bomas* were still burning. It was amazing to see such damage done by servants of the Government of the country.

I beg to submit my claim to the Government and to the Minister concerned, that my people deserve compensation, because the damage done had been witnessed by the district commissioner and by Government civil servants. I am sorry enough, when I went to see the Minister for Home Affairs, he had no information. The big man of the Criminal Investigation Department, from Kisumu, was in the area, but he has never submitted any report to the Ministry. Mr. Speaker, up to this moment, the Minister has no material. He is not going to tell us anything but lies.

The Speaker (Mr. Slade): Order! Order! Be careful, Mr. Maisori. Even when hon. Members have spoken, you do not say that they have told lies, still less do you do it in anticipation of what they say.

Mr. Maisori-Itumbo: I apologize, Mr. Speaker. Mr. Speaker, before my time ends, I still have to inform the House and the Government that the total damage done in my constituency is over Sh. 50,000 and, Sir, I again submit that the present police force is full of the colonial mentality, and we need to replace these men with National Youth Servicemen. Mr. Speaker, we cannot have the police watching Members and causing damage in the areas because they do not have Kanu in their hearts, Sir.

Mr. Speaker, because of my time, I beg to move.

Mr. Ngala-Aboki: Mr. Speaker, Sir, I wish very much to—

Mr. Kibuga: On a point of order, Mr. Speaker, the hon. speaker who has just spoken has asked me to second his Motion. Has he withdrawn?

The Speaker (Mr. Slade): He has not named you as his seconder.

Mr. Ngala-Aboki: Thank you very much indeed, Mr. Speaker.

I think, Sir, that in order that I may speak in support of this Motion, which is very serious and which I would like the Government to take

**[The Minister for Local Government]**

you will have no schools, but for the very poor, the really destitute people, there is provision in the Bill and that is a remission certificate which serves as a tax receipt.

The Speaker (Mr. Slade): Mr. Sagini, in this particular debate we cannot discuss the merits of the Bill. It is simply this question which I think you have answered.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Thank you, Mr. Speaker, I would like to give some information to the House that what the hon. Member of this Motion said, when moving this Motion was totally wrong because, Sir, if the hon. Members would be patient I have here the Ordinance that this House passed in 1963 which indicates that the Government would be empowered to do what it has just been doing; the denial of bursaries and scholarships is contained in this particular Ordinance that we passed in 1963. When the hon. Member for Majogo-Bassi was moving the Motion he said that the Government has been acting illegally by demanding tax receipts from the children who go to school. This, Sir, is not true, because, with your permission, if I may read and if hon. Members will follow the new Bill, section 23 subsection (2) (b), I am reading, Mr. Speaker, from section 22 subsection (2) (b), it reads as follows:

"The denial of bursaries, scholarships and entrance to educational institutions maintained or partly maintained from public funds or in respect of tax defaulters or their children or dependants."

Now, Sir, there is no difference in this wording at all and the wording of the new Bill and, as such, Mr. Speaker, it is not right to accuse the Government of having acted illegally. In fact, when the hon. Member of this Motion, moved this Motion, he did not go back to read what he, himself, and the House here—hon. Members sitting here—had passed in 1963. If he had done this, Mr. Speaker, he would not have stood up to move this Motion at all. We know very well, and he never indicated that the Minister had agreed to look into this Bill, but to move a Motion accusing the Government of having acted illegally in the collection of money or having anticipated the contents of this Bill, is very wrong. I may, Mr. Speaker, refer the hon. Member to the section that deals with fifty-fifty deduction of tax which is entailed in the new Bill in section—I spoke about it yesterday too—Mr. Speaker, I am sorry I am giving the hon. Members a bit of a chance to speak whilst I am looking into this particular relevant section, but since I cannot see

it I will refer to the other hon. Member who might get up to speak. I am being asked why we are amending. We are not amending this Bill, Mr. Speaker, we are repealing the old Act to bring the new Bill into line with the regulations after regionalism has been dropped, that is why this Bill is coming up, but otherwise if this would be referred to—and it is a pity, Mr. Speaker, that hon. Members forget what they have passed—I agree that we were very green when we were dealing with this Bill, because we did not scrutinize it, and I am very sure that hon. Members have been surprised to see that the wording is exactly the same wording that is contained here. But, unfortunately, we were very green and we were not scrutinizing Bills when they came up. It is not the fault of our taxpayers, it is not the fault of our electors. I think this is our own fault that we were green and did not see this point.

So, Mr. Speaker, it is a pity that this Motion has been moved, but to support my colleague, we beg to oppose the adjournment.

Mr. Omweri: Mr. Speaker, Sir, first of all, I think I must—

Mr. Komora: On a point of order, Mr. Speaker, I thought you were going to rule the Minister out of order—I did not want to interrupt him, nor the Assistant Minister—when he suggested that in the moving of this Motion by this House the Members were afraid of the 1968 Elections. Was that not, strictly, imputing ulterior motive?

The Speaker (Mr. Slade): I could not say that to say that an hon. Member is moved in what he says by the prospect of a general election two or two and a half years hence is alleging improper motive; in fact, I think frankly, to allege anything else would be most unrealistic.

Mr. Omweri: Mr. Speaker, Sir, I think, first of all, I have to appeal to hon. Members that when such a Motion comes up in the House like this, we have to be completely considerate of the Government functions and also the Government dealings with the day-to-day business.

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

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

This question of Government collecting money illegally from the taxpayers, I think is much exaggerated. Mr. Deputy Speaker, Sir, within the Kenya Constitution I presume that county councils are empowered to collect revenues to run their services. County councils,

**[Mr. Omweri]**

too, when they meet, devise means of collecting their money, so that their services could be run. In most cases, the county councils have legislated by-laws for their county council as to how they should collect the revenue and spend it. In this case, hon. friends who have suggested that the Government is acting illegally should have claimed that probably the county councils are acting illegally, because this is within the powers conferred on them by the Constitution passed in this House. In this case, I feel that the Members were rather emotional and went too far to suggest that the Government was acting illegally, otherwise we should claim it is the county councils.

Mr. Deputy Speaker, Sir, a number of interjectors think that when the hon. Mr. Osogo was speaking, he was defending his position. This is not the case; he was stating what Members have passed in this House. If we pass something in this House and we are afraid to quote it, I wonder where these hon. Members want to legislate. We have to legislate and follow what we legislate; we cannot simply legislate and then, the following day, say, "We didn't pass that."

Mr. Deputy Speaker, Sir, I think the Minister for Local Government should be well assured that this practice has been going on and has been supported by the county councils, and it was not anticipating this particular Bill, it was—

Mr. Omar: On a point of order, Mr. Deputy Speaker, could the hon. Member substantiate that all the county councils imposed this order, that a boy must produce his parent's or guardian's Graduated Personal Tax receipt before he is admitted to school? I am asking this, Mr. Deputy Speaker, because not all the county councils which passed that by-law, and yet—

The Deputy Speaker (Dr. De Souza): I am afraid, Mr. Omar, you are, in fact speaking to the Motion under the guise of a point of order. When the time comes, you can explain your point of view.

Mr. Omweri: Mr. Deputy Speaker, Sir, if the hon. Member was genuine, I will tell him that this has been a practice in certain areas where this low county council tax has been prevalent, and the councillors looked into means by which they could influence more payment of taxes, and some of these means included debarring children from getting education, but it proved to be that once this threat was used, taxes were paid and school fees were paid, and therefore no child

actually missed education. If he wanted to insist that I substantiate, I have examples in my own district and the nearby districts of Kericho and South Nyanza; I have looked at their minutes.

Mr. Deputy Speaker, Sir, I think it is not a question of Government being illegal in collecting these fees, it is a question of Members not understanding their duties in this House.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Deputy Speaker, Sir, I rise to join the Government trio on this Bill. I think the Government is not acting illegally. I was once chairman of a county council and we found it very difficult to collect whatever money we wanted to collect. What we would like, Mr. Deputy Speaker—in spite of the interjections—is for an hon. Member to stand up here and say, "Don't touch education, touch medical services." Tell a person to produce something which will touch on his health before you allow his child to go to school. Or tell him something else. If they can come out with a constructive way of collecting the money which is so much needed for road making, for hospital building, dispensaries, and what have you, then—

Mr. Gichoya: On a point of order, Mr. Deputy Speaker, I need your guidance because there is misinterpretation of the Act by the two Ministers who have spoken. Mr. Deputy Speaker, the law states that schools or institutions—

The Deputy Speaker (Dr. De Souza): No, no, Mr. Gichoya. We cannot have people trying to intervene in a debate under the guise of a point of order. I have already told Mr. Omar that these explanations that you are now trying to give can be given in your speech when you speak, but not on a point of order.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Deputy Speaker, my only contribution, therefore, on this Bill is this: While I say that the Government is not acting illegally, I would invite the people accusing the Government to produce something concrete, something constructive as to how we can improve the collection of Graduated Personal Tax.

With these remarks, Mr. Deputy Speaker, I beg to oppose the adjournment.

Mr. Shikuku: Thank you very much, Mr. Deputy Speaker.

I am of the opinion that the explanation given by the Minister has now helped clarify the position for and he has shed some light on what we were discussing. One thing is that many hon. Members were not quite clear as to the intentions of this Bill. Mr. Deputy Speaker,

[Mr. Anyien]

written in a way that will be accepted by this House, and to take into account the difficulties which our people have. Very many Members. Mr. Speaker, have made speeches alleging that what the House has yet to approve is already in operation in the countryside. I do not think, Mr. Speaker, that this is merely allegation, because those who listen to the radio have heard, for example, in Nyanza County Council children will not be allowed—Kakamega County Council—to go to school if their fathers have not paid their Graduated Personal Tax. That, Mr. Speaker, is clause 23 (2) (b), (c) (b) (c) and (d). Mr. Speaker, that is where it is written "Notwithstanding anything to the contrary expressed or implied in any written law, regulations under this section may provide for the following sanctions against non-payment of tax, and for such matters as are incidental thereto—(a) the withholding of licences, permits and authorizations; (b) the denial of bursaries, scholarships and entrance to educational or vocational institutions maintained or partly maintained from public funds or in or respect of tax defaulters or their children or dependants." Now, Mr. Speaker, if this House means anything to the taxpayer who today has paid a lot of money to maintain the Members of Parliament, may be 170 Members, this House and the other House, if the Government thinks this House is an institution, which is a very important institution, why should the Government allow, why should the Minister for Local Government allow a county like, for example, Kakamega County Council, to penalize the children? I do not want to go too far in explaining, because if this House is going to be taken to be a rubber stamp where the Government can go and do things, then come to this House, may be the Government is going to make use of some of the divisions which the Ministers have introduced through the Back-benchers' organization, and that is why the Government took for granted that even if we act without the Bill, being passed, the Bill is going to be passed. But I am very glad, and I must thank the hon. Members of this House who have become very honest with their electorate, and have said that they will not approve of such a thing. Now we want the Minister to stand up now and deny that these things were not being done, and I do not see how he can do it because, for example, Kakamega County Council has had all its members suspended. This county council is now being run by Central Government. If I am not wrong, and the Central Government is acting illegally, and the Government must be condemned and

they must accept the responsibility and withdraw, and send these children to school without penalising them.

Mr. Speaker, there is also another section here which says, if I am living in Nairobi and my wife is living at home with the children, then just because I have a house in Nairobi, Sh. 300 will remain here and Sh. 300 will go home. This was being done even before and I saw that this was being done. I think that this is illegal because all the money that the city council has collected from the 1965 Graduated Personal Tax, that money must all go down to the county councils where the people, who have paid their Graduated Personal Tax, stay, and this I think will go a long way to correct some of the difficulties which the county councils in the countryside are experiencing. Before I sit down, I would like to tell my Government that it must not continue to think that the Members of this House will not learn about their responsibilities and we hope that this is the last time that our Government will take the Members of this House for granted. The Members of this are people who are trusted by their people. You may think they are very stupid, but they are persons who are trusted by their people and, as such the Government must know—as the President said the other day—that Parliament is supreme and this is almost a Money Bill. How is it that the Government is squandering money, and it is collecting money from people illegally? There is a law which says that you cannot collect money without licences. That is why the Government brought this Bill here so that we can give the Government a licence to go and collect money. But I see that the Government has gone to collect money without a licence and if somebody else went to collect money, like myself, Government would arrest me. Is that because one is Government and because of this, one can go and collect money illegally from the people? We condemn this and say that this is stealing money from the African people and the Government must know that they are elected and if they are a bit too tired, then they should try and show that they are strong, they should not show that they are so weak. Mr. Speaker, we do not see that there is any excuse for the Government to do this. If the Government wanted to do these things there was no reason why the Government should not have brought this Bill last year, so that we could approve it and it could be applied this year. I do not think that the Members would have refused it, because even now I believe the Minister is going to revise it and bring it here.

[Mr. Anyien]

With those few words, Mr. Speaker, I hope the Government will correct it as it stands at the moment.

The Speaker (Mr. Slade): Who seconds the Motion?

Mr. Muliro: I second, Sir.

Mr. Speaker, Sir, I find that the Government must accept the responsibility that it is a political Government which is subject to political pressure from the electorate. Mr. Speaker, last night, when I left this building, I met five people who live in Nairobi and those people asked me "Look, you Members of Parliament, what are you doing? When it comes to the time of votes, you come to us and say 'Vote for us'. Today it is impossible for us to get our children into school unless we can show the receipts for Graduated Personal Tax for 1964 and 1965. When we are looking for employment, we must also show these tax receipts." Now, this, Sir, I found is definitely a serious anomaly in the Government of today. The very Minister—the Minister for Local Government—who issues this edict to the people, must know that he is answerable to his own electorate in another two years' time. Now, in his own interests, Mr. Speaker, and in the interests of the hon. Members of this House, we should know that the Government today is an African Government, a political Government, where orders which were given by our colonial masters cannot be applied today, by us.

The Speaker (Mr. Slade): Mr. Muliro, I think you are getting away from the special point for which I allowed this Motion. It was only on one point, that it was a definite matter of urgent public importance, that was the allegation that the Government was anticipating this Bill by doing what this Bill purports to allow and is therefore acting illegally. We must keep to that.

Mr. Muliro: Thank you very much, Mr. Speaker, for bringing me back on the rails. What I was saying is that on my own farm, Mr. Speaker, I gave my workers money to go and pay the fees for their children. My people were told "Unless you give us the tax receipt of your father, we cannot take the money." So the next thing I did when I went home, this weekend, was that I had to give each one money to go and get the tax receipt in order to get the children into school. This is what I did myself.

Now, Mr. Speaker, how can we apply the law before it is processed in this House? How did the Government, how did the Minister, know that this law was going to be passed in the way it has been drafted, in order to issue the orders to

Sirikwa County Council and tell them "Unless the child produces the tax receipt of the parent, the child should never be admitted?" Mr. Speaker, I find this most obnoxious and the Minister must accept the responsibility of the folly which has let him up the garden path.

With these remarks, Sir, I beg to second it very strongly.

(Question proposed)

The Speaker (Mr. Slade): Mr. Sagini, you realize that it is simply this one point of alleged illegal action?

The Minister for Local Government (Mr. Sagini): Yes, Sir.

Mr. Speaker, Sir, some Members here seem to be thinking of the 1968 elections, in which I will also be involved, and among those voters who will vote for me are people who pay their taxes, and some of them are defaulters, so, in your constituency there are various types of people. People who are good and pay their Graduated Personal Tax and those who are slippery artists, who do not want to pay their Graduated Personal Tax. Now, let me come back to the big subject and that is, that it has been said here that the Government has been acting illegally. It has been suggested, Mr. Speaker, that sanctions imposed on the tax defaulters, if at all, have been imposed illegally. This is not so, Mr. Speaker. Provisions similar to those contained in clause 23 already exist in section 22 of the Act of 1963, this is true. Mr. Speaker, apart from major changes in the Bill, the Bill is largely re-enacting the present Graduated Personal Tax law which was already passed in this House in 1963. So the Government has not actually been acting illegally and the principal amendments are those mentioned previously. That is (a) the provincial administration to be responsible for all assessment and collection of tax in rural areas; other than through employers; (b) self-employed taxpayers to be permitted to pay by two instalments in county areas; (c) non-payment of tax to be made a criminal offence. These are the three amendments in this business.

Mr. Speaker, there has been criticism of just about every clause of the Bill and I must make it clear that this is largely consolidating legislation, to tidy it up. It had already been passed in 1963.

Let me come back to the hon. Member for Trans Nzoia, Mr. Muliro. He seems to be talking about poor children. I was a teacher like he was before I became a politician and I know it is of first importance to educate children, but we must think of the teachers who have to be paid. If there is no money with which to pay the teachers,

## BILL

## Second Reading

## THE PIG INDUSTRY BILL

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to move that the Pig Industry Bill be now read a Second Time.

Mr. Speaker, Sir, the Bill before the House proposes the repeal and the replacement of the present Pig Industry Act. This has been necessary after an accumulation of numerous amendments in the Act over the year. Hon. Members should therefore know that an Act, Chapter 361, similar to the Bill, in the House already exists, and there are no major controversial stipulations in the new Bill. The only point of difference is that pig production will not be limited by law. The only limiting factor left now will be the disease and no licence will be issued unless the Director of Veterinary Services is satisfied that such licences are not likely to cause and encourage the spread of diseases.

Consequently the anticipated more widespread pig production is provided for in the Bill. The quota system now operating under the existing Act, will no longer be enforced by law. Hitherto, the licensing of the producers has been the responsibility of the Pig Industry Board, but under the Bill in the House, the Director of Veterinary Services will become the licensing authority under the Animals Disease Act. This new arrangement is very convenient and provides for a much tighter disease control machinery.

Mr. Speaker, Sir, I should now like to refresh hon. Members' memories by mentioning a few points about the Pig Industry. This industry has been one of those which were hit hardest as a result of emigration of the European just before and after Independence. They were, by tradition, the major pig meat eaters in the country, and as they are replaced by Africans in various jobs, and in farming, the Uplands Bacon Factory has had to do with a fall in sales. Again, pig meat is expensive and when it comes to a choice between beef and pig meat the latter has tended to be ignored. But Uplands are making an all-out effort to advertise their products, and as hon. Members will have noticed, the industry is coming to the local market. A mobile hot dog shop outside the New Stanley and a sapper dukka just opposite St. Peter Clavier's in Nairobi, are the most conspicuous activities. These, of course, are over and above the former marketing facilities. The idea here has been to introduce more pig products into the diet of the African. I am, in fact, informed that plans to establish selling facilities in the

African locations in Nairobi are under way. I should like, therefore, to appeal to hon. Members who are some of the few people able to afford pig meat to support and promote this industry.

In regard to the market outside Kenya, hon. Members should know that we still supply the other East African countries. Arrangements are also at an advanced stage to break into the Zambian market. The present problem is that Zambia has been buying and is still buying from a local firm called Concan Zambia, which draws supplies from Rhodesia next door, and it may take a little time before we break through. Our overseas markets include Britain, the Mediterranean coast, Congo, etc. I should like to reiterate the importance of disease control in so far as it determines where we can and where we cannot sell our products. That is precisely why my Minister thought of bringing the responsibility of licensing of pig producers under the Director of Veterinary Services as he is better informed as to the incidence of disease than the Pig Industry Board. Hon. Members have a part to play in trying to discourage stock movement. There is a noticeable effort by the small farmer, especially in the Nyeri area to start pig keeping, and my Department of Veterinary Services is trying its best to help these farmers succeed. It is important that as we start producing more pig meat, there should be a proportional increase in the meat eating population, otherwise the farmer will never find a market for his products. That is why I appeal to hon. Members to encourage the introduction of meat into the diet of the African. If this Bill is passed by the whole House, my Ministry and the new board will do their best to help these small-scale farmers produce and market their products locally and overseas.

Apart from the three major differences mentioned earlier, Mr. Speaker, the rest of the Bill is generally similar to the existing Act. As the hon. Members will have noticed that the Bill proposed the establishment of a board with certain functions under the overall powers of the Minister for Agriculture and Animal Husbandry. It also provides for the methods of licensing butchers and bacon factories, inspection of records and premises by authorized officers. It lays down the possibility of the board spending some of its funds for research, promotion of sales of products, and lastly repeals the existing Pig Industry Act, without forcing the Government into extra expenditure.

Mr. Speaker, Sir, as I have spoken at length and as the stipulation of the Bill in this House has no substantial difference from those under the operating Pig Industry Act, I now beg to move.

The Assistant Minister for Finance (Mr. Okelo-Obongo) seconded.

## (Question proposed)

Mr. Omweri: Mr. Speaker, Sir, I think this Bill is

The Speaker (Mr. Slade): Order! Mr. Ngala-Abok I think you have forgotten about walking in front of other Members.

Mr. Omweri: Mr. Speaker, Sir, I was going to say that this Bill is a short one and as the Assistant Minister has moved it, it is quite clear and it is a step forward towards Africanization in the pig industry, because formerly the existing Bill used to prohibit even Africans from keeping pigs as they wished. The quota system which used to exist, and which will end after this Bill is passed, has been preventing the pig industry from being expanded, and I think I should congratulate the Ministry for deciding that this quota system should no longer be used. The only thing I would like to add to what the Assistant Minister has said is that this being a sort of new enterprise in the rural areas, up country, mainly in the African areas, that the Ministry should start immediately to establish training centres for farmers to have first-hand knowledge of how to care for pigs. We know pig life is very delicate, and most complicated, and if it is not well looked after there may be a lowering of the bacon grade which at the moment we are proud of. We would like the Ministry to establish these centres and also have, if possible establish improvement centres where they can have demonstrations as to how pigs should be kept. Mr. Speaker, if the Ministry did this I am sure the pig industry will expand and will be beneficial to the farmers who would like to go into this particular business.

Mr. Speaker, Sir, one other problem which those Africans who tried to keep pigs earlier on—apart from the quota problem—was that they did not have buying centres, or selling centres, and I would ask the Ministry to go into this and see that the Africans are helped to have centres within their reach so that pigs are sold nearby rather than have a former paying transport charges on the pig he wants to sell from Kitale right up to Uplands. I think the Ministry should encourage buying centres just as they do in the case of the Meat Commission. If this is done I am sure that the industry will expand and it is the expansion which we are all for, and I would suggest that the Ministry sees that this thing is established to allow easy selling rather than have Africans who are far from the slaughtering centre to find it difficult to sell their animals.

Mr. Speaker, Sir, what I would also like to repeat is that the high quality of bacon should be maintained. If the Ministry wants this to be a paying enterprise, to be a paying industry to the country, and to raise the economy of this country, I am sure that the Ministry will have a section of its staff going into this, not merely to leave it to the general Veterinary Department. We must have some specialized officers going into areas and encouraging high grade animals to be kept, and if this is not done I am sure that it is likely to end in difficulties and in no income at all to the farmers who will be keeping these animals. I would suggest very strongly that the Ministry looks into appointing special officers to go into this until Africans understand and follow the methods of good animal husbandry in keeping pigs.

Mr. Speaker, Sir, with these few comments I wish to support the Bill.

## MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

## ALLEGED ILLEGAL ACTION UNDER GRADUATED PERSONAL TAX BILL

The Speaker (Mr. Slade): It is now 6 p.m. so I will call on Mr. Anyieni to move that the House do now adjourn.

Mr. Anyieni: Mr. Speaker, I have raised this matter which I may have to remind the hon. Members who were not here that I am raising this matter as a matter of national importance arising from the Bill which this House of Representatives this afternoon demanded be withdrawn and the Minister and the whole House agreed that the said Bill be withdrawn.

The Speaker (Mr. Slade): Under this Standing Order you start by moving that the House do now adjourn.

Mr. Anyieni: Oh, that the House do now adjourn.

The Speaker (Mr. Slade): Yes, you move that the House do now adjourn.

Mr. Anyieni: Mr. Speaker, I beg to move that the House do now adjourn.

Mr. Speaker. I am moving this because of the speeches which were made by practically all the Members of this House who have got the interests of their electorates at heart.

Mr. Speaker, this afternoon, the Members demanded and the Minister agreed, that this Bill is not properly written and as such, it should be withdrawn or adjourned so that the Bill can be



The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I know that this Bill is of national importance and I know how many hon. Members feel about it, and in my view of this, I would like it to be adjourned.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, while thanking the Minister for having agreed—

The Speaker (Mr. Slade): You do not thank Ministers on points of order—

Mr. Anyieni: Mr. Speaker, I am coming to my point of order—

The Speaker (Mr. Slade): Then come to it.

### POINT OF ORDER

#### RULING ON MOTIONS FOR ADJOURNMENT OF DEBATE

Mr. Anyieni: Mr. Speaker, Sir, I am seeking your ruling. The other day when we moved for a Bill to be adjourned it appeared on the Order Paper the next day. Now, Sir, when we adjourn a Bill, is it not right that the Members of this House should demand that the Bill should not be placed on the Order Paper until the Members have met either in the Parliamentary Group or in the Ministerial Committee or the Minister has assented before it comes to this House, because if we adjourn this Bill today and it appears on the Order Paper tomorrow, when we have not had a chance of meeting, would there be any point in adjourning this?

The Speaker (Mr. Slade): No, all that this House can resolve is that the debate be adjourned, which means that there is no more of it that day. There is nothing to stop it appearing on the Order Paper the next day; but, of course, again the House, if they are alive and present and take an interest, can resolve that the debate be adjourned, once the debate has been adjourned, it is up to the discretion of the Mover to decide when the time is right for him to bring it back on the Order Paper. Usually, if he thinks that there was good reason for the adjournment, he will not bring it back until he thinks that that reason has been satisfied, but that is his discretion. The House cannot resolve on the adjournment of a debate to a specified date, or on any particular thing happening during the adjournment. All the House can decide is that the debate be adjourned. I do not know whether—

Mr. Omar: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance, because there was a very important point which was raised by two or three speakers during the debate. It is in

connexion with the production of Graduated Personal Tax receipts in schools. At the moment, it has been alleged here—

The Speaker (Mr. Slade): What is your point of order, Mr. Omar?

Mr. Omar: Mr. Speaker, Sir, my point of order is this. There is an urgent request which has been made in this House that the children are not being admitted into school now unless their parents produce their Graduated Personal Tax receipts for the year 1965. Now, Sir, this being the case, what can we do so that the Minister can waive those instructions which he gave to the county councils while we are waiting for him to bring the Bill.

The Speaker (Mr. Slade): Order. You cannot do anything about it beyond having said what you have said already. If you had wanted to say more about it today, of course, you will not agree to the debate being adjourned. You cannot have it both ways.

Mr. Ngala-Abok: Mr. Speaker, Sir, on a point of order, will it be in order for the Minister, having agreed that this debate should be adjourned, to clarify the position as to how he will handle this matter, if we have no right to dictate the terms? Because, Sir, I feel that Members are usually steam-rolled with regard to Graduated Personal Tax, for example, when some Members—

The Speaker (Mr. Slade): Order! I think you are only speaking on a point of order, are you not. As a point of order, the Minister having spoken on the adjournment cannot strictly speak again. If he wishes to add anything as to how he proposes to use the period of adjournment of this debate, I think the House might like to hear it, but it is not strictly in order.

Order! I think the Minister wants to accept my invitation.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, in view of the situation that has developed, I am going to get in touch with the Committee on Local Government in my Ministry, and go through the Bill with my experts, explaining parts that are legally difficult to understand and we will come to some agreement that will help me. If I find that we are failing, then I will resort to another way, which I will think about later on, but at the moment I do not know.

Mr. Malsori-Itumbo: On a point of order, Mr. Speaker, Sir, I do not know whether this is just a question—

The Speaker (Mr. Slade): A true point of order from Mr. Malsori-Itumbo, I hope.

### POINT OF ORDER

#### ANTICIPATION OF LEGISLATION

Mr. Malsori-Itumbo: Mr. Speaker, Sir, on a point of order, my point of order is this. Is it, Sir, right for the Government to anticipate a Bill which has not yet been passed in this House, and use it in the Ministerial level as being a Bill of an Act of Parliament, before it is brought into this House and passed, because we understand, Sir, that the Bill which the local government is using to prevent students getting education whose parents have not paid G.P.T. has not yet been passed—

The Speaker (Mr. Slade): Order! Hon. Members must not confuse the order of this House with what is lawful or unlawful outside this House. It cannot be raised as a matter of order, that the Government is doing something unlawful outside the House. It is not a matter of order in this House. It may be quite true that what the Government is doing by way of anticipating this Bill becoming law is illegal, but it cannot be raised as a point of order. It can be raised in a court of law, or it can be raised on substantive motion in this House, or by question in the House, but not a point of order.

#### NOTICE OF MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER 14

#### ALLEGED ILLEGAL ACTION UNDER THE G.P.T. BILL

Mr. Anyieni: Mr. Speaker, Sir, the point I am trying to raise is in connexion with the reply you have given to hon. Mr. Malsori-Itumbo. When the Government says, this is an Act of Parliament, and it is not an Act of Parliament, it is only in anticipation. Mr. Speaker, Sir, you know that it is extremely difficult for the Members of Parliament when we go out to our constituencies, because we are questioned by our people. It is also extremely difficult for the Members of Parliament to take Government to court, when we have our own court here given mandate by the people, would it not be in order, Mr. Speaker, Sir, for me now, at this particular juncture, although it is without much notice as time is short, to raise this matter, so that the Members of Parliament may be able to air their views in connexion with this? So, Sir, the Members may have the chance of telling the Government not to use a Bill which they have refused, as an Act of Parliament. Therefore, Sir, would it not be in order for me to raise this matter now for the Parliament to discuss as a matter of national

importance, because the children are going to school now and also some are being turned away, and the Government is also closing down schools.

The Speaker (Mr. Slade): When an hon. Member seeks to raise a matter under Standing Order 14, which is what Mr. Anyieni proposes, first of all, the Speaker has to be satisfied that it is a definite matter of urgent public importance. If he is satisfied on that, then he has to see that there are at least ten Members who wish the matter to be raised immediately.

Now, if it is alleged that the Government is purporting to act as a matter of law on something that has not yet become law, on a large scale, then that is, I think, a definite matter of urgent public importance, and it is just as important for Government to be able to answer it as for hon. Members to allege it. So, I wait to see now if there are sufficient hon. Members desiring this matter to be raised today.

(More than ten hon. Members stood in their places)

In that case I have to fix a time for the matter to be raised, and I will allow it to be raised at 6 p.m., which allows you quarter of an hour to prepare. Meanwhile, we are continuing with the question that the debate be adjourned.

(Resumption of debate on Motion for adjournment of debate on G.P.T. Bill)

Mr. Gichoya: I rise to seek your guidance. The only thing I would like to say is this. When the Minister is going to consider the making of this Bill, I feel that he should take into account the calculations which—

The Speaker (Mr. Slade): I think you are trying to creep into this Motion's discussion on the merits of the Bill, Mr. Gichoya. No, all we can discuss now is whether or not this debate should be now adjourned. Please keep to that.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, I wish to move that the Motion be now put, because the Members have exhausted the debate on the adjournment.

The Speaker (Mr. Slade): That seems to be a very good idea in view of the attitude of Government.

(Question, that the question of the adjournment of debate be now put, put and agreed to)

(Question put and agreed to)

The Speaker (Mr. Slade): We will now, until 6 p.m., proceed with the next Order.

[Mr. Shikuku]

—many had been raised and I do not want to bore the Members here—that we are very keen to get the debate adjourned, so that we can get the Minister thinking. We are prepared, in the spirit of *Harabee*, to sit with the Minister and give him all the ideas we have so that he can make a good Bill, because the Minister himself is a very hard-working man and we realize the difficulties he is facing, because he is trying to centralize this business. We shall help him, sit with him, think all together, in order to bring about something which will help the poor people as well as the rich, so that they can work together for the building of the nation.

With these few remarks, Mr. Speaker, I beg to move that the debate on the Bill be adjourned.

The Speaker (Mr. Slade): Do you want to speak to second that Motion, Dr. De Souza? Mr. Anyien, you have spoken in the debate already; this must be someone who has not yet spoken in the debate.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, what happens when a Motion or a Bill had already been moved to be adjourned and that was seconded and at that time the House rose—

Several Hon. Members: We have already had all this explained to us.

The Speaker (Mr. Slade): Yes, the hon. Members are quite correct, Mr. Ngala-Abok. If you had been here at the start of this Order today, you would have heard the answer to your question.

Mr. arap Too, you want to second the Motion to adjourn the debate, do you?

Mr. arap Too: Yes, I want to speak to the Motion.

The Speaker (Mr. Slade): You can do that also. Yes, Order! If an hon. Member wishes to second a Motion for the adjournment of a debate, he can speak to the debate at the same time.

Yes, you can, Mr. arap Too.

After that, when the question is proposed, then hon. Members are confined to the question of adjournment.

Mr. arap Too: Mr. Speaker, I am seconding the Motion moved by the hon. Mr. Shikuku. Mr. Speaker, Sir, I want to join my friend, the hon. Mr. Shikuku, from Butere, and I understand, Sir, that the Marakwet people at one time were one clan with the Butere people.

Now, Sir, I want to start speaking on this Motion on the general policy of the Bill. The Bill itself looks really ridiculous to me because

the Minister who is moving this Motion, this Bill, is an African like myself. He knows how poor our people are, he knows how much we have exploited our wealth from the soil in this country. He knows a lot of these things, even more than us in this House. But to include such a clause and say that if a parent does not pay his Graduated Personal Tax his children will not be able to go to school, his children will not be able to have bursaries, even if they are clever enough and competent enough to obtain scholarships and bursaries, well, I do not know if the Minister was doing justice to the poor people of this country or whether he was only thinking of Members of this House, who get a bit of money, the permanent secretaries, who get a bit of money, and some other people who are working and who are getting a bit of money at source all the time.

Mr. Speaker, Sir, I want to point out some of the difficulties that my people encounter in Marakwet Division. One thing, Sir, today our children, and about 15,000, have been returned from school just because of these so-called instructions from the Minister—or perhaps the county council, for that matter—telling the teachers that if these children do not come with a receipt and they have the money in hand to pay their school fees, they should be sent away until they produce the Graduated Personal Tax receipt. Sir, this is very bad. You remember, Mr. Speaker, in some parts of this country people have not yet realized that sending their children to school is a good thing; they do not know, they are very happy if their children are sent back home, they go and look after goats, sheep or cows. And it is not good for the Government to punish the children who come forward and force themselves to come to school, they get some money from somewhere, they do some contract job and get the money to pay their school fees.

Now, in this Bill, the Minister did not even say that if a child has no parents or guardians he will be allowed to come to school. He would not be free even to bring the school fees. He could not go to school unless he has the Graduated Personal Tax receipt. Now, if a child has no parents, if a child has no guardians, how would he go to school? He would be sent away by the teachers and then the child would be punished. Who is punishing the children? It is the Government, and the Government of Mr. Minister who is moving this Bill.

So, Mr. Speaker, I beg to support my dear friend there, and say that if the Minister wants to help the people of this country he should go

[Mr. arap Too]

back and redraft this Bill in the way that we would like. For example, Mr. Speaker, he says that the assessment of the tax—and this is seen in section 4, 2 (f)—now how could you assess the tax from the people who have no employment. Is Turkana they have no land; they have no market to sell even what they get. For example they have camels, they have sheep, and they do not have anywhere to sell them; when they bring them to the Kenya Meat Commission they are told, "Oh! no, there is no chance for these stinking animals". Now, how can they get money? And, again, they give them only two instalments, instead of giving them twelve months to pay, and they give the rich man twelve instalments in which to pay all the tax. The poor man is given only two instalments, and the rich man is given twelve months. Is this not ridiculous? This is really no good.

So, Mr. Speaker, Sir, I think the Minister will have to agree to what we say, we want to ask him to go, redraft this Bill, and bring it to this House and then we shall be able to pass it. If it is in this form, well, most of these sections would not go through, as I say, Sir, because it is very difficult for us Members here to make a law. It is very easy for us to make law, but to create the law, you will find that you made a mistake, and we do not want to make any mistake at all. We want to be very careful here, because our people will always blame us and say, oh, these gentlemen are not doing their homework in Nairobi, and that is why the Government is making these things.

Therefore, Mr. Speaker, I beg to support the Motion.

The Speaker (Mr. Slade): I will propose the question, which is that this debate be now adjourned, and from this point onwards until we dispose of that question, hon. Members are confined to speaking on the question of the debate being adjourned, not the merits of the Bill any more.

(Question proposed)

Mr. Makone: Thank you, Mr. Speaker, for giving me this opportunity to air my views, and also record my views for the Motion in question.

Mr. Speaker, I have always been perturbed as to the functions of this House. I thought, before I came to this House, Sir, that on any Bill which would be brought to this House, should have our blessing before it came to the Chamber, that we should be put in the picture. The Parliamentary Group should be fully consulted and the more so, Mr. Speaker, as we have Ministerial

Committees which should be well briefed about any Motion which comes to the Chamber, in the same way, Sir, as the county councils form committees for various functions and when there is a council sitting every group presents their business to the main council. In that way you find that the functions of the county councils are very up to date. Ours is the reverse.

Mr. Speaker, in this House we find that the Bills come from the Cabinet and it is most unfortunate that this one here is signed by the Attorney-General.

An hon. Member: They are all signed by the Attorney-General.

Mr. Makone: Now, Mr. Speaker, this is one of those contentious Bills which affect our people at home *nyumbani*.

Mr. Speaker, when has the Attorney-General been to Kuria, to West Pokot, to Kisii, to understand the problem of a common man? Our people are very poor, Sir, and whatever we do here must be taken very, very carefully.

Mr. Speaker, I am not going to speak so much because much has been said.

I would like to refer to clause 14—

The Speaker (Mr. Slade): You must limit what you say to the question of the adjournment of the debate, Mr. Makone.

Mr. Makone: Now, very briefly, Mr. Speaker, then I would advise the hon. Minister for Local Government—who is a friend of mine—to make full use of the Ministerial Committee, Parliamentary Group, and consult them and then come here with just exactly what we ourselves have done. If we pass this Bill, it will not be our own Bill, it will be a Bill from the Ministers and from the Attorney-General. This I would not accept, Sir. This my people will not allow. Mr. Speaker, we do not intend to reject the Bill, but we are asking the Minister who is always ready, and I think very co-operative, to take us into his confidence, to take the Members' constructive suggestions into consideration so that when this legislation goes out it will be with the mandate of our people, the mandate of the Parliament.

Mr. Speaker, Sir, when we produce our own thing we are proud of it. When we do not produce our own thing we are not proud of it.

Mr. Speaker, I see the Minister consulting you, maybe he has told you that he— Maybe the Minister has given his wise, thoughtful conclusion and I am sure our advice will be to his advantage.

I beg to support the Motion.

[Mr. Shikuku]

There is another point which makes a mockery of everything, the stupid silly things which are going on in this Government on the part of the administrators. Mr. Speaker, the thing is that there are also men who drink too much, they drink from morning to night. But they have women who are working very hard, trading in pots or fish or eggs or baskets, and their husbands are busy drinking. Now when this poor woman gets a little bit of money to send a child to school, where is the fairness, Mr. Speaker—if the hon. Minister would listen—where is the fairness when a woman has worked hard to get a little money to send her little boy or girl to school and the child is taken out of the school, because the father has not paid, when the father is busy drinking and playing about in the market place? Is this fair, for the child to be taken out of the school, when the money has been paid by the mother?

Then there is another robbery, Sir. When those children have paid their school fees and have been kicked out, the money is not given back to them. The child misses the school, misses the money, and the father goes on drinking, and we do nothing to the father. This is a horrible, terrible situation which I find. I do not think even the imperialists did that. If they ever did, I would be very much obliged if the Minister would tell me that they did. But I was grown up when the imperialists went away, I was one of the people who fought to get rid of them, and nobody—I would rather defend them on that issue. The imperialists never did that. But now we have a different type of imperialist, the worst type; the black ones who are permanent. Mr. Speaker, I am determined to deal with this question of imperialists who are going on like this. We are not going to let them get away with it.

Now the other issue which is not included here is that the Minister has not stipulated in this Bill how the tax is going to be evenly distributed. It is all going to remain in the township. What is happening today, Sir, is that when you come to Nairobi—which is the capital of Kenya—to look for a job, the people in Nairobi ask you for a receipt for the 1964 tax, plus the penalty, but all this is paid to the City Council of Nairobi, to enable the Mayor of Nairobi to spend £10,850 on a Rolls-Royce and drive nicely and say he is the greatest man of them all. We do not—and I wish to emphasize this—we do not agree with the Minister or the people who believe in dignity at the expense of the poor man. The Minister should take this from the president of the poor people that the poor people are not interested in a

Rolls-Royce. You can do very well with a 404, Mr. Speaker. A 404 saloon is a very good car and they can get on fine.

The Speaker (Mr. Slade): Mr. Shikuku, I am afraid that when we are discussing a tax which is to be raised for the financing of local authorities, it cannot give us scope for discussing all the questions of how that money should be spent. It may be tempting, I know, but if you start discussing what local authorities spend their money on, in the course of this Bill, we shall not come to the end of the debate.

Mr. Shikuku: Thank you, Mr. Speaker, but I was just trying to explain how this money is going.

Mr. Speaker, the distribution of tax has become so horrible that you have so many county councils—

Mr. Anyieni: On a point of order, Mr. Speaker, without challenging your authority or your ruling, I would like to know which Standing Orders of this House say that, when a Bill is brought to this House for the Members to approve, so that the Government can collect money, the Members cannot say how, after the money is approved, it is misused. Because when we go into the countryside, that is what the people say: "You passed this Bill, and now the money is not coming to us." Which Standing Order forbids a Member from saying how the money should be spent?

The Speaker (Mr. Slade): It is the Standing Order which requires hon. Members' speeches to be relevant to the debate.

Mr. Shikuku: Thank you, Mr. Speaker, I will have another go some time when the occasion comes.

The Speaker (Mr. Slade): Yes, you will have the opportunity!

Mr. Shikuku: Mr. Speaker, I was trying to explain the point which has not been touched on by another hon. Member here, and that is the question of the distribution of tax. Formerly, during the imperialist time—the good things which happened during the imperialist time have got to be accepted, I believe in giving the devil his due; and, Sir, I want to give the devil what is due to him. The distribution of tax is becoming horribly infringed in that you will find as regards the tax of all the people who are working in Nairobi, half of it remains here and only half of it is taken home to their home districts. At the same time, Mr. Speaker, you will find that there is no clause in this Bill where the Minister stipulates how the tax is going to be distributed.

[Mr. Shikuku]

because I do remember that during the imperialist time we had clerks from various county councils time we had to come to the towns to take the tax, who used to come to the towns to take the tax, from the people who were there working, back from the people who were there working, back home. This is not being done. Instead they are deducting the tax from our money and keeping it here and taking half of it.

At the same time, Mr. Speaker, I have this card here, which is a Graduated Personal Tax card. It is stated here: "If the employee"—and I quote—"If the employee has none of his family living with him, state the municipality or county in which they live. . .". They say that the money should be sent, half of the money should be sent back home. Most of the employers do not fill this part in, so all the money which is paid here in the form of Graduated Personal Tax remains in Nairobi instead of going back to these people's county councils.

That is why a lot of county councils are being closed down, Kakamega being one of the districts which has a lot of workers here who come out of that district, and all their money remains here to be utilized by I do not know who but you know, all of you know it.

Mr. Speaker, I feel the Minister must look into that very seriously, otherwise we are going to have one area being developed and the other going to the dogs. Therefore, I hope the Minister will take note of the distribution of the tax.

Another point, Sir, is the question of the penalty which is being collected here in Nairobi and none of which is being sent home. I remember, Mr. Speaker, this is another illegal thing the city council is doing here is that it has given instructions to the employers here to demand Graduated Personal Tax cards from people who are looking for employment. This is a robbery, another illegal thing. I will tell the House what happened one day. There was someone who wanted a job. He came to me. I got a place for him, a manual job, casual labour but when he went there he was told, "The job is there, but you cannot have it." So he came back to me, and I went to the boss, and the boss said to me, "Look here, Mr. Shikuku, the law"—and I want the Minister to tell me where that law is, or if it is a regulation by the city council, I want to know—"says that someone must not be employed unless he has a stamped card. So he must bring this card." I went to the city council—Mr. Speaker, I can see the Minister shaking his head but this is a hard, ugly fact—I went to the city council and asked for this card which I thought was being given free. I was stupid, but I learned a bitter lesson. I asked for this card, and they

said, "Yes? You want this card? Now who do you want it for, you or him?" I said, "Him." They said, "Well, we can give him one, but only if he produces his 1965 tax plus the penalty, and then he will get the card." So I paid Sh. 54 for the 1965 tax out of my own pocket, and then they said, "That is not enough, all these stamps"—I had put a lot of stamps on this card—"you have to pay Sh. 72." So again I paid Sh. 72 and they gave me another receipt, and then they gave me this card, plus Sh. 4 for January, and you can see the card now with one stamp. This is evidence.

Mr. Speaker, if there is no law, if the Minister has not given instructions to the city council to act in the way they have acted, then I demand my money back and that of all the other people. We, as legislators, are not going to be a party to theft. This is a public theft with a little blessing in this clause 1.

An hon. Member: No blessing, just curses.

Mr. Shikuku: Little legal blessing, if I may put it that way.

Mr. Speaker, I will come to another thing, because you find that if you hit your neighbour too hard he does not listen. I do not want to kill the Minister, but I do want him to listen.

The other issue is the money which is being collected here, Mr. Speaker. The Minister has not stipulated or has not made it known, how long a certain city council or municipality can sit on the money collected from employees coming from a certain county before it is sent back to their home. What is happening is that the tax which was collected in 1964 was not sent until late 1965. The city council was trading with it here, it was enjoying the money here; probably they gave us the profit of all the money they had collected for other counties. This is very unfair. I want the Minister to stipulate in this Bill how long the time must be, and I would like the other county councils only to pay the city council the expenses for collecting the tax and not share the actual tax with the city council. They must be ordered that, immediately they collect the tax, they must, within a certain period—and in my opinion, Sir, within 14 days—hand the money back to the county councils so that every county can progress financially, instead of promoting Nairobi, which has nothing to do with us back there at home.

#### MOTION

#### ADJOURNMENT OF DEBATE: GRADUATED PERSONAL TAX BILL

Mr. Shikuku: Mr. Speaker, I feel I should not waste more time. I should move now. Mr. Speaker, in view of the many points I have raised

[Mr. Shikuku]

I say this, Mr. Speaker, because of this question of Graduated Personal Tax. Here, Mr. Speaker, I do not wish to touch even the points raised before. I speak Mr. Speaker, if I may say so again, and with your permission, as the President of the Poor People's Party, which is in formation, and I am going to raise very new points to the Minister.

Mr. Speaker, the Minister in this Bill has tried to tell the public what he intends to do, but at the same time I thank him because he has more or less created a skeleton on which we have to put flesh, and the views expressed here will be nothing but the flesh to be put on the skeleton so that it can look nice, because a skeleton in itself is very bad looking, and that is what it is.

Mr. Speaker, looking at the Bill, I find no clause where it is stated that the failure to pay tax by a parent will mean the expulsion of the son or the daughter of the parent, expulsion of the child from school; that is not there. In my area, Mr. Speaker, and the Kakamega District where this law—not the law, this was an illegal statement by the district commissioner which had to get the children out of school because of the failure of their parents to pay Graduated Personal Tax.

Mr. Speaker, I wish to raise a new point in that there are men in this country, and all over—Butere included—who do nothing but drink from morning to evening. They do not even go to their gardens to do work, all they do is to wake up in the morning, go for a walk, go on the market, start talking, play what we call *olukho* or what you call in Swahili *baa* playing chess on the market, and then go and drink *pelete*. In the evening they come back to demand food from their wives, after doing nothing, but still they have to be fed by their wives. Mr. Speaker, in this Bill the Minister has not stipulated such a point, that if we find people able, strong enough who drink and do nothing, something should happen to them; if they fail to pay their taxes, these people should be dealt with. I suggest, Mr. Speaker, this lazy man should be caned. A clause should be included in this Bill to that effect. I am the president of this Bill to that effect. I do not want the poor people just to sit back and say, "We're poor." The lazy ones who have land, Mr. Speaker, the people who are too lazy to go and work and just play *baa* or *olukho* chess at markets and talk too much should be included in this Bill. If they play chess and pay their tax, no trouble, but if they fail to pay their tax and they are only drinking and smoking

from morning to evening, they should be *chaped kiboko*, and be sent to the land and made to work, because, Mr. Speaker—

An hon. Member: And if there is no land?

Mr. Shikuku: Mr. Speaker, I am coming to that. I am the president of the poor people, I know how to handle them.

Mr. Speaker, if these people are not dealt with in that way, we are faced with a problem whereby we shall find that this country will not be able to help itself from the present unfortunate situation. Despite the fact that these people drink and play chess on the markets, and drink from morning to evening, they still do one thing: they always produce, Mr. Speaker. There are children to be produced by the very lazy men, and if the Government is not going to take stern measures to fix these fellows who go on producing and are not prepared to work, to help their children, these children are going to give us hell. Therefore, they must be *chaped kiboko* and sent to work. That is one point, Mr. Speaker.

The other point, Mr. Speaker, is—I wish I had some sticks, Mr. Speaker, because in the African tradition when you are making a point you throw a stick to show the audience that you have made a point, but I do not have any; I hope I will have them next time.

The Speaker (Mr. Slade): I do not think so in this Chamber, Mr. Shikuku.

Mr. Shikuku: Thank you, Mr. Speaker. I thought you were practising African—

The Speaker (Mr. Slade): You might throw them too hard.

Mr. Shikuku: The other point I want to make, Mr. Speaker, is this. I want to tell the hon. Minister that there are also people in this country, and if he wants me to invite him to Butere or any other part of the country—I only put on a coat and a tie when I come into this Chamber, but I remember, Mr. Speaker, you have always had trouble with the Member for Butere coming into Parliament without a coat, without a tie, and shoes sometimes, a pair of shorts. This is because I live with the poor people, and if you put on a suit, you do not get on. Therefore, Mr. Speaker, I say that there are people without land, there are people without jobs. Some of these people were exempted by the Imperialist Government from paying tax. Today, they are being asked to pay tax by the national Government of Kenya, the Republic of Kenya, the majority Government of Africans. Mr. Speaker, what I do not agree with is the

[Mr. Shikuku]

question of one having no land, one having no job and having children, having nothing to pay the taxes with, and he is still being faced by the fact that he must pay the tax.

Even, Mr. Speaker, an illegal thing was taking place in Nairobi, and may I quote, Mr. Speaker. There was a big queue outside the City Hall—and I think this is to do with the money to buy the Rolls-Royce, Mr. Speaker—where all the unemployed people were asked to pay Sh. 4 in order to get their G.P.T. card. This is called the Graduated Personal Tax. I do not know under what law the city council does this; I hope the Minister will tell us. If he does not tell us under which clause of this Bill these people were taxing the unemployed, and this is supposed to be pay-as-you-earn—if the Minister is not going to tell us about these people who have not worked, who have not earned anything, then the Minister should ask the Mayor and all the councillors in Nairobi to refund the money they took from the poor people. If they do not do that, they will find this city very hot. We want justice, but not daylight robbery with small blessings. I think that blessing may come under clause 1, Mr. Speaker, where they say, "This Act may be cited as the Graduated Personal Tax Act, 1965, and shall come into operation or shall be deemed to have come into operation on the 1st January 1965."

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

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

That is the blessing they received to rob the poor people of their Sh. 4. Mr. Deputy Speaker, I accuse the City Council of Nairobi, in the name of the poor people, that they are the biggest robbers the world has ever known. According to the Bill, it is stated that this is pay-as-you-earn, but these people have never earned anything. This is the opposite: pay-as-you-do-not-earn. Therefore, Mr. Deputy Speaker, I also accuse the city council of promoting theft in the country, because you cannot pay if you have not had anything. These people beat people in the bush and at the corners of streets at night and then come in the morning to join the queue to pay Sh. 4 which they have robbed from innocent people. So I accuse the city council of promoting theft. Mr. Deputy Speaker, speaking as the president of the poor people—

Mr. amp Too: On a point of order, Mr. Deputy Speaker, can the Member who is speaking tell us under what terms he was appointed as president of the poor people and which are these people?

The Deputy Speaker (Dr. De Souza): I am afraid that even if he is self-appointed he is entitled to claim this. Carry on, Mr. Shikuku.

Mr. Shikuku: I think you were not in, Sir, and for the information of the hon. Member, I said "the party in formation". There is a party of the poor people in formation; and you will be surprised to find out how strong it is. You wait.

Mr. Deputy Speaker, I come to one of the things where they are interfering; this has already been touched on but I am touching on it in a different way. They say in this particular clause that if a person does not pay tax, his son will not be allowed to take up bursaries and so forth. And also this question of Kakamega, where the students were asked to leave the schools because their parents had not paid Graduated Personal Tax. Mr. Deputy Speaker, this is very shallow. First of all, the administration in this country has failed hopelessly to collect tax from the people, because the provincial commissioners, the district commissioners, the district officers, the so-called chiefs and so forth are doing nothing but make statements. "P.C. So-and-so said this." "D.C. So-and-so said this." They are not concentrating on their job of administration to see how best they could collect tax from the people. They are busy making big speeches and someone has given them some stripes for them to put on their shoulders, showing that they are provincial commissioners or district commissioners; so they walk majestically, saying, "I am a provincial commissioner", "I am a district commissioner", but doing nothing. This is a most backward thing. They are being used against the Members but they will fail hopelessly.

Mr. Deputy Speaker, there is no logic in asking a student to leave a school because his parent has not paid, because there are so many people who do not have wives in this country, there are so many bachelors. If we are going to visit to ask the students to bring the cards of their fathers who have paid tax, what about the bachelors? The bachelor has no son. How will you know who to collect the tax from? See how stupid the arrangement is.

Another thing is that there are also men who are very poor, who have no land, but they have a lot of children and they do not pay tax. How will these people pay tax? Their children are not going to school.

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

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

[Mr. Kiboga] reply to. It is true that primarily we want water for Mombasa and the board was set up to take care of Mombasa Town, which is national and even international, and supplies the water to be used, but I would like to find out from the Minister what the difficulties are of supplying the areas near to which the pipeline passes. Is it the difficulty of obtaining enough money, or is it because the pipes are not being diverted or exactly what are the difficulties? Because if the same water from Mombasa could be used for the areas near-by, well and good, that is all Kenya, if it cannot be used then, for the time being, we could concentrate on Mombasa.

Mr. Chairman, I do not have much to say on this one except to have this clarified by the Minister.

Mr. Ayodo: The volume of water passing through the pipeline is about 8,000,000 gallons per day. Now this is considered enough only for Mombasa. The minute we start supplying the hinterland, Mombasa would suffer.

Mr. Ngala-Aboki: On a point of order, Mr. Chairman. Since these matters have been discussed, I think, to the satisfaction of Members can the question be now put?

The Chairman (Dr. De Souza): Yes, I think so, I will ask the House.

(Question, that the question be now put, put and agreed to)

(Question put and agreed to)

Mr. Ayodo: Mr. Chairman, Sir, when I moved the Motion I omitted to inform the Committee of something, and this I now wish to correct. The information is that the President has signified his consent to the Motion.

Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration and approval of the Resolution without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

## REPORT

### LOAN GUARANTEE: MOMBASA PIPELINE BOARD

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration of the Resolution on the Order Paper and its approval thereof without amendment.

Mr. Ayodo: Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of Supply in the said Resolution.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

(Question proposed)

(Question put and agreed to)

## 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 EXTRADITION BILL

(Clauses 2, 3, 4 and 5 agreed to)

(Clauses 6, 7, 8, 9 and 10 agreed to)

(Clauses 11, 12, 13, 14 and 15 agreed to)

(Clauses 16, 17, 18, 19 and 20 agreed to)

(Clauses 21, 22 and 23 agreed to)

(Clauses 24, 25 and 26 agreed to)

Clause 27

Mr. Warlithi: Mr. Chairman, I am just rising to seek information from the Attorney-General. Part 7 of the Bill deals with transition, repeal and application and, if I remember correctly, when the Bill was being moved the Attorney-General said the some parts of the former Fugitive Offenders Act and Criminal Surrender Act will continue to apply for a certain time until a general transitional period. Now what I would like to know from the Attorney-General is for how long this period is likely to be, and why is it not possible to apply the law we are passing now without having to have this period through which the former law will still apply parallel to the law that we are passing.

The Attorney-General (Mr. Njonjo): Mr. Speaker, if the hon. Member would refer to Part II subsection (3) he will see that the Minister is given power to make regulations. As soon as these regulations are made then, of course, this transitional provision will disappear, but we must have these transitional provisions until the Minister has made the regulations which will be published in the official Gazette to cover that position, otherwise there will be a gap and then the Act cannot be operative.

(Clause 27 agreed to)

(Clause 28 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

Mr. Njonjo: Mr. Chairman, I beg to move that the Committee report to the House its consideration of the Extradition 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 EXTRADITION BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Extradition 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 of the whole House in the said Report.

The Minister for Local Government (Mr. Sigan) seconded.

(Question proposed)

(Question put and agreed to)

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

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor) 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 GRADUATED PERSONAL TAX BILL

(Minister for Local Government on 27th January 1966)

(Resumption of debate interrupted on 1st February 1966)

The Speaker (Mr. Slade): Hon. Members will recall that at the interruption of business yesterday, there was actually before the House a Motion for the adjournment of this debate. Well,

that being a Motion for the adjournment of debate from that particular day, it automatically lapses when, in any case, it is superseded by the adjournment of the House. So now we are again on the main substance of the debate, though it will still be open for any hon. Member, when he has the Floor in the ordinary course of the debate, to move that the debate be adjourned. Mr. Khasakhala was speaking on the Motion for the adjournment, but that has now lapsed and he has lapsed too for the moment; though he will have an opportunity of speaking in the debate.

Mr. Shikuku: Mr. Speaker, I will not forget the point that you have raised and I will do so when I have raised a point or two on this Bill. Of course, Mr. Speaker, I have no quarrel with the Minister concerned, nor have I any quarrel with the Government as such, but—

Mr. Khasakhala: On a point of order, Mr. Speaker, in view of the fact that there are so many points already raised which we would like to give the Minister time to consider, I would move that the House adjourn to allow the Minister to go and make his amendments so that he can bring them to the House.

## CONSIDERED RULING

### MOTIONS FOR ADJOURNMENT OF DEBATE

The Speaker (Mr. Slade): No, I do not think, Mr. Khasakhala you really mean to move that the House adjourns. You are proposing a Motion that the debate be adjourned. But as I explained, or as I said, because I don't think I have explained for some time past now, Motions for the adjournment of a debate cannot actually be made as a point of order. It is unlike a Motion for the adjournment of the House, it can only be made by an hon. Member who has the Floor in the ordinary course of debate. Mr. Shikuku, having the Floor at the moment, could move the adjournment of the debate, if he liked, or any other hon. Member called on in the course of the debate can move the adjournment of the debate. It cannot be moved by way of interruption.

(Resumption of debate)

Mr. Shikuku: Thank you, Mr. Speaker, for your ruling. I will certainly take into account the point raised by the hon. Member for Emukhaya, but if I may say one or two things, Mr. Speaker, I was very much affected by the fact that it appears there is a lot of illegal happenings taking place in various parts of the country, which do not have the blessing of this House.

[Mr. Ayodo] £212,825. This money is not lying idle, it is invested with the Kenya Government and serving this country. It is not just money in the bank. The board has bought Kenya Government bonds with the money and the Government is using that money. But what we want to be careful about is that when you have a big installation like the Mombasa Pipeline Board, you do not want to have no reserve money which you can draw on in the case of an emergency. The hon. Members will remember what happened. I think it was in 1962, when the pipe bringing water to Nairobi from Sasamaa Dam burst, it was a terrible emergency, and the city council needed a lot of money. If you open such a big operation without a reserve fund, when something goes wrong everyone suffers and you have nowhere to turn. This money is invested with the Kenya Government and there must be a safe reserve for the board to operate, otherwise when something goes wrong it will be difficult to come to the House and ask for new money.

The other point I would like to clarify, Mr. Chairman, is whether this board could see to the supply of water in Machakos District or the other hinterland territories outside Mombasa. The answer is this, this board's term of reference was to supply water to Mombasa Township, and if an hon. Member here—

Mr. Mallada: On a point of information, Mr. Chairman, the Minister is misrepresenting what I said. I did not say that the Mombasa Pipeline Board should be approached to supply water to Machakos, what I said was for the Minister to bring into this House a loan to be guaranteed by Kenya Government for supply of water in Machakos District.

Mr. Ayodo: The answer is still basically the same because my Ministry does not guarantee, or does not bring questions like this about guarantees of money to county councils, that is done by my colleague the Minister for Local Government. This is a national board and it is only when it is money guaranteed for the use by a national board that my Ministry asks the House to guarantee the money. When it is for a county council it is a different Ministry.

Mr. Chairman, I would like to emphasize the point I was making when the hon. Member rose to his feet, and that is the board is primarily concerned with the supply of water to Mombasa Township, and not to county council areas.

The other thing I would like to say, Mr. Chairman, in reply to the question raised by the hon. Member for Kilifi South. The hon. Member for Kilifi South seems to think that the

present supply of water to Mombasa Town is more than enough. This is slightly surprising, Mr. Chairman, because I thought that the hon. Member for Kilifi South would be the first person to ensure that the Government does everything possible to prepare Mombasa Town for rapid development. Mombasa is thinking of new hotels, more people coming in, more boats, more ships, more industries and more machinery and I am worried myself that we should be thinking of another pipeline for Mombasa, because Mombasa is in for a lot of rapid development, and for the hon. Member for Kilifi South to suggest that there is more than enough water, I find this is a little surprising.

Mr. Ngala: Mr. Chairman, Sir, some people are shouting to me that I do not live in Mombasa, others are saying that I am a Giriama, that has nothing to do with this matter which we are discussing. Members of Parliament can give their views on any subject on any corner of Kenya. This is what we are doing. For the information of the Member here, I am living in Mombasa and in fact am chairman of Kanu in Mombasa.

Mr. Chairman, Sir, I have made it quite clear, the Minister has also surprised me, he says that the board is primarily for the provision of water to Mombasa Township. The Minister is the person responsible for putting right what is wrong with the board. If the initial regulations were wrong and the needs are now existing that the Pipe Board should supply the intermediate areas through which it runs, I think the Minister as the person responsible should change the regulations so that the other areas are covered. For the Minister to suggest that the first regulations were only directed for the provision of water to Mombasa is an indication of him shirking his responsibility. That has also surprised me, and his attitude is very strange, because he is the Minister responsible and he can change the regulations any time he likes. We would support him strongly, Sir, if he brought in such a change so that we can make it.

I would like to say that this board is a national board, if it is not a national board the Minister will tell me, but I was a member of this board some time ago and as far as I know it is a national board and it should, therefore, be used nationally and should have a wider outlook other than just serving one place.

The Minister has also criticised me that I should have looked up the needs of Mombasa better so far as water is concerned. I take his point only when he talks of ships coming and

[Mr. Ngala] they require water and so on, ships come with very few Africans, they come from overseas. When will the Minister stop catering for foreigners? The Minister should first think of his own people who are giving him votes in the Kwale District, votes in Kilifi South, people who are giving him votes he should cater for them first instead of thinking about British warships coming into Mombasa and catering for them first. I think it is also a very poor approach on the part of the Minister in considering the needs of our people in the country. I am not undermining the importance of Mombasa, East African-wise, or even Kenya-wise, but I think it is very important that the people who walk 30 miles for water, or walk 40 miles for water, women spending the whole day fetching water, seeing that the board cannot even create a few taps for these poor women to get water nearer to their homes, when even some of their villages are very close to the water pipe, I think it is very unkind of the Minister.

I would like to know one other point, these guarantee in the past which total over £2½ million, were they not guaranteed initially, and if they were guaranteed initially by the Government, did the period of guarantee expire last June? Is this the reason why the Minister wants the guarantee to be renewed by this Parliament? If the period of guarantee expired last June why has the Minister been so slow in coming to Parliament and asking for a guarantee?

It is worrying us, we see here that Barclays Bank has given £300,000, or has laid down £300,000; the Standard Bank has laid down £300,000; the Uganda Government has laid down £1,000,000; the East African Railways and Harbours has laid down £500,000; and the National and Grindlays Bank has laid down £750,000. All this money has gone to the board. We appreciate what the Minister is trying to do but what he fails to give us, is how much of this money already guaranteed has been spent, and what are the new demands, the new projects for which the need for renewing this guarantee is warranted. This is what we want to know. It is not because we want to stand in your way if you want to give us fresh good water, plenty of it, also we challenge you that your Ministry should alter the regulations so that the vicinity of Mombasa is covered.

Mr. Ayodo: Mr. Chairman, Sir, it seems as if the hon. Member for Kilifi South and I are in for surprises, because every time he speaks I am surprised, and when I speak he is surprised, and just now I am surprised at one of the

remarks that he has made, Mr. Chairman. When I said we are thinking of the rapid development of Mombasa, and referred to ships, it is true that these ships may be coming in from various countries outside this country. Some of them from Europe, America, India, Russia and all over the world. In providing water for them we are merely making sure that Mombasa prospers as a port of trade, an important port for this country. Because when the boat comes it is not a question of a *mzungu* on the board using money, but we want to encourage them to come so that there is more trade between Kenya and the outside world. That is a surprise Mr. Chairman, that the hon. Member for Kilifi South should have spoken like that on that particular question.

The other point I would like to answer is that the hon. Member for Kilifi South seems to think that the Mombasa Pipeline Board can only be national if it supplies water to all the people along the route. This is a misconception, Mr. Chairman, because Mombasa itself is a national town, Mombasa is not for the coast, it is for Kenya, it is the port of entry, and any board serving, seeing to it that water is supplied to Mombasa, is, in that way, a national board. I am not saying that my Ministry is not interested in the supply of water for people living between the springs and the town, we are interested, but these things are done one at a time. The board was set up specifically for Mombasa Township, and when these other problems come up they will be looked into as necessary, and as I said we also need to encourage the county councils which can have money raised for them through other means, this is not the only way of raising money for water in the country. Therefore another question which was raised, Mr. Chairman, which I would like to reply to and that was the question of the rate of interest being seven and that the hon. Member for Kilifi South thinking that this was a high rate of interest. I want to say, Sir, that this is the cheapest possible money that we could get. In fact the accepted cheap rate for borrowing money is usually 8 per cent and 7 is actually very cheap and it is the cheapest we could get, as I have just said. If the hon. Member knows of a source of money where we could get it at a cheaper rate, I would be only too pleased to go there and try to look for money.

The representation on the board raised by the Member for Mombasa is a question that is reviewed from time to time.

Mr. Kibuga: Mr. Chairman, Sir, I do not want to say very much on this Motion; but there are one or two questions which the Minister needs to

[Mr. Omar]

do not get the water at all; some of them have to walk about two or three miles to get water. So, I think there is really a need to get the water supply to Mombasa Mainland, such as Changamwe, Kisumu and Likoni.

While I agree with the hon. Ngala when he says that there is a need to get water in Kwale District, because the Mzima pipeline passes through that area and some people walk about forty miles a day in order to get a tin of water.

An hon. Member: You have just said three miles.

Mr. Omar: Yes, in Mombasa District, of course, it is three miles, but in Kwale District, through which the water pipeline passes from Mzima Springs, people walk quite a long distance in order to get a tin of water, and there are some people and places there, and it is important that very serious consideration should be given so that the water is made available in Kwale District.

It is also necessary to extend water pipelines from Rabai into the hinterland of Kilifi District. I do not say this because I am living there, but I say it because of the need there, and the people are demanding water from Mzima Springs.

Now, about Mombasa, Mr. Chairman, we are having more industries built there and, therefore, it is very important that the Mombasa Pipeline Board should be given this loan. You find that many people from up-country are coming into Mombasa and more industries are being built in Mombasa and, therefore, the more the population is increasing, the more is the need for water increasing. It is, therefore, very important that this board should be given this loan.

About the composition of the board, Mr. Chairman, I saw in the annual report some time last year—I am not happy about the composition of this board. I would like more representation from the Members of Parliament, especially from the Coast Province, so that they could explain to the board all that is needed—

Mr. Kase: On a point of order, Mr. Chairman, this Motion clearly deals with the guarantee of money to a certain board. I wonder whether the question of membership to this board is particularly relevant?

The Chairman (Dr. De Souza): Yes, I am afraid it is, because, after all, if the House or the country is going to guarantee the repayment of a large sum being issued to it, or to guarantee the repayment of a loan to be made to the

board, the composition of the board is important. One would like to know that it is, for example, consisting of efficient people, or honest people, like Members of Parliament.

Mr. Omar: Yes, my colleague was saying this because they have plenty of water in the Tana River, in fact they have a problem in that they have too much water.

So, I would like to have representation of Members of Parliament on this board so that the views of the Coast Province as a whole can also be heard by this board.

The water pipeline should not only go to the oil refinery; they have a lot of water there, and in some other places in Changamwe you find that there is no water supply.

I fully support this Motion, Mr. Chairman, that it is worth while that the Mombasa pipeline should get this loan.

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

Mr. Malinda: Mr. Chairman, the Minister, when he stood up, just brushed my queries aside. I do not know why. But, Mr. Chairman, I feel very strongly about this, because he wants this Government to guarantee a loan of £1½ million without explaining to us what this money is for. The money had been loaned to the Mombasa Pipeline Board and the money was repaid in June. Why does he want the money again? What specific projects does the Mombasa Pipeline Board want the money for? He has not told us. That is one thing I wanted him to explain to us.

The Chairman (Dr. De Souza): It does not say that the money was repaid in June, it said that the loan matured in June, and the same loan has been extended, as it were, for another period of ten years.

Mr. Malinda: But what for, Mr. Chairman? I ask this, Sir, because when the Minister was speaking he said that the board had, in the reserve fund, just about £½ million, £212,000. What does he want the loan for? For operating costs? We should know this. Or for installing a new pipeline? We want to know. Or for installing a big reservoir, or something like that? He should explain this to us. He just wants money to be guaranteed without explaining.

That, Sir, is one of the things I want the Minister to explain to the House. I do not know whether the Minister is listening or not, but what I am saying is that I want to know from the Minister what this money is for.

[Mr. Malinda]

Mr. Chairman, Sir, the other thing which I would like him to say here is with regard to Members here who have been talking about certain districts, but the Minister has always brushed that aside. Now, Sir, I want the Minister to tell me if he has any plans to bring a loan to be guaranteed in this House in favour of the Machakos County Council in order to install water in the Machakos County? After all, Sir, these Mzima Springs are in the Machakos District, in fact the Minister is not aware of the fact, and it is not 300 miles from the springs to cover the district, it is much less, yet this money is being guaranteed to take water to Mombasa.

Mr. Chairman, Sir, I would like the Minister to explain this.

Mr. Kamau: Mr. Chairman, Sir, it is very clear here that the Minister has always said, and also a few minutes ago, that the Members should not say that the money is lying idle here. If there is a lot of money lying idle and the country needs a lot of money for the improvement of other areas, why should he request this House to approve this loan for the simple reason, Sir, here that this board needs it, and what I would like to say is that I thought the Minister could have requested this board even to loan this money which is lying idle to the other people who need it to be utilized for other purposes. In here there is no explanation as to why the Minister wanted us to grant the loan, or as he says here, and with your permission, Sir, I would like to quote, "That this House approves that the Government guarantee a loan of £1,350,000 with interest thereon at the rate of 7 per cent per annum and repayable in ten equal annual instalments from 30th June 1966, to 30th June 1975, which has been raised with effect from 1st July 1965 by the Mombasa Pipeline Board from a consortium of banks in Kenya in renewal of a loan for the same amount which matured on 30th June 1965."

Mr. Chairman, Sir, why should this House urge the Government to approve this without being shown on what this money will be utilized? This board is interested in the money. The Ministers and the Members here are even more interested in this. We cannot have money granted to some people of any board to lie idle without explaining why there are so many projects in the whole country which need this money. Therefore, I think, Sir, that I would like to request the Minister, first of all, to give us a very satisfactory reason for this, because if he can convince the Members, then I think everybody knows that if he wants to extend the water resources in the whole area of Mombasa and outside Mombasa,

obviously the Members will agree with it, but, Sir, without an explanation, I think any hon. Member who says that they approve this amount would also be a blind Member, because he will not have the interest of the country at heart knowing very well that the Government needs a lot of money to improve other facilities such as education, hospitals and roads. Sir, to guarantee £1,000,000 which will just be kept in the bank of the board without being utilized, I think, it would not be fair.

Therefore, Sir, I would like to request the Minister to tell us in this House how the board, which is urging for this money, is going to utilize this money. Therefore, Sir, for the time being, I would like to reserve my comments on it, until I know clearly what this money is for, from the hon. Minister for Natural Resources and Tourism.

Mr. Ayodo: Mr. Chairman, Sir, I want to make one point very clear. I am not asking for new money. The board is not asking for new money. This money, which I am talking about, was raised in 1958 when the pipeline was installed, and the money was raised, and I made this very clear when I was moving the Motion, but the money was raised as follows: The whole installation cost just a little over £5,000,000 which was raised as follows, the Kenya Government produced £2.17 million in 1958, the amount I want guaranteed—£1,350,000—was borrowed from three banks. The National and Grindlays, Barclays and the Standard Banks, and this was in 1958, when the pipeline was installed. Another amount, £1 million, was borrowed from the Uganda Government and £500,000 was borrowed from the East African Railways and Harbours Administration. That adds up to just a little over £5 million raised in 1958. What I am asking for now, Sir, is not that the Government sets aside new money for the board, but only that this amount borrowed from the bank, which should have been repaid in full in June, last year, the period of payment should be extended for another ten years so that the board can pay that loan, raised in 1958, in ten equal annual instalments starting from June this year.

We are asked just to guarantee it, we are not requesting new money, and the board is in a position to do so. All that is required is a guarantee, safety.

Now, Mr. Chairman, the hon. Member for Githunguri said that this money is lying idle, the two amounts I quoted earlier on in reply to the hon. Member's question. One is the Loan Redemption Fund, standing as at 30th June 1965 at £949,729. This is the Loan Redemption Fund. The other fund is the Reserve Fund standing at

[Mr. Bab]

With these remarks, Mr. Chairman, I wish to support.

Mr. Ochwada: Mr. Chairman, Sir, this is a very straightforward Motion, which I believe needed no debating, but since some points were not clear to some Members I think it is only fair that they air their views. But, as far as I am concerned, Sir, I only rise to thank the Minister for the assurance that the Mombasa Pipeline Board is in a sound financial position and that there will be no problem in future in repaying the loan.

I would also like to draw the Minister's attention to the fact that we from up-country will perhaps very soon be coming up with a suggestion that a similar guarantee be given by this Parliament to give us some money to get water which is so much required for agricultural purposes.

Now, Mr. Chairman, with these few remarks, I beg very strongly to support the Motion.

Mr. Malinda: Mr. Chairman, I would like to support this Motion very much, but there are one or two things I want the Minister to explain. To start with, Sir, he wants £1,350,000. Now I want to know how this amount is related to the Bill which we are soon going to discuss and which also involves some money to be loaned to the Mombasa-Pipeline Board, because, if there is any relationship, this amount which the Minister is asking us to approve now will be above the amount that the Bill will allow the Government to borrow. That is, it will be in excess of the £30 million which we shall need to borrow according to the Bill.

Again, Mr. Chairman, I would like the Minister to explain whether the amount that he is asking for, the renewal of the loan that he is asking for, has any relation to the amounts that are shown in the Bill which we were talking about the other day, because here, Mr. Chairman, I find some confusion. If there is no relationship, is it necessary to borrow a further sum of over £1 million when the Mombasa Pipeline Board is already in receipt of loans in excess of £2½ million?

Over and above that, Mr. Chairman, I would like the Minister to explain to us what other arrangements his Ministry makes in other places where water is also very scarce. Whether this is relevant or irrelevant, Mr. Chairman, perhaps you will rule, but we in Machakos District have suffered from the lack of water for a long time and the County Council of Machakos finds it extremely difficult to provide water for the people.

Why has the Ministry not brought any request to this House for money to be guaranteed to be spent on water development in Machakos?

Mr. Chairman, before I sit down, as I said, I would like to support this Motion but I reserve my vote until I get the answers.

Mr. Ayodo: Mr. Chairman, I am glad that the general trend is in support of the Motion, but I think I should clarify a few points before we go too far. The hon. Member for Butere raised a question which I think is important and which I think I should clarify right away. He wanted to know whether I had information from the board. By the way, it is the board and not the Municipality. This is looked after by a board which was set up by an Act of Parliament; it is a statutory board we are dealing with here, not the Municipality of Mombasa. The hon. Member wanted to know whether I had information about the actual financial position of the board. I would therefore like to give the following information.

The board has two funds for surplus money. One is a reserve fund which, at the moment, as at 30th June, 1965, stood at £212,825. This is a reserve fund but it is, at the moment, earmarked for some development or some emergency which might occur at any time. But I am quoting that to show the hon. Member that this is not a bankrupt board; it has money in readiness for any emergency that might arise.

The second fund is the Loan Redemption Fund, which is the more important one as far as the hon. Member's question is concerned. The Loan Redemption Fund, as at 30th June 1965, was £949,729, which is quite a good amount of money. But, as the hon. Member knows, we cannot use all that sum at once, because there must always be some money ready should it be needed to be used. Therefore, we do not consider that enough; there must be a guarantee for a further loan so that the board operates on a safe margin.

The hon. Member for Nyando Division raised the question of Kisumu being considered. I would like to say that we are, at the moment, asking for this loan for Mzima Springs and when, in future, we have some springs for Kisumu we will definitely ask for a loan for that. This does not mean we are excluding the other parts of the country, but this is for Mzima Springs for the time being and we will definitely do something for Kisumu when the time comes.

The hon. Specially Elected Member, Mr. Malinda—I am afraid that I did not understand the Bill he was referring to. I do not seem to be in the picture. The £30 million he referred to

[Mr. Ayodo]

does not appear anywhere in my Motion. I am only concerned with my Motion as it stands on the Order Paper now.

Mr. Ngala: Mr. Chairman, before I consider supporting the Ministry on this Motion, I think it is very important that we should understand exactly what the Mombasa Pipeline Board is up to. I live in Mombasa and I know that Mombasa and I know that Mombasa Municipality has more than sufficient water at the moment. They even had to serve one or two other places, one north of Mombasa and one south of Mombasa. Now why the Minister should ask for more money to be given to this board, which is supplying surplus water for Mombasa, I cannot understand. The situation is that I would appreciate it if the Minister wanted to give this loan so that the board can assist the other districts in the hinterland of Mombasa. For example, this present pipe passes through the Nduruma district where people are seriously suffering from a shortage of water. The board has not even considered tapping some of the water which runs in the big pipe which exists already so that the local people, the Waduruma, who are suffering from a shortage of water can have a sufficient amount of it and can benefit by the existence of the pipe which goes through their area.

Now, I think these people—the Waduruma—have also a lot of cattle that require water, and the board has not assisted very much in getting these animals sufficient water so that they can be helped economically. There is a point of irrigation in this dry land, and again the board—or the Government—has not considered making water that is running through this dry country available for irrigation to help the farmers raise their living standards. Often the board says that this is the *shauri* of the county councils, the county council in Kwale District is financially unable to undertake these big projects, as I have indicated. I would like an assurance from the Minister that these loans over £1½ million would be used by the board to try and solve the problems that the Waduruma people are suffering from in the hinterland, particularly.

Secondly, Sir, I would like to know whether this money will be spent by the board in such a manner as to extend the water pipe from Rabai to Nduruma, Kaloleni, Wibai, and Kilifi through places where people really need water. If the purpose is just to almost take coals to Newcastle—by that I mean over-supply Mombasa Island with water when it already has sufficient water—I think this is a waste of water. Therefore, we would like to get a clear explanation

as to how the board is going to spend this money, whether it is going to help the neighbouring districts with difficulties of water as regards irrigation, as regards various taps for local people, or as regards water for the live-stock; if this is going to be used towards that, we shall appreciate and support the Minister very, very strongly. If it is just to supply Mombasa, which is already over supplied, we shall think that the Minister is not aware of the difficulties and is not intending to help the people, who deserve, but it is just, probably, confining himself to Mombasa where we have plenty of water already.

I do not want to give the impression that it is not necessary that this money should go to the board, but I just want to get a clear explanation, to make sure that the local hinterland people will benefit by this loan.

The third point, Mr. Chairman, Sir, is that I would like to know—I see that in the Loan Redemption Fund the board has over £900,000—how much in the way of outstanding loans they have to cover, if they have been given any loans unguaranteed by Government in the previous years. How much money still remains to be covered?

Also, I would like to know, regarding these ten instalments, roughly how much each would be in £5 over the period that the board has to borrow.

The other point is that I would like to know why the interest is 7 per cent and not lower. Has any effort been made to try and get a lower interest rate with the companies concerned, so that we could reduce the expenditure and the hardships on the board?

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

Mr. Omar: Thank you, Mr. Chairman. I also rise to support this Motion and before I go further I would like to say that I partly agree with my colleague, the hon. Mr. Ngala, in what he has said, and I partly disagree with him, especially when he said that there is a sufficient water supply in Mombasa District. It is true that Mombasa Island gets sufficient water, but not the Mombasa Mainland, such as the Chamgamwe area, and Kisauni and the Likoni area. These three locations, which are on the mainland, have difficulties with water supply, and whenever we hold a public meeting in these areas the chief problem that we get is the supply of water in these areas. Although the water pipeline passes through Chamgamwe from Mzima Springs, you find that people living in that area



Mr. Shikuku: *Asking from the Assistant Minister's reply, is it correct that the Government has two directors on this as a joint venture, and is he aware that his reply to this House omitted that the Government approved to have Kisumu and Mombasa only. Was this ever brought to this House, which is the Government of the country?*

Dr. Waiyaki: Mr. Speaker, Sir, I thought I said that this was a limited liability company with Government participation. I think I used those words, which mean, therefore, that it is a joint venture. If I understood English properly,

When this company was being discussed, naturally, the Ministry of Housing and Social Services was consulted and it is quite correct what the two hon. Members have said, that there are two directors from the Government sitting on the board.

Mr. Kibinge: Mr. Speaker, Sir, is the Assistant Minister aware of the fact that last year when the formation of this company was announced by the Minister for Housing and Social Services, he promised the House that the Company would deal with the whole country, because Members were protesting against it being in Nairobi or Mombasa only.

Dr. Waiyaki: I am aware that was the case. Sir, but nevertheless the Company has decided to start with Nairobi and Mombasa, because of the various shortages that I enumerated here.

Mr. Ngala-Abok: *Would the Assistant Minister undertake, hearing from the Members of Parliament, to direct that Kisumu should be covered, and also Nyali, regardless of other excuses?*

Dr. Waiyaki: Mr. Speaker, Sir, I will report the matter back to the Minister for Housing and Social Services, and he will consider it.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I was wondering what an hon. Member in the House could do in the case of a Member of the Government contradicting a previous statement by the Government in the House and now the hon. Member tells us when the Government changed the policy, what do we do in such a case, because there are two conflicting statements, a promise in the House, and now the hon. Minister tells us a different story? Which one do we believe, and is it in order for the Minister to twist the answer in this House?

The Speaker (Mr. Slade): I think on occasions like this, hon. Members can only draw attention to inconsistency as and when they find the opportunity to do so. It cannot be raised as a matter of order. I think we must go on now.

Before proceeding with the next Order, I would remind hon. Members that Mr. Malsotilumbo has to raise a matter on the adjournment as noted on the Order Paper, at the interruption, or earlier close of business this afternoon.

## PERSONAL STATEMENT

## EMPLOYMENT OF ABALUHYA

Mr. Khasakhala: On a point of order, Mr. Speaker, Sir, yesterday during the adjournment Motion, I said that I would get some details about the statement I made, and I am prepared to do so, can I do it now, Sir?

The Speaker (Mr. Slade): That would be a very good thing, thank you, yes, Mr. Khasakhala.

I think you will assist the House, Mr. Khasakhala, if you would repeat the statement that you made first, that you were asked to substantiate, so that we know what we are talking about.

Mr. Khasakhala: Yesterday, Sir, I said that some officials in Nyanza had written a letter, stating that the Abaluhya tribe should not be employed in Maseno for certain reasons, and the Member for Wambua asked me to substantiate that particular statement, which I am going to do now. The letter was written by the then Provincial Agricultural Officer, Nyanza, Mr. Z. Owiro dated the 29th October 1965, reference number 2BAOS/A/R/77/V/78 to the Livestock Officer, Maseno. Copies were sent to the provincial veterinary officer, district agricultural officer, etc. The letter dated was referring to a letter sent to him on the 26th October, where he said, "We should, as far as possible, recruit subordinate staff from Nyanza Province and not from the Western Province, this will help you a great deal in public relations", and this letter can be found here.

Mr. Ngala-Abok: Mr. Speaker, Sir, is it not in order for the hon. Member to clarify further, while substantiating, that this letter was written when regionalism required that as much, as possible people originally from one area—

The Speaker (Mr. Slade): Order! Order! Now, when an hon. Member has been required to substantiate a statement, we cannot have a great discussion afterwards, as to the exact meaning or effect of his substantiation. He has been asked to say why he made a statement, and he is now telling the House why he made it. There is just one point, that when an hon. Member relies on a document for anything he says for substantiation or otherwise, he should strictly say that document on the Table so that hon. Members can see it

[The Speaker] afterwards. It is not urgent to do that, but I would ask you, Mr. Khasakhala, to lay a copy of that letter on the Table for Members to see for themselves at their convenience.

## 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

## LOAN GUARANTEE: MOMBASA PIPELINE BOARD

That this House approves that the Government guarantee a loan of £1,350,000 with interest thereon at the rate of 7 per cent per annum and repayable in ten equated annual instalments from 30th June 1966 to 30th June 1975, which has been raised with effect from 1st July 1965 by the Mombasa Pipeline Board from a consortium of banks in Kenya in renewal of a loan for the same amount which matured on 30th June 1965.

The Minister for Natural Resources and Tourism (Mr. Ayodo): Mr. Chairman, Sir, I beg to move that this House approves this Motion.

Mr. Chairman, Sir, this is a fairly straightforward Motion, but for the benefit of the Members I should like to explain that the Mombasa Mzima Pipeline was installed by the Government in 1958. There are two lines, Mrere and Mzima, and this is the bigger line which supplies water to Mombasa. The line cost the Government a little over £5 million to install, and the money was raised as follows, the Kenya Government contributed £2.17 million, £1.35 million was raised from a consortium of banks, namely Barclays, National and Grindlays and the Standard Banks, £1 million was borrowed from the Uganda Government, and £500,000 was borrowed from the East African Railways and Harbours. The loan matured last year, the one we want to guarantee now, or we want the House to approve that the Government guarantee, is a sum of £1,350,000, where the loan matured on the 30th June, last year. The board was not able to repay this loan at the time because it had not raised enough money, or it did not have sufficient in its Reserve Fund to be able to meet the required repayment. This is so, Mr. Chairman, because the board could only meet this requirement if the fees for water were high. Now this was not thought to be advisable, as it would have made it very difficult for the people in Mombasa. So at the present rate, the

board will need another term for this loan to be repaid, which is ten further years. All I am asking the House now is to agree that the Government guarantee this loan.

I should like to take this opportunity, Mr. Chairman, to assure the House that the board's finances are very sound. They have a good reserve, and I have no reason to doubt that this money will be repaid by the board when the board is called upon to do so. I should therefore be grateful if the Motion could be passed by the House.

(Question proposed)

Mr. Shikuku: Mr. Chairman, while agreeing with the hon. Mover who has just spoken, I have not quite understood one point, and I would be very much obliged if he would shed more light on it. He has not told us how long the, let us say, Municipality of Mombasa, will take in raising the funds to meet the loan which is going to be given to it with effect from June 1966—has the Minister been furnished with information from the board as to how the Municipality of Mombasa is going to meet the loan or the repayment of the loan, apart from just feeling that the board's financial position is very sound?

In addition to that, Mr. Chairman, I was also wondering if the Minister could tell the House whether this is only an approval. In case of failure, are we bound by this approval or is there going to be a separate Bill to guarantee that this loan will be paid? Is the Minister only asking us for our approval and not for a guarantee that, in case they fail to pay the loan back, this House will pay it?

Mr. Bala: Mr. Chairman, in line with my colleague, I would like to have some clarification on this Motion. First of all, I would like to know what sort of security this Municipality has for this amount of money, or whether the guarantee from this Parliament is the only security which is going to be put up for this money.

Also, quite a number of times we have given guarantees in this Parliament for projects like the Sasumua Dam, for the Nairobi City Council, for the Kariakoo buildings and so forth, but we have not had any projects from the rest of the country, places such as Kisumu Township, although we need quite a lot of services. We need to have luxury hotels in places like Kisumu and so on. Why is it that we only guarantee, in this Parliament, projects for places like Nairobi and Mombasa and not places like Kisumu?

So, Mr. Chairman, I think when the Minister replies he should tell me why we are only being pinned down for these two towns and not other towns outside these two.

**The Speaker (Mr. Slade):** Would you repeat your question, Mr. ole Tipis, just one?

**Mr. ole Tipis:** My question, Mr. Speaker, Sir, is what prevented the Minister from tabling the two directive letters, which he has sent to these boards, earlier, before this question was brought before the House?

**Mr. McKenzie:** Mr. Speaker, Sir, the reason was very simple indeed. When I made a statement to the House the other day, I told the House that I was going to make a further statement on the matter of the Western Kenya and statutory boards at a later date, and I said "in about a fortnight's time". This question has beaten me to it, and that is why I am answering the question today. The intention was—amongst other things—to put this in a statement which was going to be circulated to Members in about another week, because that was a week ago.

**Mr. ole Tipis:** The other point I had, Sir, was this. The Minister read a paragraph in one of his directives to the effect that the boards must keep the Minister fully informed of their activities. Does this imply that he was not kept fully informed in the past, or what?

**Mr. McKenzie:** No, Mr. Speaker, this means that the board cannot then make the excuse that I, as Minister, never told them to keep me informed.

**Mr. Tanui:** Mr. Speaker, Sir, can the Minister agree with me that in view of the fact that now the Minister is kept informed of matters concerning these boards, the chairmen of the boards should be abolished and one commissioner should be appointed to look into these things so that efficiency could be achieved in the boards?

**Mr. McKenzie:** No, Sir.

**Mr. Ngala-Aboki:** Mr. Speaker, Sir, would the Minister agree with me that there is a great need to look into how the chairmen of these boards are working, and what time they are devoting to doing board duties? I say this because there are some chairmen who only appear to carry out the functions of the board at a time when a meeting is being carried out, and then—after the meeting—they disappear to the countryside, or they go to their business and they do not do anything whatsoever, so that the pay that they get is actually, to a certain extent, a waste of the taxpayers' money?

**Mr. McKenzie:** Mr. Speaker, Sir, the hon. Member is a member of one of my statutory boards and I sincerely hope that he will tell me if he knows of chairmen who are doing this,

and I will be waiting for him after the Session today so that he can give me the name of any such chairman.

**Mr. arap Too:** Mr. Speaker, Sir, while appreciating the directives which the Minister sent to these boards to show them the maximum that the members or the chairman should receive, would he tell this House why we have different payments to the members of the boards, to the chairmen and the officers of the boards. Why do we have these people paid differently? For example, Mr. Speaker, Sir, why have the members of the Maize Marketing Board getting different salaries, members of the Wheat Board getting different salaries, why does he not make a uniform payment for these people?

**Mr. McKenzie:** Mr. Speaker, this is exactly what we have done. I think I ought to make it perfectly clear, because I know the point the hon. Member from Narok East was getting at was that he was really saying that there were certain statutory boards which were operating efficiently, and I agree with him. There are not many boards which have been spending too much money, but it so happens that I have inherited some boards lately where they were getting as much as £20—Sh. 400—per day sitting allowance! The producer cannot afford to allow this to happen. What we have now done is to reduce it to Sh. 100 maximum. I have one board, the Central Agricultural Board, who get Sh. 20 a day and they will now be asking me, I presume, for a rise on this! But these figures which I have given are the maximum figures. There were some chairmen who were getting £2,750 with their allowances per year. We are knocking all this down to £1,500.

Answering the hon. Member who has just asked a question, Sir, boards differ. Some boards are dealing with millions of pounds. The Coffee Board, for instance, is dealing with £16 or £17 million a year, auctioning our most important crop, and doing an extremely good job; doing it very well indeed.

This means that they need to spend a little more time on it than, say, a board like the Wheat Board. The Wheat Board handles a million and a half bags a year very efficiently. The chairman of that board gets £600. The members get Sh. 30 per sitting. These boards differ, some of them have to meet more often, some of them have more responsibilities. I have laid down a maximum here and, within this maximum, I am prepared to discuss with the boards and the boards' chairmen, the amount of money they should get, the same as I have laid down when these letters are read, that I do not

**[Mr. McKenzie]**  
want boards to meet more than bi-monthly, or if it is an important board, then we might consider them meeting every six weeks unless there is an emergency. I do not want, as I have found, a board meeting seven times in three months, and then having five executive meetings on top of it, in three months.

**Mr. Tanui:** Mr. Speaker, Sir, on a point of order, with all due respect that I give the Minister, would I not be in order to protest, and you give a ruling that the Minister having answered my question sitting down, should apologize to me, because it is always a custom that when Ministers answer questions, they stand and answer the question, but my question was answered while the Minister was sitting?

**The Speaker (Mr. Slade):** I thought he rose in his place.

**Mr. Tanui:** Was it not a rude thing, Sir, for the Minister to sit down and answer—

**The Speaker (Mr. Slade):** Order! Your point is quite clear, Mr. Tanui, and it is out of order for answers to be given sitting, but as I say, I thought the Minister rose in his place.

**Mr. McKenzie:** Mr. Speaker, Sir, I apologize if I have upset the hon. Member and may I answer, Mr. Speaker, Sir, that I think it was, no.

**The Speaker (Mr. Slade):** We must go on now. We go back to Mr. Jamal's question.

#### Question No. 237

#### HOUSING SHORTAGE, KISUMU

**Mr. Bala,** on behalf of Mr. Jamal, asked the Minister for Housing and Social Services if he would tell the House if he was aware of the acute shortage of houses in Kisumu. Secondly, in what circumstances had the Housing Finance Company of Kenya Ltd. excluded Kisumu from its initial area of operation. Thirdly, would he take appropriate action to include Kisumu on the list.

**The Assistant Minister, Vice-President's Office (Dr. Waiyaki):** Mr. Speaker, Sir, I beg to reply; on behalf of the Minister for Housing and Social Services.

I am fully aware of the shortage of houses, not only in Kisumu, but throughout the country. The Housing Finance Company of Kenya has restricted its activities to Nairobi and Mombasa with the full knowledge and consent of the Government, but as an interim measure only. The company is short of capital, staff and

experience and, obviously, cannot accept the heavy administrative charges which would arise from country-wide operations at this early stage of its life.

It is the Government's intention that the company shall extend its operations over the country as soon as it is able to do so, but I am not, at the present time, in a position to forecast the programme of expansion or the probable dates that such expansion will take place.

Perhaps I should point out that the Kisumu Municipality can apply to the Central Housing Board for a loan to enable it to build more houses for its citizens.

**Mr. Bala:** Arising from the Assistant Minister's reply, would the Assistant Minister not agree with me that the fact that everything is being concentrated in Nairobi, even housing, is making people in the countryside, me for example, so frustrated, and therefore we have to change this policy of concentrating everything here?

**Dr. Waiyaki:** Mr. Speaker, Sir, I am talking about the Housing Finance Company of Kenya, and not everything.

**Mr. Ngala-Aboki:** Mr. Speaker, Sir, will the Assistant Minister explain to the House how they arrived at this conclusion, that there was going to be so much work that could not be easily handled, and therefore only these two places are covered for the time being? Was this imagined, or have they already processed some applications which showed that the Mombasa people and the Nairobi people could apply in plenty, and therefore, other work could not be coped with? Was this conclusion reached logically or was it just one of those methods?

**Dr. Waiyaki:** Mr. Speaker, Sir, perhaps, I should explain that this is a new company, and that it is not a Government company, it is a private limited liability company. With Government participation, the company chose these two places, Nairobi and Mombasa, as pilot areas. Once they have established experience in Nairobi and Mombasa, they propose to go elsewhere.

**Mr. Jahazi:** On a point of order, Mr. Speaker, Sir, in view of the fact that the Assistant Minister has said that this is entirely a private company, is it in order for the Assistant Minister to say so while the Government is represented with two directors, and, in fact, we are told that it is a joint venture between the Government—

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

**[The Minister for Agriculture and Animal Husbandry]**

We started a soil survey in November, which will continue to February 1966. The feasibility study was started on time at the beginning of December and will go through and I hope we will have the results of the feasibility survey by June. This will then allow us to consider it, to analyse it and then to open discussions with the consortium who are prepared, in principle, depending on the feasibility study, to finance the whole of the development of this scheme. The negotiations on finance, I hope, will be completed towards the end of this year if, in principle, they have accepted the feasibility study, and, as I said last year, the first ploughing and cane planting will take place in March/April 1967. There are no alterations whatsoever to what I said in this House at the end of last year, although I understand that there have been numerous rumours operating in the Western Province, all I can tell the hon. Member is that, like the rumour of the strike of oil in the Western Province, the one about sugar is much the same: do not listen to it.

**Mr. Oduya:** Mr. Speaker, Sir, is the Minister aware that just last year, when the President visited Kakamega, he did promise the people who were at Kakamega Stadium that the industry would start, that meant that the machinery would be brought in, within a matter of one to two months from the date of his promise. And what the Minister is now telling us here means that the industry is going to wait for another twenty-four months. Does that, therefore, not contradict the statement made by the President of the Republic of Kenya?

**Mr. McKenzie:** No, Sir, I am not aware of any statement which the President made saying that machinery would be ready in a month. But, Sir, as I have said, in this House last year a full explanation was made in the debate on this, and it is not possible to develop the machinery for a sugar factory in a month; not possible at all, I am afraid. Development of machinery for a sugar factory takes nearly two years to build and to put up. This is not like a bicycle. Mr. Speaker, or a motor car, this is a vast amount of machinery, and I would like to ask the hon. Member the next time he goes home to his constituency, when he is driving down the hill from Kericho to Kisumu, that he moves his eyes to the right where he will see the big new factory going up, and he will see that it is perhaps the biggest building in Nyanza, and this cannot be built in a month.

**Mr. arap Too:** Mr. Speaker, Sir, in view of the fact that the Minister accepts that there were some rumours circulated that there was an alteration to what he said last October, would he tell the House what steps he has taken to stop these rumours?

**Mr. McKenzie:** I have taken the steps today by making these announcements which I hope the Pressmen listening will put into the Press.

**An hon. Member:** Too late.

**Mr. Muruli:** Mr. Speaker, Sir, the Minister has just referred to another factory which is being built beside the road from Kericho to Kisumu. Is he aware that Mumias factory should have been built first, before this factory?

**Mr. McKenzie:** No, Mr. Speaker.

**Question No. 249**

**CO-ORDINATION OF AGRICULTURAL BOARDS**

**Mr. Godla** asked the Minister for Agriculture and Animal Husbandry what steps were being taken to see that the work of all the constituted agricultural boards in the country were effectively co-ordinated.

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** Mr. Speaker, Sir, I beg to reply.

I wish to reply to this question by requesting your permission to table two letters which have been sent from my Ministry, signed by me as Minister, both dated the 24th January, to all chairmen of statutory boards. I do not want to read them all out because they are lengthy, but I would like—with your permission—to touch on one or two aspects which are in these letters which cover completely the question which has been put, to me by the hon. Member.

**PAPER LAID**

Directives Nos. BD/11/VOL. V/82 and BD/1/VOL. V/83 of 24th January 1966, on Agricultural Statutory Boards issued to Chairmen of all Statutory Boards referred to in Question No. 249.

*(By the Minister for Agriculture and Animal Husbandry (Mr. McKenzie) by leave of Mr. Speaker)*

**ORAL ANSWERS TO QUESTIONS**

**Question No. 249**

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** Mr. Speaker, Sir, the one letter reads as follows:—

"I now issue the following directive which must be brought into effect by the 31st March 1966:"

**[The Minister for Agriculture and Animal Husbandry]**

and (5) is to the chairmen of all statutory boards, so this is bringing them all into line—

1. The maximum salary to be paid to a non-executive chairman will be £1,500 per annum.

2. Consolidated allowances payable to a chairman will not exceed £250.

3. No further miscellaneous payments or gratuities will be granted to the chairman, such as house allowance, personal board cars, private motor cars, etc.

4. Vice-Chairmen of boards will not receive salaries.

5. Salary allowance payable to all members will not exceed Sh. 100 per day.

6. Mileage payable by boards will not exceed Government rates.

7. Overnight allowances will not exceed Sh. 60 per night.

These boards which consider that, for special cases, they should continue to pay the board chairman as at present being paid to members over and above the sitting allowance and overnight allowance, should make their case individually to the Ministry for consideration.

No increase in any salary or allowances payable to members of boards will be allowed without the Minister's permission in writing."

**Mr. Speaker,** the other letter puts out various points which boards will have to rely on, and I will not read out one or two more important ones, as I did in the other letter.

Boards will not sign agreements without the approval of the Minister or the Ministry in writing.

Board officers must keep the Ministry fully informed concerning its activities.

Oral visits to provinces should be notified to (a) the Ministry, (b) the provincial administration, (c) the local Members of Parliament."

And there is a whole series of them, there are a number of them, but as I am laying these down I take it, Mr. Speaker—will be published. There is one which is not in here that is of importance, and that is that we are setting up a special account in the Ministry who will be making publicised visits to all the statutory boards, checking that their accounts and books are kept up to date.

**Mr. Godla:** Mr. Speaker, Sir, arising out of the Minister's reply where he says that someone is employed in the Ministry to see that the

work is going on, well, would the Minister tell the House how often a year this auditor will go round before reporting to him? Because if he does not make regular visits, the same thing which happened with the West Kenya Marketing Board might also happen with the other boards.

**Mr. McKenzie:** I can give the hon. Member an assurance that it will not happen, Mr. Speaker. I would hope that the statutory board books are looked at at least once every five or six weeks—

**Mr. Ngala-Abok:** On a point of order, Mr. Speaker, reading this question, would it not be in order for me to state that the Minister has not answered the question, unless I do not understand the English involved? The question is "all the constituted agricultural boards are effectively co-ordinated". In other words, all those agricultural boards in the country are co-ordinated, not that a circular has been sent for the efficiency or for the salary, or for accountability and so on, which is—of course—a direct administrative matter from the Ministry. But the co-ordination between these agricultural boards, Mr. Speaker, I think this is what the question is asking?

**The Speaker (Mr. Slade):** I think there is some substance in what Mr. Ngala-Abok says. It might be argued that uniformity of terms is possibly one aspect of co-ordination, but I think that it was really the second letter that was the most relevant to this question. The second letter was relevant; it was outlining the directions that had been given to get central direction and co-ordination of the activities of the boards. I think that was just what the hon. Member wanted, really.

**Mr. McKenzie:** Mr. Speaker, I am sure that when the hon. Member reads this—I do not want to bore the House because it would take a long time, I did, in fact, think of giving a written reply, but I wanted to give Members the opportunity of asking questions—and if he is not satisfied, then naturally, Mr. Speaker, I am prepared to discuss it with him.

**Mr. ole Tips:** Mr. Speaker, Sir, arising from one of the hon. Minister's replies, may we know what prevented him from tabling the letters he has just read, earlier, before this question came up?

Secondly, when he talks of the directives—

**The Speaker (Mr. Slade):** One question at a time, Mr. ole Tips, as you know.

**Mr. McKenzie:** I did not get the gist of the question, Mr. Speaker. I am sorry.

Mr. Gachago: Mr. Speaker, I do not quite understand what the difference is, but however I beg to give the following reply:—

(a) 318 plots.

(b) The Ministry plans to consolidate and register approximately 5,000 acres in Central Nyanza during the current Government year. This represents three sub-locations. Although this figure might look small, it should not be assumed that we are working in three schemes only. Following the posting of more staff last December to the district, forty-three sub-locations have been declared adjudication sections, adding to another twelve which we were working on previously. Therefore, the total area we are working on is fifty-five sub-locations, comprising 220,000 acres. Three out of these fifty-five sub-locations will be finally completed by June of this year. It should be noted that it takes a minimum of twelve months to carry out the process of enclosure and registration from start to finish. This period can be very much prolonged, up to anything like two to three years, if the landowners do not enclose their farms readily and if the freely elected adjudication committees do not settle the boundary disputes in good time. Nevertheless, the attitude of the people towards land registration is changing for the better and we expect the work to progress faster than before.

(c) Mr. Speaker, I am not aware of any settlement scheme in Nyando. Certainly my Ministry has no settlement scheme in the area.

Mr. Bala: Mr. Speaker, arising from the Assistant Minister's reply, especially with regard to item (c), would the Minister tell the House, of the 800 plots which he promised last year, at the end of last year, how many of these plots have we so far received and how many are we going to receive in the current year?

Mr. Gachago: Mr. Speaker, I do not understand what the hon. Member means, because I have said, as far as section (c) of the question is concerned, there is no settlement scheme known as Nyando, and if this is what the hon. Member is referring to then the question of how many plots does not arise.

Mr. Bala: Could the Assistant Minister tell this House that, out of 800 plots for which we applied in the month of November, which we were going to be allocated, have we had that allocation of these 800 plots, and, if not, are we going to have some of these 800 plots in the current year?

Mr. Gachago: Mr. Speaker, Sir, I still do not understand the hon. Member. Is he referring to section (a) of the question or section (c)?

The Speaker (Mr. Slade): You would like to elaborate still further, Mr. Bala?

Mr. Bala: Mr. Speaker, in the course of last year we asked a similar question and the same Assistant Minister replied that there were something like 800 plots which were to be allocated for more settlement before the end of last year. Now, as far as I know, the 800 plots have not been allocated, and I want to know from the Minister whether the 800 plots are going to be allocated this year or not.

Mr. Gachago: Mr. Speaker, Sir, as my reply says, I am not aware of any settlement scheme in Nyando. Therefore, it is impossible for my Ministry to allocate any plots in an area where we do not have a scheme.

#### Question No. 230

##### REALIGNMENT OF EMBU-MERU ROAD

Mr. Mate: asked the Minister for Works, Communications and Power what progress had been made to date with regard to resurveying the old Embu to Meru Road via Egoji with a view to its realignment.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. I have already made arrangements for a team of surveyors to survey the road the hon. Member is referring to. The team is already working on the road at present.

Mr. Mate: Mr. Speaker, Sir, when the survey is complete, how soon will the road be ready?

Mr. Mwanjumba: Mr. Speaker, Sir, I will not be able to say how soon the work will be ready because it all depends on money being available.

#### Question No. 228

##### TOURIST HOTEL ACCOMMODATION IN MERU

Mr. Mate asked the Minister for Natural Resources and Tourism to tell the House what Government was doing to encourage the building of decent hotels in Meru, so as to provide suitable accommodation for tourists and visitors to Meru.

The Minister for Natural Resources and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. Meru District has a great tourist potential in its game, trout-fishing, bird shooting and general scenic beauty. The Meru County Council has been in touch with my Ministry on the question of improving or extending the existing tourist accommodation and attractions.

#### [The Minister for Natural Resources and Tourism]

At present, the district has two game lodges and one hotel providing, in all, approximately seventy-eight beds. My Ministry intends to develop tourism in Meru, as well as in the whole country. This will necessitate erection of new lodges and hotels. But, before, such is done, careful evaluation must be carried out and when in hotel or lodge proposal is found to be economically justified, my Ministry will encourage the county council and the other interested parties to build the additional accommodation at the required standard.

Mr. Mate: Mr. Speaker, Sir, while appreciating the answer by the Minister, is the Minister aware that in Meru Town itself we have more visitors, other than tourists, and there is very poor accommodation, and Ministers and other important people have no proper place to sleep in Meru Town?

Mr. Ayodo: Mr. Speaker, I can only talk as the Minister in charge of tourism. The other visitors could stay in several places, as the hon. Member knows very well, but I was referring mainly to tourist visitors.

#### Question No. 243

##### KARA-POKOT CASES TO BE HEARD IN KENYA

Mr. Lorema asked the Attorney-General whether he agreed that cases of crimes committed in Kara-Pokot should be heard by the Kenya Courts and not by those in Uganda.

Mr. Areman: On a point of order, Mr. Speaker, there is a word here after "Attorney-General": "agree". What word is that?

The Speaker (Mr. Slade): What are you referring to exactly, Mr. Areman? What question are you referring to? Would you explain to me, please?

Mr. Areman: Question 243, after "Attorney-General": "agree". What word is that? What is the meaning of it?

The Speaker (Mr. Slade): I think most hon. Members have the intelligence to understand!

The Attorney-General (Mr. Njonjo): Mr. Speaker, I beg to reply.

Hon. Members will be aware that by an old arrangement, Kara-Pokot is administered by the Government of Uganda. While this arrangement continues, it is convenient for criminal cases arising in the district to be dealt with by the Uganda courts.

Mr. Mutiro: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister consider transferring Kara-Pokot to Kenya, so as to work for the development of this part of neglected Kenya?

The Speaker (Mr. Slade): That is too far removed, I am afraid, from this question.

Mr. Lorema: Mr. Speaker, Sir, would the Attorney-General tell the House whether there is any provision in Kenya laws that the alternative of capital punishment is compensation, because what is taking place in Kara-Pokot is that, people who kill are hung instead of being made to pay compensation? Could the Attorney-General tell the House that?

Mr. Njonjo: I do not follow the question, Mr. Speaker.

The Speaker (Mr. Slade): Would you repeat your question, and a little louder, too, Mr. Lorema, please.

Mr. Lorema: Mr. Speaker, Sir, could the Attorney-General tell the House whether there is a provision in the Kenya law, whereby an alternative of capital punishment is compensation by means of cows, something like that?

Mr. Njonjo: Mr. Speaker, Sir, the punishment in this country for a capital offence is death.

The Speaker (Mr. Slade): Next question. Mr. Mutiro.

Mr. arap Too: On a point of order, Mr. Speaker, I wanted to ask a question, but I think your eyes were on the other side.

The Speaker (Mr. Slade): Too bad. Sorry, Mr. arap Too.

Mr. Mutiro: Before I ask Question No. 287, I would like to point out that my proper designation is the Member for Trans Nzola and not Member for Nzola.

#### Question No. 287

##### SUGAR FACTORY FOR MUMIAS

Mr. Mutiro asked the Minister for Agriculture and Animal Husbandry whether he would inform the House what concrete steps had been taken to establish Mumias Sugar Factory. How long would the people of Mumias wait before the project materialized.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, there is no alteration whatsoever in the development of the sugar industry in Mumias to what I gave this House, I think it was in October last year. I will repeat it for the benefit of the hon. Member.

## Question No. 236

## TRADERS' LOANS: BELGUT CONSTITUENCY

Mr. Kerich asked the Minister for Commerce, Industry and Co-operative Development if he would tell the House the number of traders who had been given commercial loans in Belgut Constituency.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. The total amount of commercial loans issued to traders in Belgut Constituency is thirty-eight. The total amount involved is Sh. 235,970. Included in these totals is one loan of Sh. 20,000 issued by the Industrial and Commercial Development Corporation to a trader in Sosiot Market, and sixteen small loans issued to traders in Kericho Township.

Mr. Kerich: Mr. Speaker, Sir, will the Minister agree with me that there is only one single man who has received a commercial loan in my constituency?

Mr. Mwendwa: No, Sir.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, could he give us the breakdown of the commercial loans given to the peoples of Belgut which he has mentioned and tell us how many Africans have received such a loan? Give us the breakdown.

Mr. Mwendwa: Mr. Speaker, Sir—

The Speaker (Mr. Slade): I think if hon. Members want the breakdown of a question like this, they must ask for a written reply. But, perhaps, the Minister will give examples.

Mr. Mwendwa: Mr. Speaker, Sir, if the Members want to have the breakdown of the loans given to different places, I am quite prepared, Mr. Speaker, not only in that constituency, but in the district as a whole.

The Speaker (Mr. Slade): But not now, Mr. Mwendwa. Not now. As I have said often, oral reply is not suitable for a mass of detail to this House; if hon. Members want a mass of detail, they must ask for written reply. If the Minister is prepared to give examples, that might really satisfy the requirement of the hon. Member, and that would not be objectionable.

Mr. Areman: On a point of order, Mr. Speaker, Sir, is it not in order for the Minister to give the breakdown for the same constituency, because he was asked only for the constituency, and not for the district as a whole.

The Speaker (Mr. Slade): The question did not ask for a breakdown. If it had, I would have directed a written reply. It asked the number.

Mr. Kerich: Mr. Speaker, Sir, may the Minister tell the House what the maximum given to an individual in my constituency is, and the minimum?

Mr. Mwendwa: Mr. Speaker, Sir, the minimum and maximum depends on the application of the recipient.

Mr. Masinde: Mr. Speaker, Sir, arising from the Minister's reply, could he tell this House, since he has mentioned that there are thirty people who have already received loans, of the thirty people who received the highest sum of money, and how much it was, and who had the lowest figure and how much that was?

Mr. Mwendwa: Mr. Speaker, I have already said—and I repeat—that one person in the constituency in question received Sh. 20,000 from the Industrial and Commercial Development Corporation. As to the minimum, Mr. Speaker, this is something which can be checked with the joint board right in the town by the Member if he so chooses.

Mr. Tanyi: Mr. Speaker, Sir, can the Minister tell us whether this Sh. 20,000 was given to a man in the reserve or in Kericho Town?

Mr. Mwendwa: Mr. Speaker, whether a man is in a town or in the reserve, he belongs to that particular constituency; and if he belongs to that particular constituency, I think that is enough. I repeat that this man was in Sosiot.

The Speaker (Mr. Slade): Order! Next question.

## NOTICE OF MOTION FOR THE ADJOURNMENT

## UNSATISFACTORY REPLY TO QUESTION NO. 236: TRADERS' LOANS: BELGUT CONSTITUENCY

Mr. Kerich: On a point of order, Mr. Speaker, would I be in order to raise this on adjournment because I am not satisfied?

The Speaker (Mr. Slade): Give me written notice.

Mr. Kerich: Yes.

## ORAL ANSWERS TO QUESTIONS

## Question No. 174

## MECHANIZATION PROGRAMMES FOR CO-OPERATIVES

Mr. Bala asked the Minister for Commerce, Industry and Co-operative Development what mechanization programmes he was planning for the Farmers' Co-operative Societies in the Central Nyanza area.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply. There is no specific mechanization programme for Central Nyanza Co-operative Societies, apart from mechanical cultivation schemes operated in the cotton and sugar areas.

Through seasonal loan funds operated by the Cotton Lint and Seed Marketing Board, cotton growers co-operative societies in the district employ contractors who carry out mechanical cultivation for their members. In order to facilitate mechanization, the land is usually pooled into homogenous blocks, but with identity of individuals' plots retained.

In the sugar area, too, there is mechanization arranged by the Chemillil Sugar Company for sugar co-operative societies in the adjacent Luo and Nandi tribal land units. It is hoped to introduce similar mechanization schemes based on contract cultivation of sugar-cane in the tribal land areas adjacent to Miwani and Mahoroni factories. Here, too, sugar-cane growing is done in blocks.

Several proposals have come up in the past for mechanization, some of them rather ambitious in their conception. It has, however, been found that the most practical approach to mechanization in agricultural development in the Nile basin area, is the one where mechanization is tied to the development of a particular cash crop, preferably on homogenous blocks of land. Judging by the performance of co-operative societies at their present stage of development, it would probably be suicidal for many of them to own large tractor units capable of taking care of the mechanization programme that is at present going on in the agricultural industry in the area.

Mr. Bala: Mr. Speaker, Sir, arising from the Minister's reply, would he not consider introducing, as a matter of urgency, the question of a mechanization programme, in view of the fact that we are expecting our cotton mill factory in Kisumu in a matter of months, and also in view of the fact that we are expecting three sugar mill factories in the same area? Would the Minister not consider introducing mechanization in the same area in order to have proper cultivation of sugar-cane and cotton in the said area?

Mr. Mwendwa: Mr. Speaker, if the hon. Member was listening to my answer, he would know that this is exactly what I said. I said that it is hoped to introduce similar methods to those employed at Chemillil in the area the Member is talking about, so this is going to be done, Sir.

Mr. Muliro: Mr. Speaker, would the Minister not agree with me that fragmentation within a mechanized scheme is a threat to the very mechanization the Minister is talking about?

Mr. Mwendwa: I agree, Mr. Speaker.

The Speaker (Mr. Slade): Next question, Mr. Bala.

## Question No. 175

## PLOTS IN LUO SETTLEMENT SCHEMES

Mr. Bala asked the Minister for Commerce, Industry and Co-operative Development:

- How many uniform size plots for which Sh. 2,000 deposits had been paid were going to be allocated to Luo Settlement in Muhoroni, Koru and the Songhoru area in the current financial year.
- How many acres of land was he planning to consolidate in Central Nyanza in the current year.
- What plans did the Government have for settlement of the people of Central Nyanza after the Nyando scheme was completed.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, first of all, may I make a correction? This question was marked erroneously for the Minister for Commerce and Industry, and I would like to say that I am not replying on behalf of that Ministry, but on behalf of my own Ministry.

Mr. Bala: On a point of order, Mr. Speaker, I am sorry but, although I made some corrections, my question still contains the word "uniform". "Over-sized" is what I meant; "over-sized plots" instead of "uniform plots", under (a). I did make a correction, but I do not know—

The Speaker (Mr. Slade): When did you make it?

Mr. Bala: When I got the—

The Speaker (Mr. Slade): When you received your copy? Yes.

Mr. Bala: Then I made a correction so that the question read: "How many over-sized plots", but not "uniform".

The Speaker (Mr. Slade): Oh, Well, if you made that correction, I apologize. I hope the Assistant Minister is in a position to answer the question as amended, if he did not have notice of it. It is our fault if he did not, in that case.

**[The Assistant Minister for Agriculture and Animal Husbandry]**

Pokot, but throughout the whole country. In indigenous cattle, foot-and-mouth disease spreads slowly and in a mild form. To get rid of the disease quickly, it would be necessary to spread it by swabbing all cattle with infected material. This would be expensive but when cheaper vaccine is available, say within the next twelve to eighteen months, this course of action will be taken.

The Government is also investigating and has applied for funds from the World Bank for the possibility of setting up a number of holding grounds all over the country so that cattle for sale can be vaccinated and held before they are moved from the district.

In 1965, some 1,230 head of cattle were sold in auctions in West Pokot. At this moment, three new saleyards have been completed at Lelan, Kopocho and Sigor and stock sales will be taking place in these yards shortly.

In any case, I would welcome discussions, between my veterinary staff and any hon. Member on this issue.

**Mr. Lorena:** Mr. Speaker, Sir, in view of the fact that foot-and-mouth disease is still lingering in West Pokot, does the Assistant Minister agree with me when I say that the collection of taxes and school fees would be very hard in that area?

**Mr. Murgon:** Mr. Speaker, Sir, the question of eradicating foot-and-mouth disease is something which everybody must help in. In West Pokot, in particular, if the hon. Member could tell his people not to move cattle from one location to another, this could help them and could help the Government. When the hon. Member goes back to his constituency, he should discuss this matter with the veterinary staff in the field.

**Mr. ole Tipt:** Mr. Speaker, may we know from the hon. Assistant Minister what curative measures, if any, his Ministry is taking, apart from referring us to the movement of cattle? What inoculations, how many cattle have they inoculated in the respective areas throughout the country?

**Mr. Murgon:** Mr. Speaker, Sir, as I said, we as a Government are trying to get a cheaper vaccine, because many people are not able to afford to buy the present vaccine for their cattle.

**Question No. 221**

**RAISE IN TEACHERS' MINIMUM SALARY**

**Mr. Godia** asked the Minister for Education what the Ministry was doing to raise the minimum salary of a teacher to Sh. 500 per month.

**The Assistant Minister for Education (Mr. Mutiso):** Mr. Speaker, Sir, I beg to reply. The Kenya National Union of Teachers' demand for a minimum salary of Sh. 500 per month, along with other demands, are being investigated by a board of inquiry which will be submitting its findings to the Minister for Labour in due course. It is, therefore, evident, Sir, that the Government is very much aware of the teachers' needs.

**Mr. Godia:** Mr. Speaker, Sir, could the Assistant Minister tell the House how long this board of inquiry has been sitting?

**Mr. Mutiso:** Mr. Speaker, Sir, it is difficult for me to say how long it has been sitting because all that we were concerned with was to establish the board of inquiry, and the way in which they conduct their business depends on their chairman.

**Mr. Omweri:** Mr. Speaker, Sir, arising from the Assistant Minister's reply, since this is not a new request from the Teachers' Union, would he tell this House what his Ministry is doing to meet these requests because it is now a long time we have been waiting for the report of the commission?

**Mr. Mutiso:** But, Mr. Speaker, Sir, I do not know what the hon. Member wants the Government to do, since the Government is quite aware that this is not a new thing. This is why the Government has appointed a board of inquiry, to find out and make recommendations to the Government.

**Mr. Kamuren:** Mr. Speaker, Sir, arising from the Assistant Minister's reply where he said the inquiry depends on the chairman of the board. Could he tell this House what is the date when the chairman of this board is supposed to report to the Ministry?

**Mr. Mutiso:** There is no date fixed, Sir, it depends on when they finish their inquiry.

**Mr. Shikuku:** Mr. Speaker, Sir, arising from the Assistant Minister's reply where he says that it depends on when they finish, could he tell us what the terms of reference were which were given to the commission; and is this commission going to go on for ever and a day? Was there no time limit?

**Mr. Mutiso:** Mr. Speaker, Sir, although I think that is almost outside the scope of the question—

**The Speaker (Mr. Slade):** It is irrelevant except on this one question of teachers' salaries.

**Mr. Mutiso:** I think, Mr. Speaker, Sir, the terms of reference contained the teachers' demand, and this is why we had to appoint the commission, to investigate the demands of the teachers and to submit the commission's findings to the Ministry.

**Question No. 231**

**EXPULSION OF TEACHERS FROM TRAINING COLLEGES**

**Mr. Godia** asked the Minister for Education if he would tell the House whether any teachers in training colleges had been expelled from their colleges in 1964 and 1965 and, if so, whether anything had been done to help such teachers to complete their training.

**The Assistant Minister for Education (Mr. Mutiso):** Mr. Speaker, Sir, I beg to reply. Some students in teacher-training colleges were excluded from their courses for disciplinary reasons in 1964 and 1965. It is not the policy of my Ministry to expel students from their teacher-training colleges and then make arrangements for their training afterwards. However, each case of exclusion is dealt with on its own merits and, where exceptional grounds exist for re-admission of such students, they are re-admitted for training.

**Mr. Godia:** Mr. Speaker, Sir, will the Assistant Minister tell the House the number of students who were excluded from training?

**Mr. Mutiso:** Mr. Speaker, Sir, during 1964 a total of twenty-six students, both male and female, were dismissed from all the colleges throughout the country. Of these students, ten were expelled because of their inability to reach the standard required, four were excluded for pregnancy during their training, one for being convicted in a paternity case, five for insubordination, four for drunkenness and immorality and one for chronic absenteeism, and one on the doctor's advice. In 1965, Sir, twenty-nine—

**The Speaker (Mr. Slade):** Order! There are too many conversations going on for us to hear the Minister.

**Mr. Mutiso:** In 1965, Sir, twenty-nine students were also expelled. After investigations, one of them was re-admitted. Of the twenty-eight students remaining, ten were expelled because of pregnancy, two were expelled because of paternity reasons, two were expelled on medical grounds, and four were expelled because of misbehaviour and insubordination, five were expelled on academic grounds and five were expelled because of gross carelessness, drunkenness, and truancy.

**Mr. Kerich:** Mr. Speaker, Sir, would the Assistant Minister tell the House what the Ministry is doing to reduce this number of people being expelled?

**Mr. Mutiso:** There is nothing, Sir, that the Ministry can do.

**Question No. 239**

**ACADEMIC DEGREES AND POST GRADUATES**

**Mr. Kerich** asked the Minister for Education if he would tell the House:—

- The number of external students who had passed and obtained academic degrees since independence.
- What Government was doing to encourage and assist such people to take an interest in enrolling as external students for various other degrees.

**The Assistant Minister for Education (Mr. ole Konchellah):** Mr. Speaker, Sir, I beg to reply. Although more than twenty candidates have, since independence, attempted the various papers in the degree examinations, only three have so far been awarded degrees as external candidates. Two of these three were expatriates on the staff of the University College, Nairobi, and the third was a foreigner of some unknown origin.

Of the twenty referred to above, only three were Africans who had previously failed similar exams elsewhere and wished to repeat. The present position is that all qualified students are able to enrol for degree courses mainly with the University of East Africa. Also, the University of East Africa has a special provision for adults to enrol for degree courses if they are able to pass a special entrance examination set by the University and interested candidates are able to obtain assistance from the College of Social Studies at Kikuyu, which runs preliminary courses for adults who wish to take the special entrance examination.

Thus, there are, at the moment, adequate facilities for people to enrol for degree courses if they wish to do so and the Ministry of Education will continue to counsel those who wish to enrol as external students for various academic degrees.

**Mr. Kerich:** Mr. Speaker, Sir, may I know from the Assistant Minister whether the University College provides night classes to prepare students for these external degrees?

**Mr. ole Konchellah:** Mr. Speaker, Sir, I have mentioned a school at Kikuyu which prepares some of these students for examinations.

Wednesday, 2nd February 1966

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

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

PRAYERS

NOTICE OF MOTION

EXTENSION OF JURISDICTION: MURANG'A DISTRICT COMMISSIONER

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

THAT in view of the present confusion and overlapping of authority between the Murang'a County Council and Thika Administration in the former Thika District which is now part and parcel of the Murang'a County this House urges the Government to remove the confusion by extending the Murang'a District Commissioner's jurisdiction to the whole of Murang'a County Area and restrict the jurisdiction of Thika District Commissioner to Thika Municipality, and to introduce such legislation for amendment of the Constitution as may be necessary for that purpose.

ORAL ANSWERS TO QUESTIONS

— Question No. 164

DEVELOPMENT PROJECTS, OTHAYA-SOUTH TETU, 1964-1970

Mr. Warilthi asked the Minister for Economic Planning and Development what were the various projects which the Government had allocated to Othaya-South Tetu Constituency during the planning period, 1964-1970.

The Minister for Economic Planning and Development (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. As the hon. Member will no doubt be aware from the published Development Plan, planning for economic and social development in Kenya is not done on a constituency basis. Financial allocations for development are made in relation to Ministerial projects which, more often than not, embrace investment and expenditure over a number of constituencies. The essence of planning is contained in the emphasis which is given to the consideration of economic units as a whole, and it is for this reason that it is difficult to break down the implementation of development plans to a constituency level, without giving a false impression of the pattern of project allocation between various areas of the country.

The hon. Member will surely appreciate that the function of planning is to ensure that each new project is wisely conceived in relation to other development schemes; that there is no waste or unnecessary duplication; that the projects complement each other; and, in short, that the overall effects of a project are in accordance with the aspirations and priorities of the country.

In spite of the difficulties inherent in planning on a regional level, in the revised plan, which will be coming out soon, efforts have been made to formulate 1970 targets for districts. In Nyeri District, as in most other districts in the country, emphasis will be placed on the development of agriculture during the next five years. It is anticipated that there will be a substantial increase in the production of coffee, tea, pyrethrum, cotton, wheat and dairy products in the Nyeri District. The areas in Othaya-South Tetu Constituency which are suitable for growing these crops will share in the benefit of the planned increase in production of the crops mentioned.

As the expansion of agriculture (and the economy generally) is closely linked with the provision of adequate infrastructure, such as roads, the Government will continue in its efforts to improve the communications network in the Nyeri District. Provisions have also been made for development of water resources in Nyeri District.

The Government also aims at expanding the scope of social services during the coming five years. It is planned to increase the number of schools, hospitals, dispensaries and to improve the quality of services provided in these institutions, and Nyeri District will share in this general expansion of social services. Work on community development will also continue.

All of the projects which I have mentioned will be spelt out in considerable detail in the forthcoming revised plan, and I am confident that the hon. Member will find all of the information which he needs in the plan.

Mr. Speaker, Sir, I am sure the House will appreciate the effort we make in answering questions like these as exhaustively as possible.

Mr. Warilthi: Mr. Speaker, Sir, arising out of that long vague reply, can we be told by the Minister, in terms of schools and hospitals, which he referred to in general development, the number or the places where they are likely to be situated?

Mr. Mboya: Mr. Speaker, Sir, I cannot, at this stage, tell the hon. Member the exact location of each school because, as he very well knows, in that district a lot of effort is being made by the local people themselves to create or establish

(Mr. Mboya) schools in practically every division and even in every clan area. These efforts, and especially where Harambee secondary schools have been established, will be supplemented by Government's effort and we will be trying to increase grants to the Harambee secondary schools already established, so that they can become part of the normal stream of the Government's educational programme. But, for primary schools, the effort will rely entirely on the local people. As far as the hospitals are concerned, we, of course, realize that Nyeri, as the provincial headquarters, will need better medical facilities than it has at the moment, but, in addition to that, supporting facilities are intended to be created in the various divisions, in particular, health centres, and again, the self-help schemes will be taken into account.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that practically each and every Member in this House could raise the same question, substituting his constituency for that of Othaya-South Tetu, would the Minister consider giving the plan he has to all the Members for the development of each constituency in the countryside, from the year 1964 to 1970, so that we do not have the same question being repeated for each constituency every time and receiving as long answers as we have received? Can we receive this information in writing in our pigeon-holes?

Mr. Mboya: Mr. Speaker, Sir, every effort will be made to acquaint each and every Member with what we plan to do in the particular constituency or area in which they are interested. I fully appreciate that each Member will be interested to know what Government plans to do in his particular constituency. This is natural and Government accepts that situation. But, in breaking down our Development Plan, we can only do it into certain units, and I would suggest that the best way to deal with the point raised by the hon. Member for Majoge-Bassi is for Members to make a habit of coming to discuss with me and my officers any of the problems in their areas, or to invite us to their areas to discuss on the spot various problems in their areas and also to make greater use, as soon as these areas are properly established, of the district development committees on which they themselves will be represented.

Mr. Gatiguta: Mr. Speaker, Sir, arising from the Minister's reply to the effect that some of the self-help schemes in Othaya-South Tetu will receive Government support, could the Minister assure this House that other self-help schemes in other areas will also get Government support, and when?

Mr. Mboya: Mr. Speaker, Sir, the question specifically refers to Othaya-South Tetu Constituency and, for the time being, my statement refers to the area including the district, but I can definitely assure the hon. Member that all areas will be taken into account.

Mr. Speaker, seeing the interest of the hon. Member for Othaya-South Tetu, and I believe the hon. Members for Nyeri District as a whole, I could give them some very revealing statistics of what is being done in the area and what is being achieved. For example, coffee production is planned to increase in the area from 2,078 tons to 5,950 tons, and Mr. Speaker, in the case of tea from 929,000 lb. to 2,465,000 lb., and, Mr. Speaker, in the case of pyrethrum, from 164 tons to 780 tons. Mr. Speaker, we also aim to generate interest in the growing of cotton in the area and we aim at being able to produce 1.3 million pounds of seed by 1969. We also plan, in the case of wheat, to increase production from 72,200 bags to 77,000 bags, and we also plan to increase production in dairy products. Now, I notice, Mr. Speaker, that when I talk of increasing these products, some Members seem to think that it is not a Government effort. There is no question at all about it, that coffee, tea and wheat, and cotton production in these areas depends on Government's assistance. Loans, credits, extension services, the protection from diseases, all this is being done by the Government in co-operation with the co-operative societies, and these are efforts and they are expensive.

Question No. 167

FOOT-AND-MOUTH DISEASE IN WEST POKOT

Mr. Lorenan asked the Minister for Agriculture and Animal Husbandry what efforts were being taken by the Government to ensure that foot-and-mouth disease which was lingering in West Pokot was got rid of in order to normalize auction sales in the district.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, I beg to reply.

Eradication of foot-and-mouth disease is a tricky problem, not only in West Pokot but throughout the country.

Mr. Shikuku: On a point of order, Mr. Speaker, I was wondering whether you could ask the hon. Assistant Minister to move closer to the microphone because we cannot hear anything.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor): Mr. Speaker, Sir, I beg to reply. Eradication of foot-and-mouth disease is a tricky problem, not only in West

[The Minister for Home Affairs] there are matters in the committee's report which need to be brought to the notice of the Government, then they will certainly advise.

As the committee was appointed locally to deal with a matter which is purely local, the Government will not be bound to accept any recommendation they make on the matter. But the official advice of the provincial commissioners will certainly be considered.

Mr. Speaker, Sir, if hon. Members would like to use threats by suggesting that the word "blinking" *Harumbee* and what not, then, Sir, the Members ought not to be speaking in this House on unity, when they actually talk of things which are not in conformity with the unity of Kenya.

Mr. Speaker, Sir, when we try to solve our own problems in an African socialistic way, we should not do so in a bitter way. If all of us are to be bitter over every conceivable problem, I can assure the hon. Members, Sir, that no problem will be solved.

I do realize that the hon. Members have some feeling about the problem, and these feelings must be discussed in the normal way. I have stated that if these matters which have been discussed will be sent to the Government, of course Government will consider them. And I completely disagree with the suggestions of a certain Member who said that the provincial commissioners are Luo and, therefore, they are bound to be biased. I should like to make it clear that civil servants are impartial in their dealings—

Hon. Members: No, no.

The Minister for Home Affairs (Mr. arap Moi):—and I am not going to be moved away by the excitement of the hon. Members. But, knowing full well, that the provincial commissioners of the two areas are experienced civil servants and they are very impartial and they know what they are doing in their respective areas.

Mr. Ngala-Abok: Mr. Speaker, Sir, whereas I do not want the Baluhya people and the Luos to clash from time to time, I would like to appeal to my colleagues that whenever there is a commission or a committee of co-operation, this committee of co-operation, as the Minister should realize, should first of all see how many Luo ladies are married to Baluhya, and how many Baluhya women are married to Luos so that they could see how much understanding exists between the two tribes. I say this because, Mr. Speaker, politicians try to make mountains out of little hills merely for their own *tumbos*. This is no good. We know very well—

Mr. Shikuku: On a point of order, Mr. Speaker, I was wondering whether the Member was quite in order to refer to marriage and so forth, and also, when he was referring to politicians, of which I am one, who want to make mountains out of little hills just to get big bellies, could he substantiate—

The Speaker (Mr. Slade): Just to get big, I did not quite hear the word?

Mr. Shikuku: He was referring to politicians, and I am one, who want to make mountains out of nothing just to get big bellies. Now, I being the Mover of this Motion, could the speaker substantiate that I am making a mountain out of nothing and getting a big belly?

The Speaker (Mr. Slade): It is expressly prohibited by our Standing Orders to impute improper motives to any hon. Member for what he does. To make a mountain out of a molehill is perhaps not an improper motive, to get a big belly, I do not know— You had better keep to the point anyhow.

Mr. Ngala-Abok: Mr. Speaker, Sir, could the Member please allow me time because we are moving this Motion in good humour, in fact, and I have quite a number of things to say here which are very important and can help the harmony between the Luos and the Baluhyas.

Mr. Speaker, before we enter into questions of this land, that land, and who owns it and so on, all that the Mover of the Motion and his other colleagues claim is that most of the land in this area is Baluhya. You find that this is a Baluhya and this is a Luo man, they both own land. At the same time, there are other areas like Manyala, Mohundo and Nangi, and these places are definitely Luo places. Therefore, the Luos also claim places just as much as the Baluhyas, but we do not want to make so much political heat out of this because there are so many incidents which have taken place and the move to cause these troubles has been from the other side of the lot. In other words, from the Baluhya colleagues, mostly politicians, they have caused some problems which are now confronting the Civil Service, but I can only say that a Motion like this should not be—

Mr. Shikuku: On a point of order, Mr. Speaker, the hon. speaker has just stated clearly here that the politicians from the Baluhya side are the ones who have caused a lot of inconvenience and trouble to the Civil Service. Could he substantiate that?

The Speaker (Mr. Slade): I am sorry, I do not follow the point. Just make it a bit more clear, would you, Mr. Shikuku, in the short time that we have left?

Mr. Shikuku: Yes, Sir. The speaker has just said that the problem which is being talked about in connexion with the boundary is caused by the Baluhya politicians who trouble the Civil Service.

The Speaker (Mr. Slade): I did not hear him say that, I am sorry.

Mr. Ngala-Abok: Mr. Speaker, I wish to deny that I said that, what I said was that in boundary problems, one needs calm because they are usually emotional problems. The local people of the area

cannot take a move without a propagandist politician trying to claim too much to gain for himself. The people of the area at the boundary must be allowed to approach it calmly because these are emotional problems. We are—

The Speaker (Mr. Slade): Order! In the course of being emotional you must not impute improper motives to other politicians.

## ADJOURNMENT

The Speaker (Mr. Slade): It is now the end of our half hour. The House is adjourned until tomorrow, Wednesday, 2nd February, at 2.30 p.m.

*The House rose at Seven o'clock.*



[Mr. Khasakhala]

Luo: We cannot allow this, Mr. Speaker. We want the Howard Commission's report to be brought to this House and let us hear what he said in it when he demarcated the land on the ground. This has been hidden by the present Government and we have never seen it. We know very well what he recommended and we want this report to be brought to us, so that the public can know exactly what Howard recommended on the boundaries bordering Nyanza and Western Province.

At the same time, Mr. Speaker, it is very, very wrong for this Government to place a Luo provincial commissioner in the Western Province and a Luo provincial commissioner in Nyanza Province who has the same interest. How can we have our matters attended to when the provincial commissioner himself from Kakamega spends every night in Kisumu?

The Speaker (Mr. Slade): Mr. Khasakhala, you must keep to the point of this boundary commission report, I think.

Mr. Khasakhala: Mr. Speaker, it is relevant because it is an administrative matter and—

The Speaker (Mr. Slade): No, sorry; it is quite clear. You are urging, as you said just now, to have published the result of this report. Fair enough, that was the point of the question and that is the point of this matter on the adjournment. You cannot go into all your other grumbles about Luo versus Baluhya at this moment; although I know they are related to the report, it is the report we are concerned with.

Mr. Khasakhala: Well, I will leave that, Mr. Speaker.

Mr. Speaker, today in Kenya some tribes are referred to as minorities, simply because some of their own people—especially the Baluhya, are taken as minorities compared with the Luo, simply because most of the Baluhya have been taken or are being counted as Luo. We are the representatives of the people, we are not happy, we feel that the Abaluhya are important people and, in fact, we governed this country from Jinja to Naivasha. Mr. Speaker, this is history—

The Speaker (Mr. Slade): The boundary under discussion now is somewhat more limited, I think!

Mr. Khasakhala: So, Mr. Speaker, while referring to the Motion on the question, I would say it was wrong for the Government to set up a committee. I was, in fact, one of the people who addressed barazas telling the Abaluhya and the

Luo to keep calm, that the Government was going to look into the boundary, and up to this time, Mr. Speaker, nothing has happened because of certain individual interests, which have been involved in the dispute. I feel strongly that the Government should form a new committee and should set up a commission and ask for a referendum along the border, so that we know exactly who lives where, because it is no good just saying that this land belongs to So-and-so before you know who lives where, who owns that land, and who is there, because all along the boundary there is a lot of quarrelling at present. Every day I have letters from my own brothers, the Baluhya, complaining that their land is being taken away by the Luo.

What happens to these complaints? Go to the African courts—they are still known as African courts—and you find the Presidents are Luo. When a person brings his case, he is told, "Your land is being given to this person", because he is a Luo, and then the Baluhya land is taken away. We are not going to live under a Government which is taking the property of the people; we want to live under a Government where the property of the individual is regarded as his own property. We are, therefore, asking the Government one simple thing, Mr. Speaker, to set up a commission and take a referendum along the boundary between Nyanza and Western Province, and then we shall know from the referendum. Without that, it is a waste of time to talk of unity, because every unit comes from a head and every head has a home, and that home makes unity with the other one. Therefore, I cannot marry people I cannot marry. We must be united when I know that my own property—which belongs to me—is going to stay my property; only then I will be happy, Mr. Speaker.

Today there are some letters being sent to officials, civil servants, who are employed by this Government, not to employ Baluhya at Maseno. I can bring them to the Table if someone asks me to do so. I can get copies of these letters saying, "Don't employ Abaluhya in Maseno." This shows exactly how crooked the—

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, may I rise at this stage to ask the hon. Member if he is prepared to substantiate what he is alleging against the civil servants?

The Speaker (Mr. Slade): Yes.

Mr. Khasakhala: Mr. Speaker, if I am given a few days, I could do so next week.

The Speaker (Mr. Slade): Order! Order! We do, on occasions, allow hon. Members a little time to substantiate what they allege, though they should be very careful in alleging something they know they will be asked to substantiate. I think, you know, it should be a matter of twenty-four hours rather than several days, Mr. Khasakhala, for substantiation or withdrawal now.

Mr. Khasakhala: Mr. Speaker, I will not withdraw it, I will bring letters and copies of quotations and the dates to this House next week.

The Speaker (Mr. Slade): No, I am sorry, no. Order! Mr. Khasakhala, I say that is too long. No, if you are not prepared to substantiate within twenty-four hours, you must withdraw.

Mr. Khasakhala: Mr. Speaker, could I withdraw and get it next week? I withdraw the first—

The Speaker (Mr. Slade): No, no, withdrawal is unconditional.

Mr. Khasakhala: But, Mr. Speaker, I do not have the material today.

The Speaker (Mr. Slade): Order! As I say, if hon. Members make serious allegations that they know they are going to be asked to substantiate, they have to be prepared to substantiate and not wait a week to do it. A day, twenty-four hours; one can allow, but not longer; no, it will not do. Either you withdraw without qualification or you substantiate within twenty-four hours; you take your choice.

Mr. Khasakhala: Mr. Speaker, I shall do so tomorrow.

The Speaker (Mr. Slade): Very well.

Mr. Khasakhala: I will quote the number of the letter and that will be enough substantiation.

Mr. Speaker, Sir, what I am saying is true—

The Speaker (Mr. Slade): I am afraid that is the end of what you are saying, Mr. Khasakhala.

Mr. Khasakhala: I will do it tomorrow, Mr. Speaker.

The Speaker (Mr. Slade): Very well.

Mr. arap Moi, you have only ten minutes in which to answer. If we let another Member in, the time will be up. If you are short, he can speak afterwards.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, the hon. Members should keep quiet if they want to speak later.

Mr. Speaker, Sir, I beg to reply. The hon. Member behind me is referring to a committee which was established by the Provincial Commissioners for Nyanza and Western Province and charged with the task of finding ways and means of bringing about closer co-operation between the people of their respective provinces, leaving alone the disputed Nyanza-Western provincial boundaries, and therefore there should be no question of talking about a commission.

Mr. Shikuku: On a point of order, Mr. Speaker, I am seeking your guidance on this. If the Minister—and I thought I asked for your ruling last time on the Assistant Minister's reply to my question—so states something which is completely incorrect—because I took part in this meeting—if the reference which is being given here is completely different from what we discussed, what can I do, Sir, because there is no way in which I can deal with that? Are the Ministers allowed to tell lies and get away with it?

The Speaker (Mr. Slade): Order! As I have said so often in this House, the Speaker is not in a position to be a judge of fact when two hon. Members disagree as to a question of fact, as to what happened. If one hon. Member alleges that something was agreed and another hon. Member alleges it was not agreed, the House has to hear the two conflicting views. If, at any later stage, one of those two Members is in a position to prove conclusively that the other spoke untruth, that other Member can be required, and will be required, to come and acknowledge that to the House, and to apologize. But at the moment here, when there is a conflict of evidence, we can do no more than hear the conflict of evidence. We may believe one or may believe the other, or we may wait until one or the other proves what he says.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I do not know what the argument is about; we are relying on facts and not on mere hearsay and whatever people may believe. As it was stated, Mr. Speaker, early in the reply to the original question on the matter, the committee is purely a conciliatory one consisting of local leaders of the two provinces. If the hon. Member was one of the local leaders, then he ought to know what was discussed at the meeting. The committee will, of course, submit its report to the two provincial commissioners and will make suggestions on how to improve the relations of the people living along the area. The committee is not expected to submit a formal report to the Government, but should the two provincial commissioners feel that

The Assistant Minister for Commerce, Industry and Co-operative Development (Mr. ole Oloitiplip): On a point of order, Mr. Speaker, I rise to seek your guidance. Is it in order for the hon. Member who has just spoken to refer to any hon. Member in this House as mentally ill, when he himself is not a psychiatrist to study people's minds?

The Speaker (Mr. Slade): No, if the hon. Member referred to other hon. Members as mentally ill, that is not correct.

Mr. Shikuku: Mr. Speaker, I do not think I did refer to a particular Member.

The Speaker (Mr. Slade): What did you say, Mr. Shikuku, then?

Mr. Shikuku: There was some shouting and I said that some might be mentally sick, I did not say any hon. Member—

The Speaker (Mr. Slade): No, no, you should not say that. You withdraw that, do you not?

Mr. Shikuku: That is all right, Mr. Speaker, I withdraw.

But the point I am trying to put across is serious enough, though some Members may treat it lightly, but it is of a very serious nature. The Government must adhere or listen to the views aired by Members in this House concerning the feelings of the people, whichever part they come from. When I asked Question No. 75 in this House on the committee of twenty-four people, twelve from Western Province and twelve from Nyanza Province—in connexion with the boundary dispute, the Assistant Minister, who answered on behalf of Government, terribly disappointed not only the Members in this House by the way he was answering me, but terribly disappointed and irritated the people who were concerned with the question. As a result of his arrogance in this House, Mr. Speaker, some people in Yero Sub-location, the Baluhya, have uprooted the official boundary—and I hope the Minister who is going to reply to this will deny that. The Government boundary which was made out of Makongi was done away with and the Abaluhya made their own boundary, because they are so serious and they are ready to fight if anybody would stop them from doing so. This is because the Assistant Minister—who, unfortunately, has seen fit to be absent today—told the House that the committee of twenty-four people which was set up was only a committee to bring about a better understanding between the Luo and the Luhya, which is completely wrong, and I challenge the Government to tell me if that is wrong. We are not going

to have Government officials in this House telling the public and this House incorrect stuff which they know is completely incorrect.

Why I say this, Mr. Speaker, is that in 1964 I do recall I was asked by the provincial commissioner, or the regional commissioner at that time, Mr. Shiyukah, who is now the Permanent Secretary to the Ministry of Lands and Settlement—

Mr. Ngala-Abok: The civil secretary, not the regional commissioner.

Mr. Shikuku: Thank you for your correction, Sir, these terms are getting rather old and going out of our minds.

But the point still remains, Luo and Baluhya representatives of this House were asked to attend a meeting in his office in Kisumu, in which I took part. Some of the hon. Members were there. At this meeting, Mr. Speaker, it was decided by the elected representatives that a solution to the then trouble—and this is still continuing—must be found, and a committee should be set up with twelve people from Western Province and twelve people from Nyanza Province to try and bring about a solution to the dispute between the Luhya and the Luo. The solution we reached was that on the boundary, if there were more Luhya on the Luo side than the Luo, then that part would come to the Luhya side; and if there were more Luo on the Luhya side, that part would go back to Central Nyanza. But to our surprise, Mr. Speaker, that committee having been formed—and I understand they are being paid money to be on such a committee—they now reply that no progress has ever been reported and up to this very moment, Mr. Speaker, I say quite openly in this House, nothing has happened and people are getting completely frustrated.

Mr. Speaker, we also had another meeting at Kakamega which was convened by the President of the Regional Assembly of Western Region at that time, Mr. Wafula Wabuge, where we met the Members of Parliament and the Regional Assembly Members. At that meeting, too, we decided that that would be the solution. Up to now, Mr. Speaker, what is happening is that the land of the Baluhya people who are left in Central Province is now being taken over by the Luo in that area, and when these people accuse the people who take their land before the tribal courts, the courts, which are Luo manned, award the land to the Luo persons there.

Now, I want to make it known to this House that, as long as the Government is going to sit here and pretend that *umoya* is flourishing very well—May I warn this House that if the

(Mr. Shikuku)

people are going to write memoranda and appeal to this Government—and there are several memoranda, and there is a letter here, Mr. Speaker, to the President, which they have written, demanding that a solution should be reached—and the Government simply sits on the stuff, they will be surprised one day to find that things are not all that much in the *Harambee* spirit, as they think. If the *Harambee* spirit means that we have to surrender our land to the Luo or Kikuyu or to you, Mr. Speaker, I say *Harambee* is no more use to me and to my son. *Harambee* should mean that you have your property; I should have my property and then we work together, but it is not for you to take my property in the name of *Harambee*.

Mr. Speaker, if the Government is not going to pay heed to this feeling of the Baluhya people who are now in Nyanza Province and who are being molested by the Luo, I am going to give an order to my people in Butere to take all land of the Luo who are there, sitting peacefully and enjoying life. We have to do something if the Government fails to do something. If the Government is going to sit here and shout *Harambee*, and the Baluhya land is being taken away from them, I am going to give the order to the Abaluhya people to take the Luo land in my area, because I believe in the policy of tit-for-tat when logic fails.

Mr. Speaker, Sir, the other thing is this: A report in the *East African Standard* says that the hon. Member for Gem was daring enough to claim that part of my constituency, and not only my constituency but all the Abaluhya land—He even had the guts during the debate to say that the Baluhya had no land in the Luo area. Mr. Speaker, this is a complete fallacy, I hope the hon. Member who is going to answer on behalf of the Government is going to tell me whether this particular Minister was speaking on behalf of the Government, and if he was, then he had his own interest which he was expressing, and he is therefore refuting the fact that the Baluhya have no land in Central Nyanza, then he will be to blame when there is any chaos in that area which is already in the offing. If the Government is not prepared to tell us why they have not seen fit to make sure that the findings of the committee are taken into account, then the Government should not blame anybody when some trouble erupts in that area.

The other issue, Mr. Speaker, I want to put forward is this: I should like to make it known to these people that we are no more interested in that 24-man committee; we are now interested in a

referendum to find out how many Luhya there are in that area and how many Luo there are and the land issue should be decided accordingly. If that is not going to be done and the Government sit up here and only wish that by shouting *Harambee* everything will be green in the garden, they will be very much surprised with their “blinking” *Harambee* which has become very infamous and it will not help. Mr. Speaker, Sir, *Harambee* has become infamous because under that name, *Harambee*, the property of people is to be taken away, and that nullifies the very meaning of the word *Harambee*. The land of the Baluhya belongs to the Baluhya, and the land of the Teso belongs to the Teso; and the policy should be to give to the Teso what belongs to the Teso, and give to the Baluhya what belongs to the Baluhya. The land in Nyanza Province is the property of the Baluhya, and we can even go on counting the people and we will find that there are more Baluhya in the area which I am talking about than Luo. I think the people of Butere and the people in Central Nyanza who have the right, constitutionally, should be given the chance to decide their fate by a public referendum. If that is not done, Mr. Speaker, may I inform the Minister that one day all the Luo land which is in my area will be taken over by the Abaluhya and—

The Speaker (Mr. Slade): Order! Your time is finished.

Mr. Khasakhala: I am seconding.

The Speaker (Mr. Slade): Mr. Khasakhala.

Mr. Khasakhala: Mr. Speaker, Sir, while rising to second this Motion, I would say that the boundary issue is a very touchy one today—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, would it not be in order for you or for the Member to realize that we do not second Motions on an adjournment, only that he has an interest to speak on it.

The Speaker (Mr. Slade): Order! Order! No, with the very limited time available, I always allow the hon. Member who has raised the matter to say who he wants to support him, even though there is no formal seconding, it is quite true.

Mr. Khasakhala: Mr. Speaker, Sir, the boundary issue is a very important one and it should not be taken as an issue to play about with or to shout on. We, the Abaluhya people, feel very, very strongly that someone hated us as Abaluhya and, as a result, he tried to take most of our land and give it as a present to the

[Mr. Kamau]

I would request the Minister, although he might not listen or even his Assistant Minister—and probably they have decided, but we have a majority here. It is the duty of the Minister for Local Government and his Assistant to go out into the country and to educate the masses, it is not for them to remain in their offices like the imperialists when they were here, it is our own Government, I am not trying to impress this on, and I am saying that you cannot penalise your people now, you must first of all educate them, and after you have educated them, then if they fail to follow your teaching, then you can penalise them. These last days we have followed this Bill closely here, because we are also closely affected by it. If you want your people to follow you politically you must come close to them. It is not only you who have got to educate the masses, I say that our people are willing to pay taxes but they would very much prefer to pay if everything would be put clearly to them. I would say this about the assessment of taxes: I have noticed that in some areas there are people who are very biased, you find a person with two acres of coffee and he is assessed with a less amount than the one who has got only one acre of coffee.

Why? Because there is favouritism. I would like to say this to the Ministry. I do not mind the system of Pay as You Earn. I agree with this principle.

Mr. Deputy Speaker, I would like to ask the Government to make employment compulsory, to see that everybody in this country is employed. How can you tax people, say, down in Kariakor? There are so many of them who do not have any employment and, therefore, it is not possible to tax them. You go and arrest the people because they cannot pay taxes, but this is not right. I would appeal to the Minister first to give the people of this country employment and then to start taxing them.

Mr. Speaker, many times in this House the Members have said that the Government should take over the farms in this country and turn them into co-operative farms. If this were done, Government could give employment to the people of this country. The people would have sufficient money with which to pay their taxes. The Government would also have, by this method of co-operative farming, sufficient money to educate the people and to give them medical services.

I do not think it is enough to bring legislation to this House, for us to pass this because I can see this will lead us nowhere. We must first give the people employment.

I would like to give some advice to the Minister for Local Government because I think this will be of some use to his Ministry. The Minister for Local Government has taken over a very responsible and important Ministry.

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

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

In the first place he should ask the Cabinet to make it possible to give employment to all the people in the country. Once the people begin earning some money they can be assessed; they can pay their taxes. They can pay as they earn. From this point you will find that the country will become rich. At the moment, however, because of this Bill you will find that there will be people who will emigrate from here. There is another disadvantage. This Bill encourages imprisonment and I do not think we have enough prisons to accommodate the people of this country.

Therefore, my very sincere suggestion is that we request the Minister for Local Government to withdraw this Bill, have it redrafted as suggested by the hon. Members of this House; in this way the whole country will be behind us. If this Bill is allowed to pass as it is, it will cause chaos. So, if the Minister is prepared to accept advice I will give it to him. At the moment, from the administrative point of view, we have found that the Members of this House have not been consulted. The Minister only consults us when things go wrong and are in a bad way. In some areas you find that the people in the administration are friends of the politicians. If I am allowed to do so I would like to say something here. If these people—

The Speaker (Mr. Slade): No, Mr. Kamau, we are getting away from the Bill now.

Mr. Kamau: Mr. Speaker, Sir, I would say that the collection of taxes should be the collective responsibility of the politicians and the civil servants in order to educate the masses with regard to the importance of paying taxes. In this way the Minister will seek the advice of the hon. Members of this House before he takes any matter to the Cabinet. The hon. Members of Parliament are the people who deal with the public outside.

In this respect, Mr. Speaker, I sincerely request our hon. Minister for Local Government to reconsider withdrawing this Bill for the time being. He should have it redrafted and then it can be brought here once again to be passed by the House.

With these few remarks, Sir, I reserve my comments.

## POINT OF ORDER

## ADJOURNMENT OF DEBATE

Mr. Omar: On a point of order, Mr. Speaker, I seek your guidance because there has been a lot of repetition with regard to some of the points in this Bill; there has also been a lot of opposition on the contents of the Bill. Therefore, I wonder whether I would be in order to move that the Minister withdraws this Bill.

The Speaker (Mr. Slade): There is no such procedure as that, Mr. Omar. You can either say that you oppose the Second Reading—which, in fact, you do by a formal amendment to postpone the Second Reading of the Bill—or you can move that the debate be adjourned for discussion before it comes back to the House. However, there is no such procedure as a Motion for withdrawal of a Bill.

## MOTION

## ADJOURNMENT OF DEBATE: GRADUATED PERSONAL TAX BILL

Mr. Omar: Mr. Speaker, in that case, I beg to move that the debate on the Bill be now adjourned.

The Speaker (Mr. Slade): I would point out to hon. Members that, in fact, there are only three minutes left for discussion of the Bill anyhow. So, it would be a rather vain Motion at this stage of the afternoon. The Bill will be adjourned anyhow until tomorrow in a few minutes' time and, therefore, I doubt very much, if it is worth a formal postponement at this stage. But, if any hon. Member seconds the Motion I have to propose the question.

Mr. Ngals-Abok: Mr. Speaker, Sir, I wish to second the Motion in the interests of the Minister himself because Government relies very much on what Members of Parliament say in respect to a particular Bill. I do not want to advise our Government to withdraw things which are in the interests of the people. However, an adjournment is a different and an important matter because this will make the Minister consult his officers. Mr. Speaker, Sir, the Minister himself is a politician and he knows these things. He knows when the people of his constituency are suffering one way or the other.

Mr. Speaker, some clauses in the Bill can be adjusted without harm to the people. It is no use thinking that because you are a Cabinet Minister or an Assistant Minister you must support everything that the Government puts forward, even though it may be wrong.

We want the Government to adjourn the debate on this Bill and reconsider the position in the light of the points raised by the Members here. The question of withdrawal is mere rudeness which will not pay in the long run. We want Government to reconsider this Bill on a different basis and to reintroduce it after the Government has taken into account the various points raised by the Members. Government must do this, otherwise there is no meaning in being here, if the view of the majority is that Government is wrong and yet Government will not adjourn the debate, then something is wrong.

Therefore, I second the adjournment of this debate. I think this should be done now.

(Question proposed)

The Speaker (Mr. Slade): The debate will have to be adjourned anyhow in one minute's time. If any hon. Member wishes to speak now, the business of the House will be interrupted without resolution in a minute's time. However, if hon. Members wish the decision that the debate be now adjourned I will put the question now.

Mr. Khasakhala: Mr. Speaker, Sir, while I agree that the Government should have money, that the county councils and the country as a whole should have money—

The Speaker (Mr. Slade): You are speaking on the question of the adjournment, are you?

Mr. Khasakhala: Yes, I am, Sir.

The Speaker (Mr. Slade): I am sorry, Mr. Khasakhala, it is now time for the interruption of business.

## MOTION FOR THE ADJOURNMENT

## BOUNDARY COMMITTEE: WESTERN AND NYANZA PROVINCES

The Speaker (Mr. Slade): I will now call on a Minister to move that the House do now adjourn.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Assistant Minister for Works, Communications and Power (Mr. G. Godana) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I beg to speak on the Motion on adjournment, on my Question No. 75 (1), in connexion with the boundary problem.

My aim in speaking on this Motion, although some hon. Members whom one might consider to be mentally ill, will go on shouting, because in this House everyone is—

[Mr. Komoro.] I mean I would impound anything found there. I mean I would not wish to see them coming to Nairobi, and sending me to Galole, and the next day I go to my house I see all the bedding, the beds, the dresses and everything sold. I would be embarrassed. This is exactly what is being provided in the Bill. The whole thing looks bad. Mr. Deputy Speaker, I would seriously wish to see that the Minister amends all these things which I am pointing out to him. Otherwise, if he pretends to be stubborn, Mr. Deputy Speaker, I would not see any way of supporting the Bill, in fact I shall be the first person to vote against this Bill.

With these few remarks, Sir, I beg to reserve my opinion.

Mr. Wariithi: Now, Mr. Deputy Speaker, I am very unhappy about this Bill and I think, from what has been said by a number of Members in this House, it is only advisable for the Minister to withdraw this Bill, have it redrafted and include all the proposals which have been made in this House.

Now, in the first place, Mr. Deputy Speaker, those who have listened to the debate know that nearly each and every clause or section has been attacked by one Member or the other. If you start from clause 1 or section 1, 2, 3, right up to the end, there have been proposals made by Members of this House and they are dissatisfied with the provisions. In my own view, it is a very badly drawn Bill, done maybe by someone who did not actually understand exactly what we are trying to do in this country or the interests that we are doing to safeguard and in my own opinion I do not think that a Bill like this should be passed in this House. You find, to start with, in section 1 that it says that this Bill is going to be retroactive up to the 1st January 1965. That means that all the messes that have been done for over a year will not be rectified by this Bill. The way the Minister wants a law to be passed, when Members speak they see a number of disappointments, a number of provisions which should not be there—I do not want to repeat what has already been said—but if the Minister has been listening and also taking notes, you will find right up from section 1 every section has been attacked by one Member or the other, in fact you cannot say that Members are just criticizing, because we know and we have been telling our people to pay poll tax and graduated personal tax. On the other hand, a proper law should be passed so that graduated personal tax is paid properly so that our people would not complain. But if you are going to pass a law which will cause hardship, not because people do not want to pay

taxes, but because the machinery which is going to be applied is not a proper one and I feel that we will be failing in our duty if we pass this Bill.

So, to start with, I would make a proposal to the Minister, if he does not want to withdraw the Bill, that he amends it extensively to provide for all that has been said by various Members of this House.

I would only like to speak on one section—I do not want to repeat what has already been said—but I think to start with that I would like the Minister to explain to me and I think this is the first time that we have had to pass a law in this House which has to take effect a year behind. Can we be told why the Minister has found it necessary to pass a law and ask us to back-date it to the 1st January 1965? Now, it only shows that maybe the Ministry was not abreast with its work and want us to rectify all the mistakes done during that period. Much has been said, as I have already mentioned, Mr. Deputy Speaker, and I do not want to repeat it, but there is one provision where they say that members of local authorities cannot become members of the assessment committee. Most of these members are elected by popular vote, just like the Members of this House, and these are the members who could possibly assist the Administration to know the cases of those people who are not able to pay tax. I am not saying that they should be only members of the county councils or local authorities. I know there was a time when they were given the authority to assess and there were a lot of complaints, but why provide in the Act or the Bill that none of them could be a member of an assessment committee. As I said they are elected the same way as we are, they know the problems of the people, they represent the people, they know the poor people in the small areas that they represent, and I do not see any reason why we should provide in this Bill that they should not be a member of the assessment committee.

Now section 7, I do not know how the Minister can explain this one. He writes down certain dates, you must pay, before the 31st day of March or 30th June. Now this is supposed to cover the whole country, Mr. Deputy Speaker. I would like to know from the Minister, or either from his advisers or from his own personal knowledge, whether he is satisfied that all over Kenya during this period those people who are farmers or business people, will be able to have sold a crop or have had some money during the specified dates. On what are they based to come to this conclusion, that you must pay by the 31st day of March and the second to be paid by the 30th day

[Mr. Wariithi.] What is the criterion? Is it of June in each year. What is the criterion? Is it the date when the people harvest their crops, and if it is, is it only a particular section. We do not harvest in Kenya in one particular part of the year, it varies, and I think that this one, as the hon. Mr. Osogo suggested, be deleted.

The other aspect of it, Mr. Deputy Speaker, if you go towards the end where it is provided—I will just touch on section 23 which I think is very, very painful—and as one of the Members has already spoken on this, I would just like to say that the Act provides many methods of punishing those who do not pay their Graduated Personal Tax. The Act provides for people to be stopped on the way by the police and they can be asked for their receipts; the Act provides for filing a civil suit against those who do not pay; the Act provides for penalties, for fines, for imprisonment. I think the Minister is being really harsh on the people to go to the extent, with all those other powers under section 23 (2), of even penalising the children and I think that he has asked for sufficient powers under which he will be able to penalise those who will not be able to pay. As has been suggested by another hon. Member, I would support the idea of deleting the whole of section 23 (2) because I feel that it is unnecessary. Enough machinery is provided in the Act, which if properly utilised, will enable the Government to collect Graduated Personal Tax from all those people who are supposed to pay.

Finally, Mr. Deputy Speaker, Sir, under section 22 I do not think it is fair to expect people while they are still not earning to pay Graduated Personal Tax and that is why I think and why I am strongly suggesting that this Bill requires redrawing and should include people who are in training, and those who are not earning, and when they have finished their courses they should be asked to pay Graduated Personal Tax, but as it is now, it is only those under the age of 18 years. We know of people in training or universities at the age of 25—I went to university when I was about 25 or 26—therefore, I think that the Minister should consider what has been said by Members in this House and that they should amend the Bill accordingly.

Mr. Kamau: Mr. Deputy Speaker, Sir, I only want to say a few words on this Bill because I have been listening carefully to the other Members and I would say that we, as hon. Members, are the mouthpieces of the people outside and everybody outside believes that every law, or this is made by every Member here. Why that I do not know that women must also come

here, to watch us for themselves because things are done by the Ministers of the Government. I would request the Minister for Local Government from this very moment to be so kind as to withdraw this Bill because without question the whole thing is far worse than what we had during the colonial times.

Now, Mr. Deputy Speaker, Sir, I must say that at the moment—and I would appeal to the Minister for Local Government that before we pass this law for penalties in connexion with the collection of these taxes, we should first of all, and it is the duty of this Ministry, to educate the masses into paying their taxes willingly, because of non-payment there are penalties, penalties, penalties and the outside world will think that we Kenyans are not willing to pay the taxes for the benefit of uplifting our country. As to this I would request the Minister for Local Government to reconsider this Bill, because at the moment you will find that people are in a very embarrassing position because wherever they go they are stopped by the Tribal Police on the road and have to produce documents to prove that they have paid their taxes.

Therefore, what I would suggest to the Minister is that the methods adopted at the moment, and I specially refer to those where a chief or a district commissioner can order property or crops to be attached, must be brought to the attention of this House and I would appeal to this House that they are still here as individuals, and there are some people who have been given this chance to attach other people's property, because of their previous equity. But if we educate the masses as to the importance of paying their Poll Tax, their Graduated Personal Tax, our people will be willing to pay.

I would also like to mention one thing, Mr. Deputy Speaker, Sir, now that this law is going to be implemented here in this House. Recently I went to Central Nyanza where I found that some people, even today, cannot supply enough food for themselves, and if this Bill is implemented these people will be penalised for not paying their taxes. Now the drought may have had something to do with this and yet the people are subjected to paying Poll Tax, otherwise they will have to pay a penalty. If the drought has affected their crops and these people are required to pay tax over a certain period and they have not paid, what will the consequences be? These people whether or not they were affected by the drought, whether they have money or not, whatever property they have will be attached by the Government, and this Government would become very unpopular and the best method is—

[The Assistant Minister for Agriculture and Animal Husbandry]

if it is suggested that we should live leisurely in Nairobi in a hotel, then we are not worth our salt. But, Sir, I think that if the hon. Members could assist the local people, because after all, an individual with the wrong assessment his case will come to the Member of that constituency the man who is assessed wrongly will go to the Member, and say, "Oh, look here, I have been asked to give this so that I may be exempted from tax, I am a poor man". I think, Sir, that a Member representing an area should be put completely in the picture, so that he knows exactly what is happening, and I hope the Minister will think of this too and correct it.

Mr. Speaker, Sir, I would now in coding, like to come to section 22. This section deals with the type of people it is going to exempt. Sir, section 22 deals with exemption and the Minister is telling us here that there are types of people which he will exempt. Mr. Speaker, Sir, I would like the Minister to specify what class of people he will exempt. He only tells us here, if I may read it, Sir, with your permission, section 22 (3), "The Minister may, by notice in the Gazette, exempt from the tax, to such extent as is specified in the notice, any person or class of persons or any income of a person or class of persons so specified, and may rescind or vary any such exemption." Now Sir, what kind of persons will this be? What nature will they be? This, Sir, is what we want the Minister to tell us, otherwise it will also be open to corruption whereby rich people will probably want exemption from tax. I do not want to tell you that the Minister will be corrupted, but, Sir, we do not know which Minister will come next.

Mr. Speaker, I would like to stress the point of students in university colleges and training colleges, it is not specified here in this section, and I think the Minister should consider that they are covered here, if they are not covered they will be chased from place to place when they are on holiday to pay taxes. So students in university colleges and training colleges should also be given a proviso here, so that they are not chased around the country for taxes.

Lastly, Mr. Speaker, I would like the Minister to delete section 23 (2), the whole of that subsection (2). Here, Mr. Speaker, as the other hon. Members have said, I would not like to bother the House by repeating what other Members have said, but it looks as if this is falling very short. The Minister has forgotten that there are students at schools who are orphans, and who

do not have fathers to pay taxes; and here again, when they go to pay school fees tax receipts will be demanded of them, and I think this is going to be very unfair, and I think that the Minister should consider deleting the whole of that subsection and maybe including that in some of the regulations where he gives himself powers in section 23 (1).

With these few words, Mr. Speaker, I beg to support the Motion hoping that the Minister will consider the observations I have made.

Mr. Komora: Thank you, Mr. Speaker, Sir.

Mr. Speaker, I am particularly happy that this Bill has come because during the time that we were debating the President's speech, I particularly made some emphasis to the Minister for Local Government, to see to it that the Graduated Personal Tax Act is amended, and here, Mr. Speaker, Sir, I see that the Act of 1963 is being repealed, and this makes me very happy.

Secondly, Sir, I am not happy about the setting of the imposition of tax as is suggested in section 3 of the Act. This is because it is said in this particular Act, Mr. Speaker, Sir, that the Minister for Local Government, together with the Minister for Finance, will decide how much a person is to pay, that is to say that perhaps one day they will wake up and decide to increase the payment of Graduated Personal Tax, providing it is in the Official Gazette, this will automatically become law. Mr. Speaker, Sir, I feel that tax collection is a national issue, and I would not feel happy to see that a person or two can sit down and decide to impose taxation over the whole nation. I should think that when it is thought time to revise this it should be brought to Parliament for discussion, and whatever decision is taken here will be the final resolution, and I would not like to see that the whole affair is left to the Minister for Local Government and the Minister for Finance.

Mr. Speaker, Sir, some hon. Members have spoken a lot on this Bill and I do not want to repeat what they have already said, but on section 11, which deals with penalty for late payment, I wish to quote here, Mr. Speaker, very briefly, I am not going to make a complete quotation—"any individual who fails to pay shall be liable to pay in addition a penalty of such amount as may be prescribed by the Minister, by notice in the Gazette, either generally or in respect of the area of jurisdiction of any council, but not exceeding twice the amount of the tax in respect of which he is in default"; that is to say, Mr. Speaker, Sir, that the Act here does not fully specify what a person is supposed to pay

[Mr. Komora]

if he defaults in paying the tax. I would like the Minister to clarify fully here so that everyone knows that if I fail to pay my tax this year I shall be in default by so much. This is my worry. Mr. Speaker, because last year I received a notice from the City Council of Nairobi stating that I had failed to pay my taxes for 1964, and they say that the whole amount which I will be required to pay in 1965 will be Sh. 1,800, twice the tax I was supposed to pay in 1964. Here, in Tana River District, people are told that they will be paying in default half of whatever they were expected to pay, and here the Minister does not fully specify what the amount is that a person is required to pay. He says not exceeding twice, does that mean a quarter of whatever he has to pay? Or one and a half times, or what? This must be clarified so that everyone knows exactly what they are required to pay.

Another point, which I would like to raise again, Mr. Speaker, is section 12, something to do with the demand of additional tax. Mr. Speaker, I wish to make a short quotation again. Section 12 (1), states that "a collector may at the time of payment of or acceptance of any tax, or at any time within four years thereafter demand from the individual concerned any additional tax. . . ." Mr. Speaker, I think this is most unfortunate to demand taxes which were due up to four years ago. Why should the Government require money which was due up to four years ago? Has the Minister any good reasons to give in favour of this, that a person should pay a tax which was due up to four years ago? There is no reason, whatsoever, Mr. Speaker, for this.

Mr. Speaker, some Members are commenting that suppose you are out of this country, even if a person is out of this country for four years and he comes back that period has gone. Supposing that during the time he was out of this country he dies, will the Government still demand the tax which was due during those four years, while he was alive? In fact, Mr. Speaker, I would recommend that the whole of this section be deleted, it does not serve any purpose.

Mr. Speaker, Sir, section 13 of the Bill states that "the tax shall be deemed to be a civil debt" then they talk of criminal proceedings. What causes the criminal proceedings is the non-payment of the *kodi*. If the non-payment of the *kodi* is not in itself criminal, where should these criminal proceedings arise from? Yes, they say that

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

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

criminal proceedings which may be taken in accordance with the provisions of this Act, and they say, Mr. Speaker, in the Bill, section 13, that "the tax shall be deemed to be a civil debt", and this actually is the tax which brings the criminal proceedings, and if the failing to pay or the demand to pay tax is not in itself criminal offence, why should there be criminal proceedings? I do not understand the meaning of this at all. It is not even defined in the Bill. Mr. Speaker, I would like these things to be corrected so that everyone is happy.

Now, Sir, I would like to speak very generally to the Minister. During the colonial days, where-by this Government was required to pay a substantial amount of money to the Sultan of Zanzibar, we were paying less *kodi*. These days we have done away with the *kodi* we were paying the Sultan of Zanzibar, and we see that taxes increase day by day, I hear my colleagues here, Mr. Deputy Speaker, saying "oh, needs are increasing." There is no question of anything increasing including needs. Mr. Deputy Speaker, we had some services that the Government was committed to fulfil. Here, Mr. Deputy Speaker, I see we are increasing the police, because in the Bill it is provided that a police officer, including tribal police, and administration police, is empowered to stop anyone who he suspects of having committed an offence, and the offence which is failure to pay the *kodi*. He can tell you to produce your receipt. If he fails to produce his receipt he is taken to court. That is one method of collecting *kodi*.

Secondly, penalty, Mr. Deputy Speaker; thirdly, imprisonment; fourthly, they say restraint method of collecting *kodi*. All these four methods, Mr. Deputy Speaker, I think are deliberate torture of the people. I would concede that one or two methods should be applied, the Government should come into the open and say that a person who is unable to pay his graduated personal tax will be imprisoned or will be asked to pay a penalty, and that is all. There should not be any summonses served on people, please will you send in your tax, then if he is imprisoned there is no question of a plea. This is something which must be done, therefore the Government must be straightforward and say that a person who fails to pay his personal tax will be imprisoned or he will be asked to pay a penalty, and there should be no suggestion in the Bill that the court is empowered to give a ruling to say the district commissioner is to go to So-and-so's house and to

**[The Assistant Minister for Agriculture and Animal Husbandry]**

I am sure a woman, after selling a bundle of *kuni*, for Sh. 4, would come forward and pay her husband's tax. This, I think, is a point which I would like the Minister to consider very much, and if he wishes me to put it to him in writing how I think it should be worked, particularly in my district, I am prepared to do so.

Another point, Sir, I would like to make is with regard to section 8. Here, this section refers to payment of tax by tax stamps, but it only refers to municipalities. I think there would be nothing more unfair to the people who do not come under the municipalities than this section. Now, Sir, if we people, who earn a regular salary, are not forced to pay our taxes early in the year are given a chance to pay our taxes until the end of that year, then I do not see why this section should not apply to the people living in the rural areas.

Now, Sir, I would like to come to section 11, and I hope the Minister is taking note of this penalty question. It has been, Sir, advocated here by other hon. Members, and I would not like to repeat what they have said, but it is obvious that putting a penalty on someone who fails to pay tax at the beginning is only flogging a dead horse. We know that a person fails to pay his tax because he does not have the money to pay that tax, and therefore, by putting a penalty on him we know very well that we are not going to get the tax which is due from him, and we know that we are not going to get the penalty money which is levied on him, because he just does not have that money. This, as I have said, is just flogging a dead horse, which I do not want the Minister to flog, because he will be wasting his time. What I have advocated earlier, about paying Sh. 4 for the ordinary man who does not have a regular income, because if the Minister included this in the Bill here, that if a person does not pay Sh. 4, then the following month he would be liable to pay Sh. 10, which means Sh. 4 plus Sh. 4 for each month, and a Sh. 2 penalty for the two months. I am sure that anyone would be scared of having to pay Sh. 10 the next month, and therefore, they would pay Sh. 4 regularly each month. That would be something to scare the taxpayers so that they would rush forward ready to pay their Sh. 4, than waiting for the money to be collected, and maybe having to pay Sh. 10.

Now, Sir, coming to section 14 of the Bill, which deals with the distraint tax on goods and chattels of the person who defaults paying tax. I would speak, Sir, from personal experience. In my constituency the chief collects the whole of

his sub-chiefs to go into a village where they start chasing *kukus*, goats and some of the dogs who happen to be around, so that the whole village is in a mess. You find that everyone is scattered, the *kukus* who can fly stay in trees. After they have gone, and all is quiet, the missing *kukus* are thought then to have been collected by the raiders, but unfortunately, they have flown to the trees and might, at night, be eaten by wild cats. I think, Sir, this is a very serious issue, which the Minister should look into.

Mr. Speaker, Sir, I would like to remind the hon. Minister that in my constituency a woman committed suicide because her best cow had been stolen, because her husband did not pay tax and she was not liable to pay tax, and she committed suicide, because of that. I am sure the Minister knows about this case, and we look forward to hearing other cases of this kind. Sir, I would like to remind the Minister also that if I default on paying my tax, then my brother should not have to pay it for me. They should not collect the property of my brother because I defaulted paying my tax. This, Sir, is very common in the reserves whereby a brother would be busy drinking away his money, and only has a shirt and a pair of trousers sleeps on somebody else's bed and the tax collectors collect money from their brothers. They collect the property also belonging to other people, and this, I think is very unfair. Any rates or any distraints which are carried out in this section should be carried out on personal effects as it stated in the last sentence of section 14 (2). This should be carried out, the distraint should be carried out on the owner and not on his relatives. I hope the Minister will look into this.

Also, Sir, in this same section, subsection (3), the Minister says, and I quote, "Where, within the area of jurisdiction of a county council, it is, in the opinion of a district commissioner inexpedient or ineffective to serve demands individually for the purpose of subsection (2) of this section, he may, with the approval of the provincial commissioner, serve a collective demand specifying the individuals either by name or generally..." Sir, I do not want this word, "generally" in this Bill. What happens, Sir, is that the chief is given the right to come and demand the distraint in the location and he just leaves it at that. Now, Sir, an individual does not know whether he has been registered as a taxpayer or that whether they have him in mind to come and raid his home, and so he stays in the background, therefore, I think the Minister should think about deleting these two words, "or generally". It should remain "... either by name to whom the demand is made..." because the word "generally" is a

**[The Assistant Minister for Agriculture and Animal Husbandry]**

very big word, and I would not like it to be included in a law which is not going to be made general after all.

Mr. Speaker, Sir, I would now like to mention to the Minister, section 14 (5). Here again, Sir, I have some complaints to the Minister. He says that the booty which is taken by the Administrators, will be kept for ten days, but at the cost of the person from whom such tax is recoverable. Sir, I am wondering about the logic of this. If they collect my cows and take them to the chief's camp they cannot expect me to go and look after that cow, and if that cow is stolen from there, then I know that I have paid my tax, and it should not be there at my cost. Therefore, Sir, I think the Minister should consider, and this is what happens in most cases, that in some places they collect beds from some people and when these beds are taken to wherever they keep them, either the police station or the chief's centre, someone comes at night, and steals the bed, therefore, surely they do not expect those people to come and look after their beds. Sir, I think the Minister should also consider this.

I would also like to draw attention of the Minister to the practice which is practised in my constituency, whereby when cattle are collected the sub-chiefs have access to buying these cattle on the road when they are being collected to the centre, which he mentions in this law, but the sub-chiefs and the chiefs, and those people who have the money would rush out and perhaps buy a cow at Sh. 60 when in actual fact it should be bought for Sh. 200 and these are bought on the road before it has a chance of reaching its destination. I think, Sir, this is very unfair, and I understand that is why you have included that ten days, but I think you ought to tell these people not to sell things en route, before they reach the centre.

Sir, I would now like to come to section 16, which deals with the appeal of someone who has been wrongly assessed. Mr. Speaker, Sir, if I have been assessed wrongly, and I complain that I cannot pay the assessment given to me, obviously if I cannot obtain that money, then I cannot obtain money to be able to go and appeal, and the Minister has not specified here that the appeal will be free. We want this appeal to be free, but if it is not going to be free, I will be scared to go to appeal, because I will be reducing the amount I have, which I would probably have saved to pay the tax and so. I think, Sir, the Minister should look into this

question of making the appeal free for these people who are assessed wrongly, and would like to appeal.

Now, Sir, I would like to come to section 19, which I find very interesting. This section empowers the authorized officer to demand production of tax receipt. Here, again, Sir, my constituents are very much affected. What happens, and the hon. Muliro quoted this incident. When my constituents are moving from Busia to Kisumu by bus they are either stopped at Ukwala or Maseno and their tax receipts are demanded from them. If they do not have them, they are removed from the bus, regardless of whether they are making a very urgent journey, and they are forced to pay taxes in this district, which is not Busia District. What happens to the tax which is collected from them, I do not know. I think, Sir, it remains in the Central Nyanza District instead of being taken to Busia. I would therefore like to ask the Minister to make it very, very clear to the districts, and to the tribal policemen that stop these people. The most notorious places are Ukwala, and Maseno, but I think that it should be made quite clear that the people from Busia District should not be arrested there and forced to pay taxes. For example, when I go to Kisumu to do some shopping, I may leave my ticket behind, and many people have done this and they have been forced to pay taxes twice, and it becomes very tedious for this individual to go through all the necessary pipelines to get the money back, because the money is in two different districts and what he does is only give up in the end. I think this is a problem which the Minister should look into very seriously, as it is very unfair on the people.

Now, Mr. Speaker, Sir, coming to section 21, remission of the people from paying taxes. Sir, with due respect to the administrators, the district commissioner does not know these local people, and what happens is that he uses the chiefs and sub-chiefs to submit to him the people who are poor. I remember, Sir, that this has been a subject of corruption whereby a sub-chief asked for a cow, so that the individual who gives him a cow will be exempted from paying tax forever. Now, Sir, this is corruption, so what I am suggesting here, and always, Sir, when I say such things, I always have a suggestion, and the Minister knows this my suggestion here is that since a Member of this House has no interest in individuals of his constituency, he should be given a chance to see who is really unable to pay tax. That is why we are elected. We do not want to live leisurely, that is why we are elected, in order to assist our people, and

The Speaker (Mr. Slade): I would point out to hon. Members that we are getting a number of points now repeated several times. I am sure there are new points still to be made on this Bill, but I would ask hon. Members to be very short when they are referring to points already made by other Members.

Mr. Osogo, are you speaking for yourself or for Government?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): For myself, Sir.

Mr. Speaker, although I am going to speak in my capacity as Member for Samia Bunyala, I would like to appeal to hon. Members in this House, in all our public meetings addressing the people, not to be afraid to ask our people to pay taxes to the Government. I know that the paying of taxes is quite a touchy issue, and I know that in appealing to the people to pay their taxes, a Member thinks that it will make him very unpopular with his people, I for one think that it will not, so long as it is put properly to the people. I think that if the people have confidence in us, they should be able to listen to our words and come forward to pay taxes.

I should like, Sir, to make a few observations on this Bill. I think many sections of it are badly worded, and I would like my colleague, the Minister for Local Government, to take note of a few things I am going to say. First, I would refer him to section 2, the interpretation section: The words "police officer", it says, includes a tribal police officer. My present knowledge of this is that these tribal police are now called the administrative police, and I am wondering why he should include the word "tribal", which, as far as I know, is outdated.

In section 3 (3), Mr. Speaker, it looks as if the Minister would like all those people who reside in places like Nairobi to pay all their taxes in these places, forgetting the families. But, reading further, I see he has given a provision in section 3 (5), but I do not, however, agree with the way he has worded this here, where he has said that these two local authorities will share equally the taxes paid by these individuals. I think this is very unfair, Sir, that I should pay my taxes here, Sh. 600, and only Sh. 300 of these taxes should go home to maintain the services rendered to my wives and several other children, when I am a lone individual here in Nairobi. I think that a bigger proportion should be sent home to the county councils which give services to my families at home.

Also, Sir, I would draw the attention of the Minister to section 3 (4), and I think here he is also going to be very unfair to other people.

There is only one district here which is going to gain in this respect, and that is Kiambu District where the workers reside actually in that district but work in Nairobi. Here he says that the whole tax collected from these people will be taken to their respective districts. A person living in Busia, his 50 per cent remains here, whereas in the case of a person living in Kiambu, the whole amount is taken back to Kiambu. I think this is going to be very unfair. I hope that the Minister will consider this particular point.

Here, under the same section, subsection (6), the hon. Minister gives some expenses which are incurred by those who collect tax, like the Nairobi County Council or, maybe, the employers. I would submit here, Sir, that the Minister—if he does not mind—should specify what these expenses are. I have written to the Minister several times about this issue; that the City Council of Nairobi and employers have agreed voluntarily to collect taxes, and if they have, I do not know what the Ministry anticipates paying them for these expenses. I hope when he replies he will specify these expenses.

Mr. Speaker, may I move to assessment? I do not want to repeat what other colleagues have said on this, but I would like the Minister to look into the possibility of amending subsection (4) of section 4 on assessments, where it reads— with your permission, Mr. Speaker—"that provided that no member of a local authority may be appointed to be a member of an assessment committee". This is on page 473. I would submit, Sir, that on this assessment committee I think we should include an official of the ruling party in the area. We seem to be neglecting these officials of the ruling party—that is Kanu Party—and I just want to put it bluntly as a ruling party because I do not know whether tomorrow there will be two parties, and so on. I do not want it to be specified as the Kanu Party, but if there was an official, a secretary or a chairman of the ruling party on the assessment committee, I think he would be in a position to convey to the people whatever assessment has been given by the assessors. I am sure that if the people have faith in their officials they would respect his word, or he would be a bridge between the assessment committee and the people.

Going on, Mr. Speaker—I see hon. Members are objecting to that, maybe they are not holding any positions in the party, but nor do I hold any position and that does not matter to me—I

[The Assistant Minister for Agriculture and Animal Husbandry]

would like to go on to section 7. I think—and I submit very strongly, Sir, that this section should be deleted.

An hon. Member: What section?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): If hon. Members would listen to me, I am sure the hon. Member for fireman is not paying attention, he is only after interrupting me.

Mr. Shikuku: On a point of order, Mr. Speaker, it is in order for the Assistant Minister to refer to a Member of this House as a Member of firemen? I have no knowledge of any Member in this House being a Member for firemen. Could he tell us who this is?

The Speaker (Mr. Slade): It is not strictly correct to refer to any hon. Member except as hon. Member for his particular constituency, or as a Specially Elected Member as the case may be, but a little kindly humour is not out of place sometimes.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Thank you, Sir. I was referring to the hon. Specially Elected Member, Mr. Komora, who, the House knows, is interested in firemen, Mr. Speaker.

The Speaker (Mr. Slade): I think he is very proud of it.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Thank you, Sir. I withdraw the actual remarks.

Mr. Speaker, I was saying that the Minister should consider seriously deleting the whole of section 7 which deals with the payment of tax—I am sorry, deleting section 7 (1) because this could be incorporated in section 23 where the Minister could make regulations. Here, Sir, I may speak at length a bit because I feel I should inform the Minister of methods of collecting taxes from people who do not have regular employment; these are the people that actually matter because those who have regular employment are already catered for and it is easy for the Minister to get at them. But those who do not have regular employment, and particularly and more so most of our electors and people in the constituencies are people that will be hit hard by this section. If I remember correctly, Sir, it has been very difficult for the whole of last year and for 1964 for the county councils to raise their tax, but I think they lacked the tactics for doing so. I say this because there was a period where the administrators who normally

used to collect taxes, or assist in the collection of taxes, were very reluctant to go to the people and ask them for taxes. But the forcing of people to pay taxes before the 31st March in full, or if they opt to pay in two instalments before the 30th June is very unfair to anybody who does not earn any regular income. I say so, Sir, because I know for one that this has been a very serious point in the constituencies which we represent. I remember that my constituents have approached me to ask the Government if it would be possible for them to pay Sh. 4 monthly, assuming that the tax will remain as Sh. 48, so that by the end of the year they will have paid Sh. 48.

Now, the Minister will tell me that this has failed in the past year because the existing regulation provides for this. I think the Minister did not think—or rather, his Ministry did not think—very seriously of how to collect this money. The Minister is aware, I do not know if it is so in other constituencies, but in my own constituency, Sir, we have people called *mkurus*, these are people who are not Government servants, but they are elders of the people appointed in villages and these people cover, let us say, about 150 families in my constituency. I thought if the Minister used these people through the Administration to register the 150 families so that every month it would be their duty to travel round and collect Sh. 4 from every taxpaying individual in that particular area, this money would come forward. I know it would involve a lot of administrative work, but I think that if these *mkurus* who are not being paid, if it was considered by the Minister that they should be given a certain percentage of whatever they collect as a type of honorary payment every month, I am sure they would be very, very enthusiastic about collecting this money. *Mkurus* are the people who come under sub-chiefs but are not paid by the Government. I do not know if they are in other constituencies, as I said, but they are in my constituency, and I think they would be the best people to be used to collect these taxes. If the Minister considers this, I am sure the card system as advocated in section 9 would do very well, with the stamps, because in many cases—particularly in my constituency again—you will find that it is the women who struggle to look for tax for the men, and in most cases the man would be found drinking himself foolish, whilst the women, after going to the gardens and probably selling firewood, or making a bit of *pelele*, which they call the Kenya *wage*, makes a bit of money—illegally, of course—and then assists her husband in paying the taxes.

[Mr. Kibuga] county councils and from the Government it is necessary to pay taxes. But the method employed under the Bill is, in part, out of the question.

Take, for example, the assessment committee, under clause 4 (4). The provincial commissioner and his subordinates, the district commissioner, the district officer, the chiefs and so on, are supposed to choose an assessment committee to assess how much different individuals should pay, especially the individuals who do not earn any income, who are not employed. From experience, Mr. Speaker, Sir, in 1965, in Kirinyaga District, there were assessment committees chosen by the district commissioner or the chiefs, and everything was in a mess. In 1964, the assessment committees were chosen by the people, the councillors and some other people, and people were pleased and paid their taxes freely and happily. But immediately they were assessed differently, they felt they were being assessed badly. Somebody who was supposed to pay Sh. 100 was probably made to pay more; and in some cases people who were capable of paying more had their assessment reduced because of favouritism. Immediately the people realized there was some amount of favouritism, they refused to pay taxes.

So when we come to these assessment committees, although the provincial commissioner and his subordinates should see that the committees are chosen and should be members of them, the people themselves should be given a free hand to choose the people whom they know themselves. And when the committee is chosen, an expert should be on the committee to guide it as to the best method of making assessments. But if the people are not satisfied with the committee, and feel they are assessed badly, there will be chaos. According to my experience, if people are assessed well, they pay very happily, they realize that they have to pay taxes.

Another thing, Sir, is that Nairobi City Council seems to be favoured by the Government with regard to this personal tax. As the hon. Member who has just spoken and others have said, to say that we, the Members of Parliament, merely because we are paid in Nairobi, should see half, probably, of our taxes being paid to Nairobi, because we sleep occasionally in Nairobi while the House is sitting, is illegal. In fact, the City Council of Nairobi, having been favoured by all the income-earning people coming to live in Nairobi, spending their money here, should be thankful to the Members of Parliament and should give them their services but not demand any payment of taxes. All the taxes should go back to the county councils. It is not only the

Members of Parliament. I do not know what happens when, for example, we have other civil servants employed by the provincial administration and other departments. If they are not residing in Nairobi, I see no reason why they should have any of their money deducted to support Nairobi City Council.

Under this Bill, I think there should be provision whereby Nairobi City Council deducts, out of its collection, a certain amount and sets it aside to help the poorer county councils. They earn a lot of money. People come from all over the country to spend their money in Nairobi. Even though I am not against the City Council of Nairobi, we do not want people to come to Nairobi and live here. The President and the Ministers of the Government and the Members of Parliament have been telling the people, "Go back to the land." If you go back to the land, you find that services cannot be given by the poor county council. Are people really going to tolerate living in the countryside? Therefore, it is wrong to over-enrich Nairobi City Council.

Recently, during this year of 1966, in my county council or in my district, and in other districts, pupils going to primary schools have been forced to produce the tax receipts from their parents or guardians. This sounds all very well, because we want people to pay taxes, but in some cases you find that the pupils who are supposed to produce receipts have no parents or guardians; they may be being brought up by grandmothers or old mothers and they do not pay taxes. They are helped by friends to meet the expense of school fees. For these children to be asked to produce receipts is ridiculous. What should happen is this. If the provincial administration has carried out the collection of taxes, it is true that in every sub-location the headman or the chief will know who has not paid his taxes. They know where such men live; they should go and collect the taxes from them there. But to wait until the child comes to school and use such a lazy method of collecting taxes, by telling the child, "Go for your tax receipts", is terrible. If they have failed to collect the taxes, we should employ someone else to collect them; but we should not have the children punished.

The Minister for Economic Planning and Development (Mr. Mboya): How are they being punished?

Mr. Kibuga: Mr. Speaker, I see one of the Ministers here does not know this one because he has been in Nairobi all the time. This is what we are saying repeatedly: Ministers do not know the problems in the countryside. I request the

[Mr. Kibuga] Ministers to go out where the pupils are paying taxes, and where the headmaster or one of the school-teachers asks for the money even without investigating whether this child has a guardian or a father who pays taxes. The child is told, "Go home, get your receipt." Where does he get the receipt? Supposing this child has to go and cultivate for somebody or do a piece of work for somebody in order to get the money to pay his fees, and then produce it. Why should he be asked to produce tax receipts?

Mr. Speaker, Sir, there is another thing I should like to ask the Minister and his staff to check on and that is the question of these stamps. Supposing some one has paid for and put on his card stamps for three months or six months or two months and then he loses his card, why should he have to pay again all that he has already paid? Perhaps we may be told, "You should keep your record", but we expect that the Government employs civil servants and workers who are capable of keeping records and not expect every individual in the country to keep a record. When somebody goes to buy a stamp for his card, why should the office workers not keep proper records of this so that when the man comes later on and says that the card and stamps have been lost, there will be something to show whether this man has paid or not?

I would like to support one hon. Member who spoke a little bit earlier on the question of the remission of taxes, clause 21. Although I have nothing against the provincial commissioner or the district commissioner assessing whether or not someone is capable of paying taxes, it is wrong to give one individual too much power. In some cases, just as we have seen in the case of Ministers, some of these provincial and district commissioners do not know the people in the countryside. They talk with certain individuals who may be chiefs and they assume that so-and-so is capable of paying. In fact, because they do not experience any difficulties because they are earning a salary every month, they think everybody finds it easy to earn every day and every month. So I would suggest that, just as in the case of assessment committees, when it comes to remission there should be a committee chosen by the people themselves which would give the district commissioner proper information as to whether a particular person is poor or not.

On the question of imprisoning individuals who do not pay taxes, I totally disagree with this. If somebody has not paid taxes and it is true that he is able to pay, then his property should be sold. But if he cannot pay taxes, if he has not

paid taxes because he has not earned anything, that is no reason why he should be imprisoned. If it comes to the question of somebody who has not paid his taxes, and some money has to be recovered from him, the proper thing, just as has been suggested by certain other hon. Members, would be for him to be given a piece of work by which he could earn money, and in this case he would get enough to pay his taxes and also meet the expenses of himself and his family.

Again, Mr. Speaker, I hope the Minister for Local Government, and also the other Ministers in the Government, in the Cabinet, will issue circulars to the employers and to different firms that, under no circumstances, should they ask these people to produce tax receipts before they are able to be employed. These people want employment so as to be able to earn their living and pay taxes. If somebody is employed, it means that his taxes will be collected from him easily, so why deny him the right of earning? In fact, if he is ready to go and work and be employed, it shows that he has not refused to pay taxes; he has only failed to earn a living and pay taxes because he has not been able to get a job.

Mr. Speaker, just before I finish, I would rather like to disagree with one hon. Member who has said that because somebody of eighteen is very young he should be exempted from paying taxes, and that exemption should extend to the age of twenty-one. If these people do not earn anything, then it is right, whether someone is eighteen, nineteen, twenty or even thirty, for them to be exempted. But to exempt somebody of eighteen, someone who may be earning, I think, is wrong. I imagine that most of these people would go to school at the age of six or seven; it is possible for some of them to start earning after finishing the Kenya Preliminary Examination. Some of them earn after going to high school or secondary school for a year or two or four years. So the question of age is not too very important here. I think the main thing is whether such a person is earning or not.

Mr. Speaker, Sir, I hope the Minister will take into consideration the questions of the assessment committees and the committees which might decide whether someone should have his taxes remitted or not. Under no circumstances should we give this job to an individual, a provincial commissioner, merely because he has proved capable. In most cases, they do not know the people. While I give them credit for working well, the question of assessing and that of remitting should be left to the people, with the guidance of the provincial commissioner and his subordinates.



[Mr. Maliro] who do not earn anything, are also compelled and forced to pay the Graduated Personal Tax. If he does not pay the Graduated Personal Tax he will be humiliated in every corner that he moves. He has to produce a tax receipt even if he has not got the money. I call it primitive again, Mr. Deputy Speaker, because the people who pay income tax will still pay Graduated Personal Tax, both are taxes on income. Now, how can one tax income twice? The same person, the same taxpayer who earns the money from the same employment pays twice. One has to pay Sh. 600 flat, if he is within the income tax paying group, and then be assessed again on the same income on which he has already paid Graduated Personal Tax.

I think, Mr. Deputy Speaker, here is where the Minister must accept that that must be changed or at least the Sh. 600 he pays should be accounted for and given a remission before he can pay his income tax.

Mr. Deputy Speaker, the other point I would like to raise on this is a point on section 11: penalty for late payment. I think whoever devises a law like this must be out of his mind. The normal problem is someone pays tax late, simply because he did not have the money at the time he was to pay the tax. Why should he be told to pay double when, at a given moment, he did not have the money to pay the tax? Mr. Deputy Speaker, I find the Minister would only look for the tax; if someone pays the tax, so much the better. If he does not pay the tax, hard luck, because he has no money. Now, if someone fails to pay Sh. 48, what logic is there that he should pay twice the Sh. 48, when he is already late, he did not have the money and he is told to pay twice? Well, these are the steps which are making our Government an unpopular Government.

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

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

We do not want to make our Government unnecessarily unpopular because of the shortsightedness of some of our Ministers.

Another point, Mr. Speaker, is on the question of the demand, section 12. Here again, when someone is moving, possibly going for an urgent case—The other day I found someone whose father had died and the tax collector stopped him on the way and said, "Toa feta, roa receipti ya kodii." He said that he must produce the Kodii and if he did not produce it, he could not move. The man said, "My father is dead, I rushed out, I couldn't get the tax receipt, but it's at home."

Fortunately, I arrived on the scene in proper time and I told this man, "Look here, if this man is genuinely saying so, please could you allow him to go?"

An hon. Member: Did you show yours?

Mr. Maliro: Yes, I showed mine; I had to show mine, too.

So this man went away and thanked me for it, but we do not want to see people humiliated unnecessarily. This, Mr. Speaker, is a point which the Minister must accept. When people complain and say that we have a Government which is colonial-minded, the Ministers should be ashamed of themselves, because these were the methods which the colonial administration was applying. Today we have a black man's Government, and the black man's Government administers exactly the same regulations, rigorously, as the colonial administration used to do.

Now, the other point I would like to mention, Sir, is where the Minister says that if someone fails to pay the tax, they should take his property and sell. When they have taken all the property from his home and sold it, and it does not amount to the tax, then still that person is to be taken to court to find out how he could raise the money. If he had a number of goods or *kukas* in the home and they have been taken and sold, and that does not amount to the tax which has been given to this man, it is a clear case of wrong assessment. Now, why should a person like that further be told, "You must pay the money"?

I should like to raise another point, Sir, on section 22: exemption from tax. It states: "(a) every individual who has not attained the age of eighteen years"; I think this eighteen should read twenty-one. Mr. Speaker, I am going to move an appropriate amendment during the Committee stage to the effect that every individual who has not attained the age of twenty-one years should not pay the tax. The reason why I say so is this, Mr. Speaker, that it was eighteen years under the colonial administration. The Minister for Local Government is still colonial-minded enough to cling to the age eighteen. Today we had an example from the Attorney-General, wiping out these relics of the colonial mentality, but this is one of the relics which must go. In Kenya, Mr. Speaker, an adult is one who can vote, and one votes at the age of twenty-one. When one is under age and is not entitled to vote, is he a minor?

The Minister for Home Affairs (Mr. arap Moi): Do they marry? They marry before that.

Mr. Maliro: Well, children can play house!

[Mr. Maliro] Mr. Speaker, Sir, the Minister for Home Affairs is necessarily provoking me. I was saying that the age should be twenty-one, because it is at that age when an individual is entitled to vote.

The Minister for Home Affairs (Mr. arap Moi): On a point of order, Mr. Speaker, would the hon. Member withdraw that remark he has just made?

The Speaker (Mr. Slade): That you were provoking him?

The Minister for Home Affairs (Mr. arap Moi): Yes, Sir.

The Speaker (Mr. Slade): Not unless he feels satisfied to, he is not out of order.

Mr. Maliro: Mr. Speaker, Sir, thank you very much; it was not out of order.

An adult is one who has the right to vote and decide on national matters. We do not want minors, small children, to be told to pay *kodi*. As I would say, Mr. Speaker, that all the students in the universities or in high schools— even if they are over the age of twenty-one— would be exempted from the paying of taxes.

My last point, Mr. Speaker, is on clause 23. I think the Minister must be realistic and the Government must bear in mind that this is an independent Kenya and not a colonial Kenya. For one to say that until the child produces the father's tax receipt, the fees from a child should not be taken, I think, is immoral. It is highly immoral, Mr. Speaker, in that a child should not be punished for the failures of his father. Even in the courts of law, if I murder someone, my child should never be hung, because I murdered someone; I should be brought to book myself. Mr. Speaker, this is where the whole document falls down and falls down seriously. Whoever drafted the document must remove this, but a child should pay his fees. If my wife, for instance, is going to a maternity home which is under a given county council, to bear a child, would she be denied the facilities of being cared for by midwives because I have not paid my Graduated Personal Tax? I think this is not even simplification.

If services are to be denied to an individual, they are being denied to a person who was not the right person. In fact, if I, as a taxpayer, have not paid my graduated personal tax, and I am sick, should I not be treated in the county council hospital? If my child is seeking a bursary from Government, and I am unable to pay the Government taxes, I am the one who is better qualified, Mr. Speaker. The person who has failed to pay

graduated personal tax should be the one whose child is better qualified because he has no money, he is a pauper. Now you demand money from the people who are unable to pay and deny services to them and their children and their wives because they are unable to do so.

Here also I am going to propose the appropriate amendment in order to bring this into line.

With these few remarks, I hope my friend, the Minister for Local Government, will think again about the amendments I have raised.

The last and final thing I would like to say is that all hon. Members here have received circulars— this I do not want— from the Attorney-General's Office, saying that we have to pay our graduated personal tax in Nairobi, that we are employed in Nairobi. Mr. Speaker, I want to submit to the Minister here that if that is just a directive from the Attorney-General's Office it is illegal, because it is not included in this document. I have read it through and through and it is not included here, that the Members of the National Assembly should pay their tax in Nairobi. So, Mr. Speaker, I think that the Minister, in replying, should make this clear. The people who employ me here are the people of Trans Nzoia District, my voters, and not the Nairobi people.

Finally, Mr. Speaker, when the Minister gets up, he must tell the House, if he does not want to risk a vote of no confidence in him, that—

An hon. Member: That is not a threat.

Mr. Maliro: What is not a threat in politics? Mr. Speaker, when the Minister gets up, he should tell us that the people who have been demanding that children show receipts for *kodi* have been doing that illegally, because the law is only being processed before this House now; he should tell us that. And, in fact, it would be better for him, in his own best interest, to make a statement that if this is being practised by any county council it should be stopped until this law has gone through.

Mr. Speaker, the hon. Member says he wants money. That is not the way to make money. If the hon. Minister was so desperately wanting to put this law through, he had the whole of last year to manufacture the law.

With these few remarks, I beg to listen a little bit.

Mr. Kibuka: Mr. Speaker, Sir, quite a lot has been said about this Graduated Personal Tax Bill. The most important thing is that we are all agreed that if we are to get services from the

[Mr. Ngala]

Mr. Deputy Speaker, Sir, the other point I would like touch on is that I would suggest that the new stages go by halving all the stages from Sh. 48 to Sh. 300 that is halving the Sh. 600 because many people who pay the Sh. 600 also pay the income tax, and I think the Minister cannot very well argue that when I pay Sh. 600 and on top of Sh. 600 I pay an income tax of, let us say, Sh. 12,000 a year, this, I think, is quite unfair to even the top income people.

Therefore, I would suggest that the grades are halved, that is the forty-eight is halved to twenty-four and the top one, and throughout the grades we have them halved. I think it is clear that I am suggesting that the top is also halved because the people at the top pay very heavy income tax to the Income Tax Department and I think it is fair to realise that they are contributing quite a lot.

Mr. Deputy Speaker, Sir, on section 23 where the Minister mentions that people who fail to pay this tax should be denied entries or bursaries, scholarships or an entry to educational facilities, I think that there is something wrong here, because I cannot understand why a child should not be able to go to school just because a parent has not paid the tax. The child, as a person, has not committed any offence and it happens that, by accident, he is the son of somebody who has not paid and therefore I feel that it is very, very unfair to the children. This has been done so far very illegally, the Government has been doing this for many years now and it has been doing it illegally. This section is brought here to baptise something which has been carried out illegally by the Government. I think it is quite unfair, Mr. Deputy Speaker, that this section should be in, I think the children should be free to go to school and it should be the duty of the Government to hunt for those people who do not pay tax and the children should be free to go on schooling.

Now, in the same section the Minister goes on saying that local authorities including employment should be refused to people who have not paid their tax. In Mombasa what is happening, Mr. Deputy Speaker, Sir, is that people who have not got any tax to pay, because they are asked to pay tax before they even get employed, whenever they look for employment. They may look for employment in the harbour or in the Bamburi Cement Factory or in the oil refinery and they are told that the Government has passed a law—although we have not yet passed it, we are discussing it—

and that they cannot be employed until they can produce their tax card for 1964, 1965 and the Sh. 4 for January 1966.

Mr. Deputy Speaker, Sir, I thought this was something which was called "Pay As You Earn." A person who did not earn anything in 1964, why should he have been expected to pay or if he has not earned anything in 1965, why should he be asked to pay? Even if they want the tax to be paid, why cannot they accept the period for employment first and deduct the tax in the first two weeks of his employment? I would like the Minister, when he replies, to say definitely whether the companies or the firms or even the local authority in Mombasa is acting illegally and if it is acting illegally in demanding all these things, we would like an assurance that the Government will stop this and make it possible for people who are seeking employment to be employed before they are asked to pay tax, so that they can pay as they earn.

Mr. Deputy Speaker, Sir, the question of remission by the district commissioners: I think this remission should not be done by one particular person. I think there should be a committee which can remit, because district commissioners are human beings and they can take advantage of this very easily and, therefore, there should be a committee to assist district commissioners in remitting the tax, instead of making it a single man's responsibility. This is in section 21 (ii).

Mr. Deputy Speaker, Sir, the other thing is the question of assessment. Many people do not want to pay the Graduated Personal Tax particularly in the rural areas, because assessment is completely out of order. I think the people are left at the mercy of the chief with selected friends of his and they go round and they look at the number of coconut trees that you have on your farm and they say, "You have five hundred coconut trees therefore your tax"—let us think a bit—and they say, "Your tax should be Sh. 200." Now, they do not bother to think as to whether these trees are bringing in any income and how big the income is, and assess it according to the income. They assess it according to the trees that are standing in the bush or standing on the land and do not take into regard the actual revenue that the trees bring. I think the Minister must make it quite sure that the assessment in the rural areas by the chiefs and sub-chiefs and some local people is properly done and that people who are chosen to sit on the assessment committee know what economics are and what assessment means. I come to cases where people are assessed according to their houses. They look at the house

[Mr. Ngala]

you have whitewashed it and it is well thatched and they say "Well, yes, that house is a good house, therefore it is worth Sh. 200." Just because you have a good house. Now, I thought originally that it was a question of what revenue you have, what is the actual income in the previous year and that the decision of the amount you should pay should be based entirely on the revenue of the previous year. It is not on whether you have so many trees growing on your piece of land which may not bring you any income. In a bad year when a farmer or a peasant cannot show them that there has been any revenue accruing from the trees, they do refuse to take his word, and this is I think, very serious indeed, because sometimes it does not rain and the farmer says "These trees have not brought me anything this year, therefore I have nothing", but they say "Well, the trees are there and so long as you have the trees in the ground, you are going to pay the tax." That assessment is very, very wrong indeed and it should be looked into by the Ministry. Now, the assessment committees: members of the county councils and municipal councils are excluded, this is very right, but apart from these members being excluded, I think the chiefs should be directed as to which people should actually sit on the assessment committee. They should be people who have the know-how as to what revenue is and not just be allowed to pick up my Tom, Dick and Harry and put him on the committee.

Mr. Deputy Speaker, Sir, I would also like to touch on the question of two instalments to be paid for those people who are living in the countryside in this section 7, two instalments to be paid. I think this has already been mentioned, but I think the timing should be determined on a provincial basis. I think, and I am giving a reason for this, because people living in the different countries, it should be left to the provincial commissioner to decide as to the suitability of the seasons and when people do have a good income and are able to pay the tax easily. If you do not do that, Mr. Deputy Speaker, Sir, the month of March, in other places is a completely dead month as far as revenue is concerned, in others it is not. Therefore, I think this decision should be left to provincial commissioners so that they can decide what periods are suitable so that Government can collect the tax with ease and with the greatest co-operation from the people who are paying it.

Now, the question of imprisonment, Sir, I think people who fail to pay tax have very good reasons and therefore they should not be

imprisoned unless they really are notorious and unless they are really obstinate and will not be able to pay, because if you imprison a person who has not paid tax, well the minimum he can spend in prison is about Sh. 60 a month. I do not think it pays to go about imprisoning people for lack of payment unless the Government really find that they have not got good reasons. In many places today there is unemployment, there are many thousands of people who are not employed who would have wished to pay the tax but for reasons and circumstances which are beyond their control they cannot pay their tax. In section 13 the Minister says a collector can sue a person and this will be a civil debt and it can be recovered summarily. Yes, if you want to recover it summarily I think you should consider carefully, so that you do not go into the danger of pressing for blood out of a stone, because some of these people are finding it really very difficult. They have genuine reasons for not being able to pay. I would suggest that the Government provides pieces of work, self-help projects and take these people on to these projects and pay them a little, maybe even below the normal payment, but out of it they can get their tax as well as a little money to live on.

Now, Mr. Deputy Speaker, Sir, the denial of county council services is something that I would like the Minister to clarify. Does it mean that if I live in Mombasa and I pay tax to the municipal council and one year I happen to be ill and am unable to pay, would the municipal council be allowed to deny me the use of their services just because I have been unable to pay the tax that year. If so, the Minister is encouraging bad relationship between the taxpayers and the bodies to which the tax is paid and the purpose of paying tax is that civilians, the people of the country, should be properly served and not to create hostility between the local government bodies and the people who are paying the tax.

With these few words, Sir, I would like to support the Minister.

Mr. Muliro: Mr. Deputy Speaker, thank you very much for giving me the chance to talk on this Bill. I find the Minister must accept the fact that this Graduated Personal Tax, some might call it Poll Tax, or whatever it may be called, is a primitive way of taxation. I say it is primitive because when one looks at clause No. 3, the imposition of tax, this way it is definitely and genuinely a tax on income, but in practice it is not a tax on income, because those who have hardly anything at all, people

[Mr. Anyien] stay without working and if we do this, Mr. Speaker, I think it will help more of our people in the countryside.

Mr. Speaker, if you send a person to jail, then when he comes out, are you taking into account what happens to his children, while he is in jail, because I have, Mr. Speaker, even at home, many of my voters asking for this law, they are saying that if they are unable to pay taxes they want to go to jail. Very many of them are prepared, they say if I collect money, I have no money, all I want to collect is enough to send my children to school, then I will go to the Government to go to jail so that the Government can pay my taxes, because the Government has been unable to give me any employment. I do not think even Government will have enough places in prison to keep these people who are unable to pay their taxes. So, Mr. Speaker, instead of the Government trying to legislate, to bring Bills in Parliament, trying to get money from the people. Money which is not there, the Government should try to help the people to have the money first, and then when the people have money the Government should take it away from them and if the Government has helped the people to get the money, the Government will know where the money is and the Government will know how to get it. But the Government does not care, a person is very poor, his wife is dying, his wife is sick, his wife cannot go to the maternity hospital, the children are sick, and the man says I have no money to send these children to hospital, but the man who comes to collect Graduated Personal Tax says bring me the Government tax. The man says look my child is dying, I have no money to take the child to hospital, and you are asking me for tax. Why do you not sympathize with this man? Now, Mr. Speaker, I think that is what will make our Government to be very unrealistic, and they must not blame the Members of Parliament because the Members of Parliament are informing the Government of these things and this is the responsibility of the Government to take into account all these things. We do not expect the Government to introduce changes which are impossible to implement but we believe that if the Government start proceeding towards a change, I think the Government will be able to do something good and something reasonable for our people.

One Member, Mr. Speaker, did speak about people who pay, particularly the people who are employed and who pay their tax and they are given stamps. This, Mr. Speaker, has become

a problem. I think what the Government here should do, I think that the idea of people paying is all right, but what the Government should do is to print very small receipts, very, very small, and much smaller than the one on your driving licence which you get every year and when the person pays, a copy is left somewhere so that if a person loses and this should be stuck on the card, now if for some reason it gets lost, this man can always refer and maybe if the Government wants to recover some of the money, you can say that if you lose your stamps you can pay two shillings in order to get a copy, but for the Government to say that if you lose your stamps, then you have lost all the money, I think this is being very unfair because sometimes you may not even be the one to blame for the loss of these stamps.

Mr. Speaker, we have in this country one thing which the Government is not realizing, the Government is always all the time reminding the people to work hard, the people in the towns are going on strike like now the Railway Workers Union I hear are threatening to go on strike and if you look back ten years, you will find, Mr. Speaker, that the farmer at home used to get as much money for his bag of maize as he gets today, while the person who is consuming this maize in town, if you look back ten years, that person's salary might have been trebled and with Independence here and the Europeans gone, you will find that the Africans have taken over the European salaries and their salaries have come up and up, but the person at home, and when I am talking about the person at home, even the Ministers must know. For example the hon. Minister, Member for Kitutu West, knows very well that maybe 99.9 per cent of his voters are the people I am talking about. He is in a place now where he can help them, and in the course of helping the people of Kitutu West he can help the people of Kenya. I hope that the Minister will see that in the Cabinet they must be able to take into account also what the farmers produce. You cannot tell the farmers to pay a little bit more tax all the time, and at the same time you do not increase the price because in this way you are ignoring a very important section of our community. This is the people who are working on the *shamba*. Now, Mr. Speaker, I am talking about this price in connexion with this Graduated Personal Tax. Mr. Speaker, you will see that when the farmer maybe went on strike a little bit, they did not want to plant any more maize, we are running all over the world looking for maize, setting up commissions, doing this and that, and if the

[Mr. Anyien] farmer continues to go on strike we shall have to go everywhere, we have now gone to America to buy maize there.

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

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

We go to Canada and purchase maize, we go to Britain and purchase maize there, we go to Italy and buy it there, we go to China and buy maize there, and at last, Mr. Deputy Speaker, Kenya will look as if she cannot stand on her own feet. So, Mr. Deputy Speaker, my contention is that the Government must enable the farmers who form the majority of the taxpayers in this country, these farmers must be given enough money so that he does not have difficulty in paying his Graduated Personal Tax.

Now, Mr. Deputy Speaker, the Government is also assuming a little bit too much. The Government has introduced this Motion we are discussing today, it is the 1st February, but the Government says that this Bill should take effect from 1st January, a Bill like this, Mr. Deputy Speaker, should have been brought last year so that we could discuss it, then it will start to be effective from 1st January. Now when the Government says that this Bill should take effect from 1st January 1965 I think it is written, the Government is taking this House for granted. How does the Government know that the Members are not going to reject this Bill? Mr. Deputy Speaker, the Government is asking us to approve something, then they are going to penalize the people retrospectively. This is very dangerous if he votes know when you go to arrest them, they know that it is Anyien who passed this, and we are being arrested for the things which happen. A Member here is saying no *kura*. It is true to *kura*. You will never get any *kura*. Mr. Speaker, if there is anything, even if the police are very selfish, everybody wants *kura*. How can Members of Parliament pass this law to penalize the people like this? This, Mr. Speaker, *kura* means votes, for our people may not be able to understand what *kura* means, it means vote.

So, Mr. Speaker, I do not want to say too much because I see that very many Members would like to speak and I hope that the Members will try to think of the people in the countryside, let them not think of themselves. Even me, last year, Mr. Deputy Speaker, before I sit down, they gave me all the salary. I tell you, Mr. Deputy Speaker, I never paid the tax, but it is true, I got punished, but if it is difficult for me to pay, the demonstration I am giving, if it is difficult for me with my

salary to go and pay, how much more difficult is it for a man in the countryside, now it is easy because they are taking it automatically, and if they are taking it automatically, let them also help the farmer at home to be taxed automatically without him having to pay.

With those few remarks, I think I should like to reserve my opinion about this Bill until the other Members have spoken.

Mr. Ngala: Mr. Deputy Speaker, I would like to say a few words on this Bill.

The first point that I would like to make is to remind the Government that when we originally thought of the graduated personal tax we fixed some stages according to the income of different people. The minimum being Sh. 48 per year. I think the time has come for the Government to review these stages, because the minimum of Sh. 48 has proved to be too high a level for most of the people in the country.

Mr. Deputy Speaker, Sir, on section 22 (4), the Minister has included the onus of proof for remission lies on the person who is to pay. I think that the Minister is aware that most of our people do not have access to the district commissioner, and even if they have access to the district commissioner to prove that they are unable to pay the minimum, they find it very difficult to prove in a logical manner, and explain properly, and for this reason I think that many people who are really very poor find it rather difficult to go to the district commissioner and prove and therefore I think there is a section of our population which should be automatically ruled out of payment of this tax by knowing the conditions under which they live, the poverty under which they live. I think the Minister should as the Colonial Government used to do, at one stage, rule that certain income grades should never pay what they called *kodi*. Therefore, I would like to suggest to the Minister that we have an extra segment in this tax payment which is the segment of people who are completely unable to pay to be automatically exempted by provision in this law, so that they do not have to pay. That is the very poor people who have to get exemptions, but because they do not have access to the district commissioner, or they are not in a position to explain their case clearly, I think they warrant automatic excuse from the Ministry.

After getting these people ruled out of payment, I believe it will not be a very big section to affect the actual revenue. I believe it will be a section who will very much appreciate the Government's kind or goodness in excusing them in the understanding of their poverty.

[The Attorney-General] and probably pays £500. He writes a cheque, and then he goes to another *duka*, writes another cheque, and the next thing he does is to board a plane that very night, and when those cheques are presented the following day, they bounce. So Sir, that is what these people do, and when I see cases like that, I just refuse to have these people brought back, because it is the fault of the business community. They should check first before they give credit, to see that the person is credit worthy.

Mr. Speaker, Sir, with those few remarks, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time)

The Speaker (Mr. Slade): Committee stage?

The Attorney-General (Mr. Njonjo): Now, Sir.

The Speaker (Mr. Slade): No, not now, I am afraid, because it is not on the Order Paper. I did deal with this point with a Communication from the Chair only a few days ago. We can have two stages of a Bill, in spite of Standing Orders, with the leave of the House, but only if they are on the Order Paper, so that hon. Members have notice beforehand that they will be asked for the leave of the House, and that the matter may come forward.

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

BILL

Second Reading

THE GRADUATED PERSONAL TAX BILL

(Minister for Finance of 27th January 1966)

(Resumption of Debate interrupted on 27th January 1966)

Mr. Anyieni: Mr. Speaker, Sir, I am sure that many Members who have aired their views on this particular Bill have put forward some ideas as to what difficulties the people in the countryside will face if this Bill is passed.

Now, Sir, may be because this Bill was discussed last week, some of the things which were said, may have to be repeated, so that the Minister is reminded, and also the other Members who may want to speak later, may be reminded of what other hon. Members have said with regard to this Bill.

Mr. Speaker, Sir, this Bill says that the people who are employed and receive salaries of, say, Sh. 6,000, per month, Members of Parliament, Ministers and others are allowed to pay their

Personal Tax over a period of one year, twelve months, and you will find that the poor people, the ones who have no employment, who may be relying on their crops which sometimes fail them, will be required to pay their Personal Tax in June. This Sir, I think, is very unfair. I think it should be the other way round. If the Government must have money quickly, then it is those who are employed who should be made to pay earlier, for example, after six months' time, but not those in the countryside who find it very difficult to get money.

Mr. Speaker, Sir, I have said all this before in this House, and I think I will continue to say it when the Ministry of Local Government introduces such a Bill. Mr. Speaker, Sir, as you very well know, the majority of the voters in the countryside are farmers, Kenya being an agricultural country. Very few of our people are employed, but, Sir, you will find that lots and lots of our money goes into the pockets of those who are employed. I contend, Sir, that the people in the countryside are taxed more than the people who are employed. I say so, Sir, because you find that a person working in Nairobi, say, earns Sh. 600 a month, will be requested to pay, say, Sh. 200 in tax, but the poor old man at home is taxed in very many more ways, because after having paid his normal Personal Tax, there is a cess on him, a cess on his crops, for example, Sir, he has to pay cess for his coffee, he has to pay a cess for his tea, if any, he has to pay a cess for his pyrethrum, again if he has any; he has to pay a cess for the maize he grows. In fact, Sir, he pays so many taxes, that by the time he has finished and the money remaining goes into his own pocket, if you add up what he has paid, he is worse off than the person who gets a salary in the city, and therefore, Sir, as such, it is very unfair to the people in the countryside. I am saying this, Mr. Speaker, Sir, because 99.9 per cent of my voters are country people; I am also a country person as I have a little *shamba*, but I find that this is very unfair to those people who cannot afford it, but not to a person like me because I can afford it, because I am given a better pay.

Sir, what I am proposing the Minister should do is that with this Sh. 60, or whatever they pay, must be made uniform. If we say that the people are going to pay Personal Tax, then we must see that it is only Personal Tax, and no more, for example, a man in Nairobi, when I was talking to him, said that he paid water rent, house rent, but how is it that a man at home has to pay if he does not have his own house? However, he refused to pay because it was his own house, and similarly if you want your own house in

[Mr. Anyieni] Nairobi you can have your own house, and as such you are paying for the services, but these people in the countryside are being taxed too much, but you do not see the services. The roads are terrible. This and that are not available. The hospital is very far, and yet a person is paying so many taxes.

I think, Mr. Speaker, Sir, that the Government should be moving away from these direct taxes. I think, Sir, the Government may even collect more money, if they abolished indirect taxation and collected direct taxation. That, Sir, instead of paying a farmer Sh. 45 for a bag of maize, he should be paid Sh. 43, and Sh. 2 or Sh. 5 per bag should go to the Government. In that case, Sir, the farmer should not be asked to pay again, because there are a lot of difficulties with our people are now encountering. For those Members who went home will know that this is the time when the school fees are to be paid and yet this is also the time when the Government is asking for the people to pay tax. So Sir, you find a person saying, "Where do I get this money from, do I pay the school fees or the Government tax", and I think, Mr. Speaker, Sir, if this indirect taxation was introduced, and it has been introduced in very many countries, particularly in the socialist countries, you do not have so much direct taxation, and I do not think our people would object very strongly if we did have this indirect taxation. For example, Sir, if a Member of Parliament is supposed to be getting Sh. 2,000, then that money should be taken automatically and he should never be given that money at all. It should be taken and he should know what his salary is less the tax. So, Sir, if this is applied to the people who are employed, we would also like it to apply to the people who are working in the countryside.

Mr. Speaker, Sir, this will not excuse some people who do not want to pay tax, because if there are people who have some land and do not want to farm it, then the Government should make sure that these people farm it, because if he does not want to farm it then it should be given to someone like his brother who will farm it and then the Government can get some money from it. Mr. Speaker, Sir, you will find that some of my people at home are very poor and not rich, who pay even more tax than I do, because if a person grows maize, he probably has to pay Sh. 3 on a bag of maize, and may get, say, fifty bags of maize from his land. I think, Sir, that we should also be able to take into account the fact that some people in the towns do not pay any indirect taxes as the people in the countryside pay.

Now, Sir, there is the imprisonment which the Minister has spoken about. The Government must also be able to take into account that there are a lot of other things which decide this tax. For example, a person may be very poor, and that is because he has one or two acres of land and according to African Socialism, he might have married one or two wives, with the result that he has many children, may be fifteen or twenty he is struggling to send these children to school, and the Government comes, finds that he has only been able to send five children to school, they do not want to help him send any more children to school, even the Imperialist Government, if you had so many children, they used to exempt some of your children, if you had too many. But, Sir, these days you have to pay for each and every child. Mr. Speaker, Sir, you will find that the person who has struggled to send some of his children to school and is struggling to send the rest of the children to school, the Government will want him to pay Personal Tax, instead of him paying for any extra child to go to school. Therefore, in this case, what we are encouraging, Sir, is for less and less children to be educated, and these are the people who become a problem to the Government.

I think also this should be taken into account. You find, Mr. Speaker, a person who is very poor, is not even well clothed, you would say he is half naked, his shirt is torn everywhere. In the night he has got to go and drink gin in order to sleep, because he has no blanket and then the Government chases him, says you must pay tax, he walking barefooted. Now why do you not try and help this man first to clothe himself, then pay money. Now he pays this money, and who goes to use this money, Members of Parliament like myself, Permanent Secretaries, Ministers. Everything is taken away from this man and then people like me are paid to be able to buy a loan car, to be well clothed, I think, Mr. Speaker, we are the people who are the leaders of this country. We should agree that this is being unfair. Let us take into account the status of a person. If we find that a person is poor through his own laziness, let us also have a way of dealing with those who are lazy. Because we cannot have the Government allowing some people to eat without doing any work. Let us say that we can even plan it, Mr. Speaker, that if a person is in the countryside, and he has not worked as he is too lazy, the elder in the area who is in charge, can tell the chief that this man has not been working throughout this week, all he has been doing is drinking, so that this man can be forced to work because we cannot allow our people to

[Dr. De Souza]

I would like, just on those two points, to commend the Bill to the House and congratulate the Government on bringing it.

Mr. Kamran: Mr. Speaker, Sir, I stand to congratulate the Attorney-General on choosing this very ripe moment to introduce this Bill, for the simple reason that now that we are fully independent, we would not feel very proud if we were to earn the contempt of all neighbours. At the same time, we would also like to see that the Kenya Government gives a fair deal to all political leaders who genuinely believe that, in coming to this country, they will be safeguarded by our own Government.

At the same time, we would not like to see criminal offenders thinking of Kenya as a place where it is very simple to hide. Therefore, we hope that the Attorney-General and the judiciary will be very careful in dealing with any type of fugitive who may be criminal offenders. As a matter of fact, we know it is very difficult to distinguish between a genuine politician when he comes to our country and a criminal politician. It is up to the Judicial Department, and especially the Attorney-General's Office, to keep our laws up to this standard whereby our neighbours and other territories will always appreciate the way we deal with political refugees.

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

Mr. Mbogoh: Mr. Speaker, Sir, while I do not oppose this Bill, I feel that I should make a few observations on the Attorney-General's remarks. Mr. Speaker, there are some countries, we already know, who treat political opposition as a crime, and unless that law is accepted in every country where political opposition is a crime, then it will be at the discretion of that country whether or not to send a letter to the Attorney-General or to the magistrates in Kenya, saying, "We want to take back our criminal because he has committed a crime in our country."

Mr. Speaker, we also know that when we have these extradition arrangements, and then somebody asks for his own criminal to be returned to him, and then the Kenya Government says, "No, this is not a crime in Kenya and therefore we are not going to return this man", there will be a lot of kidnapping in this country, and there will also be a lot of people going around looking for their criminals who have been harboured by this country. And, Mr. Speaker, I feel that the law can then be brought into line with every other

law in the world, and not only with those in the Commonwealth because the Commonwealth has also laws which are not adopted in Kenya, then this Extradition Bill will be useless.

If we have this law brought into line with other countries of the world, then there are a few things which should result after certain countries refuse to accept our law. Here again, I wish to stress that if Kenya can extradite a criminal, then also all Kenya criminals in every other country of the world must be extradited, as should happen to every criminal of the other countries.

Mr. Speaker, I agree that a criminal who commits a small offence should not be concerned, but then this means that every criminal who is going to be hanged will be handed over and the Kenya Government should hand over other suitable criminals so that they can be hanged at that time. That is not very humanitarian. I do not think that it would be very sensible to hand over people for hanging all the time.

Mr. Speaker, I do not have very much to criticize here. I hope that some of these things will be looked into when this law is being passed.

I beg to support.

Mr. Makokha: Mr. Speaker, Sir, this Bill carries particular meaning for people on the borders, such as on the border with Uganda, because the offences listed here take place almost daily. I know of people, Sir, who are Kenya citizens, but who have committed these offences, and who are living only a few yards away from the district commissioner's office at Busia, but because they are in Uganda there is nothing that can be done easily to return these people to Kenya to answer these charges.

Mr. Speaker, the commonest offences I refer to are theft, particularly theft of stock and the theft of people's wives and children. Only the other day, Sir, a person came to me complaining that one of his wives had been stolen by somebody and that this person is living with his wife and children in Kampala. Now, although this person has tried to force the wife and the person in question back to Kenya so that he could face a charge, the Uganda Government has not been co-operative enough in getting this culprit back to Kenya.

So, Mr. Speaker, Sir, I would appeal to the Attorney-General to contact his opposite number in Uganda in order to make it a little easier for people like these to be brought back to Kenya. Probably when the Attorney-General replies, I would like to know what a person like myself, or a Member representing an area or a constituency bordering Uganda could do if he knew offenders

[Mr. Makokha]

of this kind who are in Uganda, and what steps he should take to get these people back to Kenya in order to be brought to court.

Mr. Speaker, Sir, with these few words, I beg to support.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Speaker, Sir, there is only one point. It has been emphasized by the Attorney-General that the political offenders will be treated as a special case. The point which I am emphasizing is that this has become a matter which is dividing African States and frustrating the objectives of the Organization for African Unity because the discretion allowed in this matter has been, in some cases, misused, where a particular offender has been known to commit crime or to conspire, as the Bill says, to commit crimes in a different country and he runs to another country and then he is not returned because the Minister in charge decides to define his offence as being political. Now I do believe that, particularly we here in East Africa and in Kenya, we want to promote the purposes of unity; we want to promote, in other words, the understanding between African States. I believe, therefore, that whereas political offenders should be treated as a special case, we should make sure that we do not use this particular provision in this Bill to frustrate the obvious wishes of a friendly African nation, so that with people who have been known to have been conspirators in some cases—although, we may not agree with the political régime in a different African country—it is our duty to make sure that these people are returned to face the laws of the country where they came from. This is wanted because we have seen too much abuse of this particular provision in one or two countries in Africa. In other words, what I am pleading for, Mr. Speaker, is that the definition of what is political crime shall be as strict, as narrow, as the Attorney-General lead us to believe in the case of Kenya. This is the only point which I particularly want to emphasize.

I also want to make the point that in the case of East Africa perhaps there ought to be an arrangement whereby the three countries—as is done in one or two countries in Europe—should not have to go through the long tedious procedure through the courts. I believe that the matter could be expedited so that any person who has run away from justice in Kenya, or Tanzania or Uganda could be quickly apprehended and returned without all these very tedious procedures of going through magistrates, and going to listen to cases of one sort or the other. Is it not the fact, Mr.

Speaker, that in East Africa at least there is sufficient understanding of what these crimes are between ourselves and that we are sufficiently close to each other that we should not have to go through all this very tedious procedure. Perhaps the Attorney-General might enlighten us on whether or not there is a legal way of simplifying these procedures as regards countries which are so close to each other, as with the East African countries.

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

The Speaker (Mr. Slade): If no hon. Member wishes to speak I will call on the Mover to reply.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I am most grateful to the hon. Members for supporting this Bill which, as I did explain, is necessary because of the difficulties that we have had recently in getting our own people who have committed offences and run away from this country, and also in returning people from other neighbouring countries who have run away to escape being tried by their courts.

To answer the hon. Member for Nairobi, Mr. Mwai Kibaki, I would say that this discretion which is given to the Minister will be applied strictly and, as I did explain with regard to the case in Nigeria, we would not like to send somebody away purely because he is unpopular in his own country. But that would be a matter for the court to decide; it would be quite apparent when we receive a request from that country whether the offence he is alleged to have committed is political or whether it is a purely criminal case.

I think hon. Members should also realize that extradition is quite an expensive business and, for instance, I do not request extradition of people from other territories or from other countries unless I am satisfied that the case is serious because we have to pay for the air passage of these people. We have to send police officers to the United Kingdom; if, for instance, we are getting somebody from the United Kingdom, to go and identify that person, have him arrested by Scotland Yard, and escort him by plane from the United Kingdom to Nairobi. So hon. Members will realize that this is something that one has to look into very carefully and consider whether it is worth while bringing a particular individual from the United Kingdom.

Here, Sir, I would also like to warn the business community, because they are responsible for quite a number of people escaping from this country. The giving of credit is a very simple matter in this country. One has just to go into a *duka* in Nairobi and say that he wants such-and-such

## [The Attorney-General]

world. In fact it might be described as the standard international list of extraditable crimes.

The procedure is in accordance with international practice. The demand from the requisitioning country comes through diplomatic channels. It is open to Kenya to make any treaty it likes with any particular country, making any additions it seems fit varying the application of the Act in that particular case.

There are ample safeguards for the fugitive. Clause 7 provides that the Magistrate who hears the case must be satisfied, in the same way as he would have to be in trying an offence in Kenya, that the fugitive should go for trial on an extradition crime.

Clause 9 provides that the remedy of *habeas corpus*, which is in effect an appeal to the High Court, shall be available to the fugitive, and that he shall be told that he has this right of appeal, and that he shall be given sufficient time in which to exercise it.

Clause 10 provides that if the fugitive is not released or conveyed out of Kenya within two months after his commitment by the Kenya magistrate, he must be released. That is, the country which is asking for its criminal, who happens to be in Kenya, must get him out of Kenya within two months. If they do not do that, then the criminal or the suspected person will be released.

Clause 16 (1) provides that the magistrate shall not commit a fugitive for return if the offence is of a political character. That clause, and clause 5 (2), enables the Minister at any stage to discharge the fugitive on the grounds that the offence is of a political character. Clause 9 (2) gives the Minister an ultimate discretion, after all the court proceedings are over, to order the release of the fugitive.

Most hon. Members will remember the petitions which were presented to the Secretary for Home Affairs in the United Kingdom in the case of Enahoro, asking that he should be released and not be returned to Nigeria. The Home Secretary made a decision that Enahoro must be returned and this was done.

I think hon. Members must appreciate that the offences for which we in this country will return people to other countries must be crimes and not political offences; and that is why, in fact, earlier on I did refer to that case in Nigeria where if, for instance, we had had this Bill and he had been here, we would not have returned him.

I should emphasize, Mr. Speaker, that in cases of extradition experience has shown, in this country and elsewhere, that it is not satisfactory to leave the matter entirely to the courts, and that the Minister concerned must have an ultimate discretion to refuse to permit an extradition. It will be borne in mind that the discretion can only be used in favour of the fugitive, and that he can never be returned unless the courts have decided that he has been properly convicted of, or that he should stand trial for, one of the serious crimes listed in the Schedule. I would repeat that all these provisions are the same as those in quite a number of countries; and I did, as an example, say that this list can be found in either Ugandan or Tanzanian legislation.

The system of the Fugitive Offenders Act in the Commonwealth has undoubtedly broken down. If this Bill is passed, Kenya will have to consider the making of appropriate treaties with other members of the Commonwealth. As a temporary measure, clause 27 provides that the extradition provision of Part II of the Bill shall apply to those Commonwealth countries to which the Fugitive Offenders Act applied, until further arrangements are made.

Part III of the Bill, Mr. Speaker, provides for the simplified procedure to which I referred earlier, and that will exist between East African territories. The difference between the procedure and the ordinary extradition procedure is mainly that it is not necessary to come to Kenya with all the evidence to prove that a fugitive should stand trial. It is only necessary to produce a proper warrant for his arrest. Extradition between neighbouring territories under Part III is not confined to the serious offences listed in the Schedule but, on the other hand, the magistrate has a discretion, under clause 16 (3), to refuse to return a fugitive where the offence is of too trivial a character. The fugitive has the same safeguards as under Part II and the Minister has the same discretion. Part III does not apply to political offenders.

Part IV, Mr. Speaker, of the Bill contains provisions relating to evidence, the proof of the authenticity of warrants, escape, search warrants and other matters. All those provisions are in the existing law and are repeated in this Bill.

Part V makes the provision for the taking of evidence for criminal trials that are to take place in other countries, and merely repeats the existing law. Clause 26 contains a protection for fugitives which is provided by Uganda, Tanzania and

## [The Attorney-General]

other countries; as a matter of international practice it ensures that the fugitive shall be tried in Kenya for the offences for which he surrendered to Kenya and not for other offences.

Mr. Speaker, I hope I have made it clear that this Bill does not so much alter the basic law concerning extradition as bringing it up to date and make it workable. It harmonizes with the law of our East African neighbours, and the passing of it is a matter of considerable urgency.

Mr. Speaker, I beg to move.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor) seconded.

## (Question proposed)

Dr. De Souza: Mr. Speaker, Sir, I would like to congratulate the Attorney-General on the very comprehensive and elegant way in which he has dealt with this Bill. I think the Government requires also to be lauded for bringing this Bill so quickly and expeditiously to the House. We are aware of this recent High Court decision which the Attorney-General spoke about, when a particular person in Kenya could not be extradited for allegedly giving bribes in Tanzania, because we were told that Tanganyika was not Tanzania. Therefore, it is right that we correct this law and bring the laws of Kenya in line with those of other independent States, rather than depend on laws which are, in fact, out of date in the new Kenya.

Sir, there are two particular points I would like to make, more in elaboration, if I may say so, of the points already made so well by the Attorney-General. The first is that with the great development of communications in this world, crime has become international, just as much as peace and morality, and it is very easy for a criminal to commit a crime in one country and run away to another in a matter of a few hours or perhaps even minutes. Unless the world co-operates in catching these criminals, we will never succeed in stamping out or even in reducing the crime rate in any particular country. Therefore, it is to our advantage, as much as to the advantage of other countries, that we arrest people who have committed criminal offences in any country—and I repeat the word "criminal"—and send them back to where they come from so that they can be charged and punished for the crimes they have committed.

To do this, of course, it must be mutual. If we are willing to arrest people who have committed crimes in other countries, the other countries must also assist us by arresting the

people who have broken our laws and sending them back. Therefore, this law is, in fact, based on treaties which have mutual obligations between different countries.

The second point, Sir, is that this law does not affect political offenders. I think it is recognized throughout the world that there may be a system of government in a particular country which the people of that country, or we ourselves perhaps, may not agree with. It would be quite invidious for us to send back persons who have politically legitimately fought for or opposed a political regime in that country. I think it would be morally improper for us to send back political refugees who have opposed a regime peacefully or constitutionally or reasonably and then come here for sanctuary. I am glad to see that this Bill, in fact, has gone to very great lengths to ensure that persons who are refugees from a political point of view are not sent back to be punished by what could be a very authoritarian or dictatorial government.

We have, as the Attorney-General pointed out, seen the case of Chief Enahoro who was, for all purposes, a political refugee in England and who was sent back to his country against the wishes, I think, of a very large number of liberal-minded Englishmen and against the wishes of the conscience of a very large number of people in England, to a country which was already then losing a lot of ground, as far as the masses were concerned. We have seen what has happened in Nigeria since, because it was quite obvious that this was another attempt to suppress political opposition.

We ourselves, naturally, with regard to this kind of thing, do not want to be a party to seeing that any opposition in any country is suppressed. As I said, the Attorney-General has taken very great care to ensure that any person apprehended in this country will have, as it were, a double safeguard. Not only can the Attorney-General not send back a person, even if he wants to, because the courts have to certify or decide that the crime for which the person is being sent away is of a purely criminal character and has nothing to do with the politics of the country, but, secondly, even if the courts want to send a person back, because, for some reasons, they are not fully aware of the political implications of nuances of a particular case, the Attorney-General, or the Minister concerned, can, in his wisdom, decide that this is, in fact, a political case and can veto the courts' decision. So we have a double safeguard here, and I think this is a very good idea indeed.

Mr. arap Moi: Mr. Speaker, Sir, the question was on functions.

The Speaker (Mr. Slade): Next question.

Question No. 242

#### TRIBAL DANCING BY WEST POKOT

Mr. Lorema asked the Vice-President why the West Pokot people did not take part in the tribal dancing in Nairobi on Jamhuri Day.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply. Much as it would have been desirable to have all districts represented by their traditional dancers at the Jamhuri Day celebrations, financial considerations made it impossible to do so.

Each province was represented by two or three teams chosen by the provincial commissioner for the province. The Rift Valley was represented by two teams, Kajiado and Kapsabet, and the display produced by all teams was entirely satisfactory in quality and variety.

Mr. Lorema: Mr. Speaker, Sir, would the Assistant Minister give an assurance that, in future, the Pokot people will be represented in this important celebration?

Dr. Waiyaki: I cannot give such an assurance, unless that district is being represented. It will depend on the number of people coming from the province.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

The Speaker (Mr. Slade): Before proceeding to the next Order, I would remind hon. Members that on the Adjournment today, Mr. Shikuku is to raise the matter noted on the Order Paper, and, although the Order Paper says 6.30 p.m., I would point out to hon. Members, particularly to Mr. Shikuku and the Minister concerned, that it may well be before 6.30 p.m. if we get through all the business before that time, and hon. Members have to be prepared for a Motion for the Adjournment at any time before 6.30 p.m.

#### 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 EXCHEQUER AND AUDIT (AMENDMENT) BILL

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration of the Exchequer and Audit (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 EXCHEQUER AND AUDIT (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Exchequer and Audit (Amendment) Bill and approved the same without amendment.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, I beg to move that the House do agree with the Committee in the said Report.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Exchequer and Audit (Amendment) Bill be now read the 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.)

#### BILL

##### Second Reading

##### THE EXTRADITION BILL

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, I beg to move that The Extradition Bill be now read a Second Time.

The main object of this Bill, Extradition Bill 1965, is to replace the existing law, namely the Extradition Act, Chapter 76, the Fugitive Criminals Surrender Act, Chapter 77, and the Fugitive Offenders Act, 1881. Those laws are no longer in keeping with the independent status of Kenya, and they have begun to break down in their operation.

#### [The Attorney-General]

Until Kenya became a Republic on 12th December 1964, Kenya was part of Her Majesty's Dominions and took part in the extradition system which was common to all parts of those Dominions. Extradition treaties only operated between friendly foreign countries. The Fugitive Offenders Act operated between all parts of Her Majesty's Dominions. As members of the Commonwealth became Republics, in many cases they have decided to abandon participation in this extradition system peculiar to the Commonwealth. The Fugitive Offenders Act no longer operates in India or in Ghana for example.

This system has been kept in operation as between the East African territories by transitional amendments to the relevant laws, providing in effect that the Fugitive Offenders Act should continue to operate although the countries concerned had become Republics, and had ceased to be parts of Her Majesty's Dominions.

There are many other laws waiting to be brought up to date and into line with the Republican status of Kenya, but the amendment of the extradition laws has become a matter of great urgency. As I said a moment ago, the Fugitive Offenders Act with its amendments was still working to enable Uganda to claim its fugitive criminals from Kenya, and to enable Tanganyika together with Zanzibar to claim their fugitive criminals from Kenya. But following the Union of Tanganyika and Zanzibar to form the United Republic of Tanzania, the High Court of Kenya in a recent case decided that the Fugitive Offenders Act of Kenya did not apply as between Kenya and Tanzania. That difficulty could have been dealt with by an amendment to the existing law, but the Government thought it better to make a complete revision of the whole extradition law. This has recently been done both by Uganda and Tanzania, and it is surely incumbent upon Kenya to do the same.

In common with the policy of many other Commonwealth countries, we have in this Bill abolished the distinction between friendly foreign countries and Commonwealth countries. The important distinction between the two systems as they used to operate was not so much in the machinery they had. The important difference was that friendly foreign countries under extradition laws could not obtain the return of political offenders, whereas under the Fugitive Offenders Acts the political offender could be extradited in the same way as the ordinary criminal. Thus it was that Chief

Enahoro, who was accused of treason in Nigeria, was extradited from Britain to Nigeria in 1963. If Chief Enahoro had been a political leader accused of treason in the neighbouring territory of Dahomey, his extradition would not have been possible.

It has been the international practice as between friendly foreign states for centuries that there should be no extradition of political offenders. A state does not have to give asylum to the political opponents of a friendly State, but it can be most invidious to be under a legal obligation to return that offender. No exception was made of political offenders under the Fugitive Offenders Acts for the simple reason that they were passed some eighty years ago when the British Empire regarded itself as one political entity. Most newly independent members of the Commonwealth have abolished this anachronism, and it is the considered view of the Government that its attitude towards the extradition of political offenders should be the same in the case of every friendly country and should accord with international practice.

Accordingly this Bill provides one system of extradition, to be arranged by treaty, with every friendly State. That is provided in Part II of the Bill.

The only other machinery that is required is a simplified machinery for the return of convicted criminals and accused persons between the neighbouring territories of East Africa. This simplified machinery was formerly provided for in the Fugitive Offenders Acts passed in the East African territories, and is now provided for in the laws of Uganda and Tanzania, and is provided for in Part III of this Bill. I shall refer again to this simplified procedure in detail.

After these general observations as to the intention of the Bill I now turn to its actual provisions.

Part II (clauses 3 to 10) deals with extradition as between Kenya and friendly foreign States. It provides for the return of persons convicted or accused of extradition crimes, that is to say the crimes listed in the Schedule to the Bill. It is not the international practice to provide for extradition in the case of less serious crimes. Although I regard the exceeding of the speed limit on the roads as a serious matter in Kenya, I would not advocate that a person convicted of such an offence 5,000 miles away should be extradited!

The list is exactly the same as that listed in the laws of Uganda and Tanzania, of the United Kingdom and of many other countries in the

**[The Assistant Minister for Natural Resources and Tourism]**

I must, however, say with regret that some of these illegal squatters have been misguided and, consequently, they have resisted taking up the employment offered. The Turbo afforestation project is of the greatest importance to the country, for it promises to bring forward the day when a paper and pulp mill will be established. The Government cannot, therefore, abandon it. The dissident, illegal squatters who have been led to refuse to accept employment, will be given more time to think and, if they completely fail to accept employment, the Government will consider removing them from this land.

In regard to the second part of the question, I would like to inform the hon. Member that sufficient money is now available to enable the scheme to start and some of the land to be purchased. The Government never intended to buy the land all at once, even if sufficient money were available. This is, basically, a ten-year scheme and there is no reason to suppose that money for it, including money for land purchase, will not be available as required.

Mr. Shikuku: Arising from the Assistant Minister's reply, Mr. Speaker, where he admits that there are illegal squatters on this land, will he not agree with me that it was due to the delay by his Ministry in putting this land into use, that these illegal squatters have managed to make use of the land? Would he, therefore, tell this House when the Ministry is going to start making use of this land?

Mr. Mohamed: Mr. Speaker, Sir, I have said that the whole of this land could never be used for the afforestation scheme at the same time. Afforestation is a very lengthy programme, even a plantation of 5,000 acres would take a considerable time. Therefore, the land which is to be acquired has to be acquired in small bits. The illegal squatters have been left there, due to the fact that the afforestation scheme has only come up lately, because the afforestation scheme was agreed upon only last year and we have taken appropriate steps.

Mr. Muliro: Would the Assistant Minister not agree that this scheme is being established so slowly as a delaying tactic to establishing the paper and pulp factory at Braderick Falls?

Mr. Mohamed: Mr. Speaker, Sir, on the contrary, the afforestation scheme around that area, and particularly around the Turbo area, was agreed upon by the Government with the definite aim that this should draw more attraction for the pulp industry. I am very happy to

say that this is already happening, since we announced that more plantings will be carried out in the Turbo area. This is definitely becoming an attractive proposal.

The Speaker (Mr. Slade): We will now go back to Mr. Anyieni's question.

Mr. Anyieni: I am sorry about this, Mr. Speaker.

**Question No. 149****REPEAL OF THE SPECIAL DISTRICTS ACT**

Mr. Anyieni asked the Attorney-General when he intended to introduce an amendment repealing the Act on Closed and Specially Administered Districts, in order to allow people from different districts to mix freely.

The Speaker: Mr. Njonjo?

The Minister for Home Affairs (Mr. arap Moi). Mr. Speaker, Sir, on behalf of the Minister of State in the Office of the President, I beg to reply.

Mr. Misoiiti-Itumbo: On a point of order, Mr. Speaker, the question is sent to the Office of the Attorney-General and he is here, so why could he not give a reply instead of the Minister for Home Affairs?

The Speaker (Mr. Slade): Order! Order! It is always quite in order for Government to decide who shall answer a question, even if it is addressed to some other Minister.

Mr. arap Moi: Mr. Speaker, Sir, I beg to reply.

The Government does not intend, for the time being, to introduce amendments repealing these Acts.

The Special District (Administration) Act was originally enacted for the purpose of reducing the incidence of hostile activities between tribes who, because of their traditional ways of life, engaged themselves in constant tribal fights. Most of the fights originated from stock thefts by members of one tribe against those of another and have been known to cause many deaths.

The Special Districts (Administration) Act helps to control and restrict contact between hostile tribes of neighbouring areas, and helps to avert the possibility of many tribal clashes resulting from these movements.

The Act is applied, mainly, when there is need to tighten security measures, often before or after tribal clashes. Freedom of movement is not denied to persons who want to enter these districts for genuine purposes. It should also be borne in mind that the Act protects the tribes from unscrupulous exploitation and the tribes have themselves not complained.

**[Mr. arap Moi]**

The hon. Member is well aware, Mr. Speaker, that tribal clashes in the areas covered by the Act are not uncommon occurrences these days. The Government hopes that the residents of those closed areas will learn to live with their neighbours peacefully and that they will desist from the practice of stock-theft. It is only then, when the Government is reasonably assured of the security of these areas, that it would be possible to review the Special Districts (Administration) Act.

Mr. Gataguta: Mr. Speaker, Sir, this particular Act provides that a particular tribe cannot go into other people's districts, but let me give you an instance. For instance, in Kikuyu, the Kikuyus cannot go into the Masai District, the Masai are allowed to come into the Kikuyu District. Is this fair? Is this Act not completely discriminatory?

Mr. arap Moi: Mr. Speaker, Sir, it is not discriminatory at all.

The intention of the Act is to protect the lives of the people concerned, and the reason being, Sir, that the stock thefts in these areas have been going on for years. The Government assures you that, as soon as these things reach normality, it will not hesitate to repeal the Act.

Mr. ole Tipsi: Mr. Speaker, Sir, can the hon. Minister agree with me that, contrary to what the hon. Member for Kikuyu has said, the Kikuyu are there in thousands, in the Masai country, whereas there are none in his own constituency or in the Majogo-Bassi Constituency, for that matter?

The Speaker (Mr. Slade): Order! Is there any reply?

Mr. arap Moi: I quite agree, substantially there are many Kikuyu in Masai.

The Speaker (Mr. Slade): I think we will move on from this question.

Mr. Anyieni: On a point of order, but before I say that I would like to raise this matter on adjournment I would like to ask a supplementary question—

The Speaker (Mr. Slade): You were too slow, Mr. Anyieni.

**NOTICE OF MOTION FOR THE ADJOURNMENT****UNSATISFACTORY REPLY TO QUESTION NO. 149: REPEAL OF THE SPECIAL DISTRICTS ACT**

The Speaker (Mr. Slade): Order! If you want to raise it on adjournment, that is all you need say.

Mr. Anyieni: Yes, Sir.

The Speaker (Mr. Slade): Is any hon. Member authorized to ask Mr. Obok's question.

**ORAL ANSWERS TO QUESTIONS****Question No. 232****DUTIES OF VICE-PRESIDENT AND HIS OFFICE**

Mr. Odero-Sar, on behalf of Mr. Obok, asked the President now that the supervision of elections had been removed from the Vice-President, in accordance with the Cabinet changes announced by the President, what were the remaining duties and functions of the Vice-President and his Office.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, on behalf of the Minister of State in the President's Office, I beg to reply. The Vice-President and his Office have many duties and functions to perform. It appears from this question that the hon. Member has assumed that the removal of the supervision of elections from the Office of the Vice-President left that office without any functions! This is far from the truth, as the Vice-President's Office still remains with sufficient duties and functions to perform.

If the hon. Member reads the President's Circular No. 3 of 1965, he will find that the Office of the Vice-President has functions which include the National Assembly, Africanization and Training, Public Holidays, Archives, Reception of Visitors, National Fund, Ministers' and Assistant Ministers' Terms of Service and Housing. In allocating functions during the recent reshuffle, the President felt it more appropriate and right to transfer the supervision of elections to the Office of the Attorney-General.

Mr. Odero-Sar: Mr. Speaker, Sir, according to the reply from the Minister, does he agree with me that all he has mentioned just refers to the work which could be done by any section in his Ministry, but not by the Vice-President's Office?

Mr. arap Moi: Mr. Speaker, Sir, I entirely disagree with the hon. Member.

Mr. Mbogoh: Mr. Speaker, Sir, does the Minister agree with me when I say that the Vice-President has the most important Ministry, that of the Minister without Portfolio which is given to a Minister who can be freelance to all Ministries?

Mr. arap Moi: Yes, there is some truth in that.

Mr. Anyieni: Mr. Speaker, Sir, would the Minister agree with me when I say that the Vice-President is not the immediate assistant to the President, and advisor to the President?



[Mr. Ng'ũ-Ahok]

Members of Parliament were given priority whenever they wanted houses here, so that they were not all over the place and their security was guaranteed? Now will the Assistant Minister tell the House today whether the Government is not going to look after the Members of Parliament who legislate for the nation?

Dr. Wajyaki: Mr. Speaker, I am aware that the then Minister for Health did say he was going to form a committee for Members to be provided with houses by the city council and not, as the question puts it, by the Office of the Vice-President. I do not think that Members of Parliament think about very badly; I think they probably think about very well, and there does not seem to be any need to look after them and their security so much.

Mr. Kall: Mr. Speaker, Sir, would the Assistant Minister agree with me that most Members would not like to be kept in a dormitory?

Dr. Wajyaki: Mr. Speaker, as it so happens, as a matter of fact, there are many Members, Ministers, Assistant Ministers and some other Members who have houses of their own in Nairobi, so we are not talking about the total membership of Parliament, we are merely talking of a figure of around 100 or so and it is not possible to build a hotel for 100 people. In any case, I agree with the hon. Member, Mr. Kall—I would hate to be in a dormitory myself.

Mr. Ekitella: Mr. Speaker, Sir, arising from the Assistant Minister's reply, I think the reply is vague. My question is this. A man like Ekitella is from far away, I do not have my house here. I have to roam all over the place looking for a place to sleep. Is the Minister aware that Mr. Ekitella should get a place to sleep?

Dr. Wajyaki: Mr. Speaker, Sir, the problem of Mr. Ekitella is appreciated, but we are talking about building a hotel with Government money, which is a very expensive proposition, and I do not think we are going to build a hotel for one Ekitella or two Ekitellas.

—Question No. 193

#### CONTACT BETWEEN MEMBERS AND THE PRESIDENT

Mr. Godin asked the President whether he was satisfied that civil servants in his office were doing their best to keep him in touch with the Constituency. Members who represented various groups of people in Kenya who wished to see him on certain matters of interest.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, on behalf of the Minister of State, President's Office, I beg to reply. Yes, His Excellency the President is satisfied with the work the civil servants in his Office do in keeping him in touch with members of the National Assembly. The President has sufficient channels by which he can meet members of the National Assembly, both in Nairobi and in their home areas. Hon. Members know very well that the President has been making tours of various provinces and districts, in order to acquaint himself with what is going on in the countryside, and during these tours, he makes contacts and meets Members of the National Assembly and the public.

Mr. Speaker, Sir, the President is satisfied that he has sufficient access to Members of the National Assembly and does not feel that civil servants in his Office have kept him out of touch with people who want to meet him for a reasonable purpose. However, Members should always bear in mind that His Excellency is of necessity a very busy man and if they fail to get an appointment when they want it, it is only because His Excellency's diary is full.

A Minister of State has been appointed in the President's Office who should relieve H.E. of a lot of routine matters. Members of Parliament will be able to see the Minister if they so wish.

The main problem is that Members insist that they will not be satisfied with any replies unless they come personally from the President.

Mr. Godin: Mr. Speaker, Sir, does the Minister for Home Affairs not consider it necessary for the Members of Parliament who wish to see the President face to face to do so, in order that it may be a reality not only to the Member himself but to his own people, that he meets the President and discusses with him problems of vital importance from his constituency, because, Mr. Speaker—

The Speaker (Mr. Slade): Order! You have asked your question.

Mr. arap Moi: Mr. Speaker, it could be a reality from the Members' point of view, but it could not be reality to humanitarians or to people who know what it means for a man who is busy for almost the entire twenty-four hours. Since he has appointed a Minister in his Office, hon. Members should really appreciate that one. Occasionally Members, as a group within the Parliamentary Group, meet the President when they can also air their personal views, and so on. As I mentioned before, Mr. Speaker, the President from time to time, although he is very busy, visits

[Mr. arap Moi] various provinces and meets Members personally. So the hon. Member, Mr. Speaker, should appreciate that and be thankful.

Mr. arap Moi: Mr. Speaker, Sir, is the Minister aware that the visits of the President nowadays are only confined to some particular districts and get to all districts in the provinces, and therefore Members would like to see him individually without prevention of any kind?

Mr. arap Moi: Mr. Speaker, I said the hon. Member should be grateful. His Excellency the President visited his district a year ago, which could not be done by a former Colonial Governor, so the hon. Member should be grateful for the President's efforts in visiting the districts.

Mr. Anyleni: Mr. Speaker, Sir, would the Assistant Minister tell us under what conditions a Member of Parliament will be allowed to see the President in accordance with the promise of the President, that the Members of Parliament will be given special cards, so that when they go to his Office they are recognized? Under what conditions are we going to use these cards if we have to go through his Minister of State?

Mr. arap Moi: Mr. Speaker, if the hon. Members wish to see the President for the sake of seeing him, then it is a different matter. But if hon. Members would like to see the President on specific matters concerning their own areas which could not be dealt with by the district commissioner or the provincial commissioner, His Excellency the President has provided a channel through which hon. Members can air their views; namely, in the office of the Minister of State in the President's Office. That is why the President has tried to meet hon. Members in that sphere. Also, Mr. Speaker, as I said before, all of us, not even the Ministers—I do not see him very often. Therefore, Mr. Speaker, problems which could be dealt with, should be dealt with in efficient ways and His Excellency the President has provided such means and such machinery.

Question No. 227

#### ELECTRICITY SUPPLIES TO MERU

Mr. Mafu asked the Minister for Works, Communications and Power when it was planned to supply Meru District with electricity from Kindaruma or Sagana, by linking the new Meru Power Station to either power station, so that electricity would be available throughout the district.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. There are no specific plans at present

to connect the Meru supply to the main grid system from Kindaruma or Sagana. Such a connection would be extremely expensive and there is at present no anticipation of sufficient load demand in the Meru District to justify such a move. I would like to assure the hon. Member that Meru will have a sufficient electricity supply, whether it comes from the main grid system or whether it is locally generated.

Mr. Mafu: Mr. Speaker, Sir, is the Government aware of the great consumer potential in Meru—schools, hospitals, markets, light industries—and would the Minister, therefore, consider putting Meru on the map, so that the industries can be improved?

Mr. Mwanjumba: Mr. Speaker, Sir, Meru is already on the map in Kenya. Therefore, the hon. Member should not be worried, but if he is asking about the demand of electricity in Meru, I will tell him that the demand is very low, it is about 30 kW., and this does not justify what the hon. Member wants. What we want the Meru people to do is to increase this supply of electricity up to about 2,000 kW. If this is done, we will be able to consider his question.

Question No. 244

#### SQUATTERS ON BRODERICK FALLS AFForestation PROJECT

Mr. Shikuku asked the Minister for Natural Resources and Tourism whether he was aware:

(a) That the land set aside for afforestation in respect of the paper factory project at Broderick Falls was now infested with illegal squatters.

(b) Could he tell the House whether it was true that his Ministry had not yet found the money to purchase the land referred to in (a) above, which was over 50,000 acres, although the President had promised the people of Western Province a paper factory.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. My Ministry is aware that there are illegal squatters on the land set aside for afforestation in respect of the paper factory at Broderick Falls. Whilst these squatters could be evicted in accordance with the law, it has been thought best to employ them in the afforestation scheme and I am glad to announce that over 200 men, who were formerly illegal squatters, have accepted employment on forest resident workmen conditions.

**[The Minister for Home Affairs]**

adequate security precautions are taken before the meeting is held. The Government accepts the responsibility for ensuring safety of individuals at all times and will not allow public meetings to be held haphazardly.

I would like to add, Mr. Speaker, that only the Government can decide whether a meeting can be held, on the basis of facts regarding the security situation in the country, which the Member of Parliament does not have. They are, therefore, in a better position to assess the suitable situations for public meetings. If the Members of Parliament would care to keep close contact with the authorities in their areas, they will be kept informed of these facts and this will avoid unnecessary arguments and foster closer co-operation.

The Government does not intend to introduce any amendments to the Act, Mr. Speaker, because it is satisfied that Members of Parliament do get their permits to hold public meetings if they apply for them.

Mr. Odeero-Sar: Mr. Speaker, Sir, do I understand from the Minister that Members of Parliament are responsible to the district commissioners which permit these licences for public meetings?

Mr. arap Moi: Mr. Speaker, Sir, would the Member repeat his question, please?

The Speaker (Mr. Slade): You must speak up. I think, Mr. Odeero-Sar, unless the amplification can be improved.

Mr. Odeero-Sar: Mr. Speaker, Sir, do we understand from the reply from the Minister; that the Members of Parliament are responsible to district commissioners? Or are the district commissioners responsible to the Members of Parliament?

Mr. arap Moi: Mr. Speaker, Sir, I should like to answer that question, and make it quite clear that the district commissioners are responsible to the Government and not to individual Members. Secondly, Mr. Speaker, Sir, I, as a Minister, apply, like any other Member, for a licence. I am not entitled, as an individual or a Minister, to hold a political meeting without a licence, and therefore we must all accept this.

Mr. Maitani-Imbo: Mr. Speaker, Sir, arising from the Minister's reply, when he said that he is not allowed to hold a political meeting without a licence, is he aware that this is a political Government and that whatever a politician speaks about is bound to be political?

Mr. arap Moi: Mr. Speaker, Sir, even if it is a political Government, it is an orderly Government, it is not a Government of disorder.

Mr. Muliro: Mr. Speaker, would the Minister not agree that the policy of issuing licences and denying Members of Parliament licences to address the meetings in their constituencies is an indirect way of trying to liquidate a number of Members because of lack of confidence in them on the part of their constituents?

Mr. arap Moi: No, Sir.

Mr. Shikuku: Mr. Speaker, arising from the Minister's previous replies and his reply of "No," is he aware that the issue of licences was instituted by the imperialist Government and that was because they were afraid of us? Is this Government now, which is an African majority Government, also afraid of us?

Mr. arap Moi: Mr. Speaker, Sir, the Government of Kenya maintains law and order, and if it does we must maintain that order to allow our people to live in peace. If the hon. Member suggests that every Tom, Dick and Harry should hold a public meeting anywhere free—

Mr. Gichoya: On a point of order, Mr. Speaker, is it in order for the Minister for Home Affairs to call Members of Parliament "any Tom, Dick and Harry"?

The Speaker (Mr. Slade): Order! I cannot hear.

Mr. Gichoya: My question, Sir, is; is it in order for the Minister to call Members of Parliament "any Tom, Dick and Harry" when the question he is answering is related to Members of Parliament?

The Speaker (Mr. Slade): I still cannot hear. Oh, I have the point. The Minister said that they could not allow every Tom, Dick and Harry to have meetings; and the point raised by the hon. Member is that he is implicitly referring to hon. Members as Tom, Dick and Harry, because the question referred to hon. Members. No, I do not think so. He is being irrelevant if he is referring to people other than Members, but that is what he was doing, I think.

Mr. arap Moi: Mr. Speaker, Sir, would the Minister tell the House whether, whenever a Minister wishes to convey progressive ideas to the public, he has to get a licence? And if this is not so, if a Member of Parliament, who is not a Minister, wishes also to convey the same ideas which are only for progress, not for subversion, has he to get a licence?

**NOTICE OF MOTION FOR THE ADJOURNMENT**

UNSATISFACTORY REPLY TO QUESTION No. 179:  
PUBLIC MEETINGS BY M.P.S

Mr. Odeero-Sar: Mr. Speaker, on a point of order, I would like to raise this on adjournment.

**ORAL ANSWERS TO QUESTIONS**

Question No. 180

HOTEL ACCOMMODATION FOR MEMBERS:  
PURCHASE OF LAND

Mr. Ngala-Abok asked the Vice-President if he would tell the House if his Ministry could purchase the land lying on the western side of Parliament Buildings, to build for Members hotel and lodging facilities at a cheap cost, to be used for accommodating some Members during sessions.

The Assistant Minister, Vice-President's Office (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply: In the first place, and quite apart from the question of where the finance necessary for establishing and operating such an enterprise is to be found, it must be made clear that a business such as a hotel must always be run as an economic proposition. A hotel or lodging for Members only would, of necessity, depend heavily on large Government subsidies, which cannot be justified in present circumstances.

In the second place, land lying to the west of Parliament Buildings is being converted into a park by the Nairobi City Council so it is not available. Aesthetic considerations, among other things, rule out the question of a hotel in that area.

Catering facilities already exist in Parliament Buildings which compare favourably with the best in the country. As for accommodation, a wide range of hotels exists in and around Nairobi to suit both the taste and the pocket of any Member. We must avoid the urge to create privileges and facilities, paid for by the ordinary people of this country, whenever such privileges are not really necessary.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Assistant Minister aware that when we came here in 1963, we raised this problem of Members not having accommodation and also being faced with the necessity of paying so much for better hotels where they can think aloud as Members of Parliament; we were told by the then Minister for Health, I think, the hon. Dr. Mungai, that he was forming a committee with the city council to see

Mr. arap Moi: Mr. Speaker, Sir, it depends on where these good ideas stem from! I suppose that when the Government policy is there and when we all of us go to the country, Ministers and Members of Parliament, we speak to the people on our own policy, so no one is denied a licence if he goes to the district commissioner. It is not difficult to go to the district commissioner and get a licence to hold a meeting.

Mr. Omolo-Agar: Mr. Speaker, Sir, would the Minister tell us whether a Member of Parliament, elected by a constituency for a period of five years, should need to collect a licence to explain the Government policy to his constituency? Or would he consider seriously lifting this regulation for a certain period to give Members freedom to convene meetings at any time without a licence, so that we can explain Government policies, since we have confidence in this Government?

Mr. arap Moi: Well, I did say, Mr. Speaker, no, Sir.

Mr. ole Tipis: Mr. Speaker, Sir, is the Minister aware that the main culprits are the Ministers themselves and that we know of cases where Ministers have held public rallies which have been unlicensed and that they have the money to get away with it scot-free? Should not the law apply equally to both Ministers and Members of Parliament without discrimination?

Mr. arap Moi: Mr. Speaker, Sir, I made it quite clear that Ministers and Members of Parliament, when they hold political meetings, not Government barazas, political meetings, all are obliged to apply for a licence to hold a public meeting.

Mr. Makokha: Mr. Speaker, I have two questions—

The Speaker (Mr. Slade): You will only have time for one, I am afraid.

Mr. Makokha: Mr. Speaker, since the Minister says that sometimes Ministers address what he called "political" meetings, and sometimes barazas, could he give the House an example of what he means by a political meeting and an ordinary baraza?

Mr. arap Moi: Mr. Speaker, I think that is another question. But if the hon. Member would like to know what a political meeting is and what is a Government baraza is, if he wants a good example, I would say that at political meetings people tend to express their own individual views and when they hold Government barazas, that is where Ministers and Members of Parliament speak precisely on Sessional Paper No. 10, Government policy as such.

The Speaker (Mr. Slade): Next question.

[Mr. Mutiso]

well understood that in the year 1964 these two classes did their Kenya Preliminary Examination together. In 1965, it was only Standard VII alone, and this is why the number dropped, and it is quite a simple thing.

Mr. Godia: Mr. Speaker, Sir, could the Assistant Minister tell the House how many of the 4,914 candidates from that area will go to secondary school?

Mr. Speaker, Sir, I want to know from the Assistant Minister his estimation of how many of these 4,914 candidates from Meru will find places in a secondary school.

Mr. Mutiso: Mr. Speaker, this depends entirely on the places to which the pupils applied for admission. It is difficult for me to say at this moment how many will find places in secondary schools.

Mr. Mboogoh: Mr. Speaker, Sir, can the Assistant Minister tell this House exactly how many places in the secondary school classes in Meru do we have for the 4,914 students?

Mr. Mutiso: Mr. Speaker, Sir, if I may explain this; the number of Kenya Preliminary Examination candidates in all districts of the Eastern Province—especially in Meru District—will get newly added Forms I and which will open in Chuka, as I said in my earlier reply. Since four streams have been opened in Meru in 1964 and greater need had arisen in other districts of the province in 1965, therefore it is not possible at this time to say how many of them will get places in a secondary school until the results are out and we know how we shall place them.

Mr. Mate: Mr. Speaker, Sir, the Assistant Minister says there is an additional Form I at Chuka. Is the Assistant Minister aware that Ikubu Secondary School has been refused a grant by the same Ministry, which means that there is no progress in Meru?

Mr. Mutiso: Mr. Speaker, Sir, this may be a different question which the hon. Member is trying to raise. All that I said is that Meru is getting a second stream in Chuka, and the question of the school which he says has been refused a grant does not arise.

Question No. 176

## LOW SALARIES FOR CHIEFS

Mr. Bala asked the President—

(a) Why did the Government pay very low salaries to chiefs who were appointed in 1964?

(b) Was the Government going to discharge some chiefs and sub-chiefs as announced in 1964?

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, on behalf of the Minister for State, President's Office, I beg to reply.

(a) The Government has given adequate replies to similar questions previously, but I would like to say that provincial commissioners and district commissioners are looking into all cases where chiefs are receiving salaries not commensurate with the responsibilities they are having to shoulder. When such cases are brought up, they are rectified. It must be borne in mind, however, that in view of the diverse responsibilities of chiefs in various areas of the country, and the fact that individual qualifications differ, it is neither fair nor possible to give equal minimum salary.

(b) The Government believes that it will be wrong to cause indiscriminate dismissals. However, where it is established that a chief is unpopular and conservative or has thereby failed to carry out the responsibilities of his office, consideration will be given to his retirement in public interest.

Mr. Bala: Mr. Speaker, Sir, arising from the Minister's reply, would he reply to the second part of my question?

Mr. arap Moi: Mr. Speaker, I think that if the hon. Member was paying attention to what I was saying—I said that the Government believes it would be wrong to cause indiscriminate dismissals.

Mr. Bala: Mr. Speaker, Sir, arising from the Minister's reply, would he agree with me that if the Government has advertised the salary scales of these posts some people would not have resigned from their previous posts where they were getting more money, in order to join chieftainship?

Mr. arap Moi: I think that what is important is to serve the country, and not money.

Mr. Ngala-Aboki: Mr. Speaker, Sir, since everybody else serves the country, including Ministers, and their salaries are so exorbitant—Any way, I do not want to comment on this.

Mr. Speaker, Sir, the question is this. Will the Minister tell the House whether the provincial commissioners and district commissioners have had a circular to the effect that they should look into these cases and report to the Government, or through what machinery are these administrative officers making their enquiries, and when will Parliament get a report?

Mr. arap Moi: Mr. Speaker, when the hon. Member referred to the Ministers, when they receive salaries, they pay income tax and so—

The Speaker (Mr. Slade): I should not worry about that, it was quite off the point, Mr. arap Moi.

Mr. arap Moi: Normally, the President's Office has channels through which information of every individual chief is obtained, it is through provincial commissioners and district commissioners and therefore every case is dealt with according to its own merit.

Mr. Kiprotich: Mr. Speaker, Sir, I should like to know from the Minister if the Government is going to pay the chiefs very low salaries, if so, is it not going to lead to the chiefs receiving bribes from the people?

Mr. arap Moi: Mr. Speaker, Sir, the chiefs receive salaries according to the responsibilities they are carrying. I know the Ministry has not received any letter of complaint suggesting that the chiefs are dissatisfied with the salaries they receive.

Secondly, if any chief or sub-chief is found to be receiving bribes he will be dealt with accordingly.

Mr. Omar: Arising from the original reply by the Minister, does he agree with me that in the Coast Province there are some chiefs whose educational qualification is higher than some of the up-country chiefs here, and yet those chiefs in the Coast Province receive less pay than their up-country counterparts do?

Mr. arap Moi: Mr. Speaker, Sir, I do not agree with the hon. Member, because the Government looks into the responsibilities of every chief. If a chief is responsible for 2,000 people or taxpayers, then he should not be compared with a chief who is responsible for 90,000 people. But, nevertheless, the Government also considers the geographical factors, the difficulties that face a chief, and therefore the Government does not discriminate in any way.

Mr. Ngala: Arising from one of the replies of the Minister, would the Minister state what factors are considered in determining these low salaries of the chiefs, what specific factors are considered?

Mr. arap Moi: I think, Mr. Speaker, Sir, that I did mention that when a chief applies for a post, there are certain qualifications he has to have which the hon. Members in the House know about.

If a candidate thought that he was going to resign from a post which he previously held and wanted to be a chief, and if he was, possibly, a graduate from Makerere or from one of our secondary schools or from some of the intermediate schools, or for that matter from Bombay, then the Government, if the person has the qualifications which are required, will consider him in the light of those qualifications. Therefore, if the chief is capable of administering a location, in the probationary period of six months; if he proves to be efficient and capable of helping these people in the way that we want, then his salary will be adjusted accordingly.

Mr. Ngala: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance. When I asked for the specific qualifications to be stated by the Minister, does the Minister have any right to beat about the bush and avoid my question?

The Speaker (Mr. Slade): Mr. Ngala, you know by now that the Minister is entirely in order, however much you are dissatisfied, and you should not raise that as a point of order.

## NOTICE OF MOTION FOR THE ADJOURNMENT

## UNSATISFACTORY REPLY TO QUESTION No. 176: LOW SALARIES FOR CHIEFS

Mr. Bala: On a point of order, Mr. Speaker, Sir, in view of the very unsatisfactory reply, I would like to raise this matter on an adjournment.

## ORAL ANSWERS TO QUESTIONS

## Question No. 179

## PUBLIC MEETINGS WITHOUT PERMITS FOR M.P.S

Mr. Odera-Sar asked the Minister for Defence if he could tell the House when the Government was considering allowing the Members of Parliament to convene public meetings in their own constituencies without permits being issued to them by the respective district commissioners.

The Minister for Home Affairs (Mr. arap Moi): Mr. Speaker, Sir, I beg to reply on behalf of my friend the Minister for State, President's Office, No, Sir. A licence to hold a public meeting is issued if the Government is satisfied that such a meeting is not likely to prejudice the maintenance of public order or to be used for any unlawful or immoral purpose. These conditions are clearly intended to protect the public peace and the individual by ensuring that

Tuesday, 1st February 1966

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 14/65-66. Transfer of Makadara Hall to the Kanu Party.

(By the Minister for Finance (Mr. Gichuru) on behalf of the Minister of State, President's Office (Mr. Nyamweya))

NOTICES OF MOTIONS

LOAN GUARANTEE: MOMBASA PIPELINE BOARD

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House approves that the Government guarantee a loan of £1,350,000 with interest thereon at the rate of 7 per cent per annum and repayable in ten equated annual instalments from 30th June 1966 to 30th June 1975, which has been raised with effect from 1st July 1965 by the Mombasa Pipeline Board from a consortium of banks in Kenya in renewal of a loan for the same amount which matured on 30th June 1965.

DEVELOPMENT PRIORITY FOR COAST PROVINCE

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

THAT in view of the fact that the Coast Province is regarded as one of the backward areas in the country for development purposes, this House urges the Government to accord priorities under the Development Plan in order to enable the said province to catch up with the other parts of Kenya.

BREAK-OFF OF DIPLOMATIC RELATIONS WITH ETHIOPIA

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

THAT in view of the deteriorating security position in Marsabit District whereby about ninety people were killed between 22nd October 1965 to 27th November 1965 by the *Shifita* from Ethiopia and Somalia who escaped with about 30,000 head of cattle, 10,000 sheep and goats and 3,000 camels, this House calls upon the President:—

(1) To advise the Government to take appropriate measures.

- (2) To break diplomatic relationship with Ethiopia, in view of the fact that most of the armed raiders come from Ethiopia.
- (3) To give urgent famine relief to all people concerned who lost their livestock in Marsabit District.
- (4) To arm all people over 35 years of age for self-defence against Ethiopia and Somali *Shifita*, since Government could not defend them.

ORAL ANSWERS TO QUESTIONS

Question No. 157

ASSISTANCE TO 1965 K.P.E. CANDIDATES.

Mr. Godia asked the Minister for Education in view of the recent strike by teachers which had wasted a lot of the time of pupils hoping to complete their lessons before attempting to sit their Kenya Preliminary Examination, what assistance had the Ministry of Education offered the pupils to enable them to cover the work which had been held up by the then teachers' strike.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. By the time teachers went on strike, the K.P.E. syllabus had already been fully covered. Further, the strike lasted only three days, which would not have made a lot of material difference.

Mr. Khasakhala: Mr. Speaker, Sir, could the Assistant Minister tell the House the month in which his Ministry considered that the syllabus of the Kenya Preliminary Examination is supposed to be covered and when the strike took place?

Mr. Mutiso: Mr. Speaker, Sir, the strike took place between 11th October and 14th October 1965, and by that time the pupils were only doing revision of the work which they had already covered for the whole year.

Mr. Ochwada: Mr. Speaker, Sir, does the Ministry not consider revision of the subjects, prior to the sitting for the examinations, as important as covering the syllabus?

Mr. Mutiso: Mr. Speaker, Sir, it is important. Also, during the time of the strike, the students were allowed to study by themselves in their classrooms, and this is why we regard this as equally important.

Mr. Mate: Mr. Speaker, Sir, what is the Government doing to make sure that there is no repetition of such unofficial strike, so that we shall not have such a thing repeated? Are they going to get better conditions and pay?

Mr. Mutiso: Mr. Speaker, Sir, the Government is doing everything possible within its power to try to stop teachers going on strike; but if the Teachers' Union decides to go on strike, the Ministry cannot stop them from doing so.

Mr. Godia: Mr. Speaker, Sir, arising out of the Assistant Minister's reply, could he tell the House how he has come to the conclusion that the syllabus for Standard VIII pupils had been covered by the time the strike was launched?

Mr. Mutiso: Mr. Speaker, Sir, I thought I had answered that question when I said that the period when the teachers went on strike was during the month of October, and this was the time when pupils were doing revision of the work preparing themselves to sit for the Kenya Preliminary Examination. Therefore, it follows that all the syllabus had already been covered.

Mr. Gichoya: Mr. Speaker, Sir, does the Assistant Minister not merely assume that the syllabus had been covered? Does he not merely assume? What has he done to check, to make sure that it has taken place?

Mr. Mutiso: Mr. Speaker, Sir, this is entirely responsibility which does not fall within my Ministry. If by the time that the teachers went on strike it is assumed—as I said earlier—that all the relevant subjects which the pupils ought to have been taught were fully covered because it was only at the end of the term and, therefore, there was nothing which was new to the pupils, it was for them to go through the work which they had already covered for the whole year.

Question No. 166

GRADUATED PERSONAL TAX DEDUCTIONS BY A TRADE UNION

Mr. Gichoya asked the Minister for Local Government how much money had been deducted from the employees in the Kenya Distributive and Commercial Workers' Union on account of Graduated Personal Tax for the years 1964 and 1965, respectively.

(a) Why had that money not been sent to the City Treasury, and where was it sent.

(b) Who were the union officials involved in (a) above, their names and titles.

(c) What was the position of the workers whose Graduated Personal Tax had been deducted from their wages, but which had not yet been sent to the City Treasury, since they could not get employment without producing their current Graduated Personal Tax receipts.

The Minister for Local Government (Mr. Sagui): Mr. Speaker, Sir, I beg to reply. The case in question is currently the subject of legal action initiated by Nairobi City Council and, as such, I think we must consider the matter as *sub judice* and await the legal findings.

With regard to the affected employees who may find themselves without a Graduated Personal Tax Clearance Certificate, the City Council is willing, if approached, to write to prospective employers stating that they have no objection to the people concerned being employed without producing previous tax documents.

Mr. Gichoya: Mr. Speaker, Sir, in respect of—

The Speaker (Mr. Slade): You will keep to matters which are not *sub judice*, will you not?

Mr. Gichoya: Indeed, Mr. Speaker.

I would like to know from the Minister whether by merely mentioning the titles of the people involved and their names does actually interfere with the legal proceedings.

Mr. Sagui: That is exactly what I meant by *sub judice*. If I mentioned their names, I would prejudice the case.

The Speaker (Mr. Slade): Yes.

Next question.

Question No. 172

ADDITIONAL FORM I CLASSES FOR MERU

Mr. Mate asked the Minister for Education how many pupils took the Kenya Preliminary Examination in Meru in 1965 as compared with 1964; and what provision had the Government made to provide secondary school facilities and Form I places for the increased number of qualifying pupils in that area in 1966.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. In 1964, when Standard VII and Standard VIII took K.P.E. together, there were 5,234 candidates in Meru District, and in 1965, there were 4,914 candidates.

Even though the figure for 1965 is smaller than the figure for 1964 by 320 candidates, one additional stream is planned to open at Chuka Secondary School this year.

Mr. Mate: Mr. Speaker, Sir, could the Minister tell the House why the number fell from 5,000 to 4,000?

Mr. Mutiso: Well, Mr. Speaker, I am at a loss, I do not know how I should answer my hon. friend because this number depends upon the pupils in the classes of Standard VII and VIII and it is

[Mr. Warihi] there and what Members are saying is from their own experience with these youths. When these people meet difficulties, they come to tell us and we know that, to start with, even as regards promotion in the National Youth Service, it is not those normally who have done well or with good records who are promoted; there is an element of favouritism. I have one of my own National Youth Servicemen who was a corporal and because he was at loggerheads with the Commandant he could not get promotion.

Now the point here, Sir, is that allegations have been made that there are irregularities in the National Youth Service, and it is no use denying this. The only way this can be put right is to accept this Motion and have this commission to go into all the allegations which have been made. I believe very strongly that with national institutions like the National Youth Service which have been set up and which have a very good name—National Youth Service, for the whole nation—all their facilities which accrue should spread over the country. If you start making such national institutions places where certain persons, because of their posts, their personalities or their power, make use of the National Youth Service for their own benefit, this is sowing the seeds of confusion, of sectionalism and of tribalism in this Government.

I would say that the Assistant Minister has said one thing, that they recruit people who cannot undergo any training. This is not our fault. The National Youth Service was open to all those young people who, when the service was started, had helped in the struggle for Independence. When they went there, they were told they could not undergo training. What training do they instead undergo? We know for certain—some write to us—that after one year's service in the National Youth Service they have not done anything at all except clear the bush. As regards the training itself, I do not know where the machinery failed, but when we passed this Bill in this House, these youths were to be trained to become employable. I think that was the term which was used. But how is it that a young man can stay for a whole year and not get any training except in clearing the bush or making roads? Cannot he be taught perhaps how to become a shoemaker or a carpenter, even if he cannot read or write?

So, Sir, I think a very big revision is needed of the entire policy and machinery of the National Youth Service. If it has failed, then let us be told and we can disband it. Some young men

have left the National Youth Service, they have gone into the countryside and are complaining. I have just seen a letter from my hon. friend here, which says that this youth has wasted one year and there is no way of repaying that year. He has not been paid any salary or gained anything. Why waste one whole year of a person's life for nothing? I think the Government will be failing very badly if they do not take these things as important.

The last point, Mr. Speaker, is that we have been told that they only recommend; and this word "recommend" is where the element of tribalism creeps in. Whoever recommends may suppress other tribes, and favour a particular tribe.

The Speaker (Mr. Slade): It is now time for the Mover to reply.

Mr. Khalif: Thank you very much, Mr. Speaker. I will make it as short as possible.

An Hon. Member: Just say you beg to move.

Mr. Khalif: In the first place, the fact that there have been irregularities in the National Youth Service is indicated by the many Members of Parliament who have spoken here, and those others who have sympathized with them but have not had a chance to speak. Taking the list of tribes whose National Youth Servicemen have been absorbed into permanent employment, Sir, I see that there are more than forty tribes in Kenya and only eleven have been mentioned, and even in those eleven there are two who had only one National Youth Serviceman absorbed into permanent employment.

Sir, out of those left, I can only think of so many, although there are many others, but I can think of the Tesos. Why have they not been absorbed? The Somalis, the Giriama, the Gikuya (?), the Turkana, the Tugen and so on. Why were they not absorbed?

Sir, the hon. Mr. Shikuku has very ably said that there are some permanent secretaries, various officials of the areas, who advise the National Youth Service officers to absorb the Servicemen into permanent posts.

Sir, if the criterion for absorbing any National Youth Service men into permanent posts is that a Permanent Secretary should recommend them, then the essence of the National Youth Service is lost.

Sir, I would like to say something in respect of what the hon. Mr. Kariuki said. He said, for example, that the National Youth Service men of all tribes are selected for permanent jobs. Yet

[Mr. Khalif] when I challenged him to substantiate that, it happened, as a matter of Standing Orders that he could not be challenged. As a matter of fact, Sir, what he said is untrue. The fact that the Assistant Minister has only mentioned eleven tribes out of more than forty tribes in Kenya, indicates that all tribes are not selected to permanent jobs in the National Youth Service.

The Speaker (Mr. Slade): Order! Order! Mr. Khalif, we must be quite correct on this. What Mr. Kariuki said was that, as far as he was concerned, all tribes were sent forward for consideration. That is rather different from saying all tribes were selected. You must get that absolutely right.

Mr. Khalif: Sir, I know Sir, and I know that election goes along with recommendation; and, so far as most of the officers in the national service need recommendation, that speaks for itself.

Moreover, Sir, the hon. Mr. Kariuki said that so many National Youth Service men have deserted as a result of some specific situation. This is nonsense obviously. If it is a question of deserters, then we can have deserters from any constituency. Unless people from his own constituency have been assured that they will be considered, then they will not desert because they know they will be absorbed into permanent posts.

Sir, if the criterion for absorbing National Youth Service men into permanent places, as against deserters is ability, may we be told how

many deserters he has had from Kiambu? I ask this because we cannot have one side of an argument only. We must see the other side of it as well.

I am going to shorten my reply to the Motion and will ask hon. Members to be sympathetic with this Motion and pass it because every one of them is concerned. It does not only affect Khalif it is not only Khalif who has men in the National Youth Service. This Motion affects every one of us, and those of us who are going to cheat ourselves here, that they do not get complaints from their National Youth Servicemen, then they will have to face the consequences. As the hon. Member who is responsible for the Teso area said, I am going to warn the Government that the tendency of trying to select people from certain tribes, particularly the people from the Kiambu area, will be disastrous.

With these few words, Sir, I beg to move.

(Question put and agreed to)

#### ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is adjourned until next Tuesday, 1st February, at 2.30 p.m.

The House rose at twenty-seven minutes past Twelve o'clock.

**[The Assistant Minister for Labour]**

know that if they break their training period, and go out before the end of those two years, then they will not be able to find the type of jobs they want. I would like the hon. Members to help the National Youth Service by giving these people the most constructive advice. For instance, if every time they come to us and make allegations; for example, an allegation has been made here that one day somebody went to a National Youth Service camp and just collected all the boys from Gatundu, but the gentleman who made that allegation did not tell us where and when that happened. Mr. Speaker, Sir, it is easy to make allegations, but it is sometimes very difficult for us to tell these young men the truth. I think that if we face them squarely and honestly and tell them, "Now, look, if you think you are being discriminated against, let me take you over to the National Youth Service headquarters and meet the youth leader and then you can discuss the matter with him." How many hon. Members have done this, Sir?

Mr. Speaker, Sir, sometimes our young men in the National Youth Service become slightly aggrieved and they, being politicians, think that if they take this matter to their Member, then some of the mistake they made will be corrected at once. But, Sir, the moment we open the National Youth Service to that kind of invasion, we will be demoralizing these people. We will be breaking the discipline of the National Youth Service. Sir, rather than listen to every single complaint, please go over to the National Youth Service and check the facts for yourselves. I think, Sir, these figures show that there is no discrimination, then why on earth should the National Youth Service discriminate against a member of this country, a citizen of this country? Mr. Speaker, Sir, the fact that a Somali is not represented here can be taken as discrimination, but on the other hand, the fact that among them, in the National Youth Service, there may be no man who is married who deserves employment, clearly shows that they need to stay there longer so that they can get the training, to get the merit and eventually get the jobs.

Mr. Speaker, Sir, I think the Members of this House can do the National Youth Service a lot of good, if they go over and check for themselves, and I would like to inform those in the Ministerial Committee, which is concerned with the work of my Ministry, that we are going to arrange visits so they are able to look at everything they like and see for themselves. We are also prepared to give them records of those people who are, and who have been, given

employment so that they can satisfy themselves that when it comes to employing people in the Government we only hand over those people to the Public Service Commission and we stop there. When it comes to employing people in the private sector we only hand them over to the employers who are wanting to employ them, but we do not sit down and try to convince the employer that this Kikuyu is the man he should take. We do not do that. Gentlemen, we are not rascals, we are just gentlemen who are trying to run our Republic of Kenya, which is a democratic Republic.

Mr. Speaker, Sir, I would like to reject this Motion, because there is no substance in it.

Mr. arap Too: Thank you very much, Mr. Speaker.

Mr. Speaker, Sir, I stand to oppose the Assistant Minister who was speaking just now. The reason why I start with the Assistant Minister is because he says that his Ministry hands over those who are trained to the Public Service Commission, but, Sir, the whole thing originates from the type of training and the people who are given the training. Sir, I have some letters in my pocket, and there is one in particular which I will show to the leader of the National Youth Service, if he so wishes to see it. Sir, the only thing we want in this House is that we want the Ministry to understand, and to understand properly, that these youths are taken to be given some training; training as drivers, engineers or mechanics as he said, but, Sir, their selection is done by someone else whose heart does not want to consider those people who come from Turkana, Marakwet, Kuria and other parts of the country. Not only that, Sir, they go as far as asking the National Youth members what language they speak. If they can say, "aitirir" they will be taken. But, Sir, if they speak another language, they are told, "You are good at building bridges, clearing the bushes and making the roads and so on", but providing you can say, "aitirir", then he will be asked to be trained as a driver, because it is a very comfortable job, as you know he will be able to drive a very big Chevrolet which comes from America. This is what we do not want.

Now, Mr. Speaker, Sir, I would like to say that we are blaming the Ministry because they have not gone into the allegations which have been made by these young men in the National Youth Service with regard to promotion, getting permanent jobs within the Government and the type of the training which they are given. For example, Mr. Speaker, Sir, I received a letter recently, from the district commissioner asking me to go and

**[Mr. arap Too]**

attend a meeting of the selection board, but I did not know who chose these people who are forming this committee. He gave me conditions and said that if I did not go on the specified day, then the people from my area may not be considered. As it happened, it was on Tuesday, 25th and I was here. Now, Sir, this is what we want the Government to do. We want the Government to pass this Motion without an amendment so that the blame will rest on the members who are on that board, because as the Assistant Minister says, that there is no member who has brought any complaints to him or to the leader of the National Youth Service, no one has taken one of the youths to them and told them that they must remain in the National Youth Service for two years, but, Sir, can you imagine my dear hon. Peter Areman taking a youth from Lodwa, driving into Nairobi, when we are in session, in order to lodge that complaint? Who is going to pay for all these expenses? So, Mr. Speaker, Sir, the only people who can take this National Youth Service to the Assistant Minister are the Members for Nairobi, because if they live in Nairobi, and perhaps the Ministers who are in Nairobi all the time, they can see what is going on or else give a "nudge" on the telephone and get things sorted out. They do it. But, Sir, if an ordinary Member does this, he is told, "Oh well, it is not our duty, but had better go and see the hon. Mr. Kariuki", and when we go to him, he turns round and says, "No, go to the Public Service," and we just do not know what is happening. What is this all about, Sir? We want something which is well organized if this Government wants to train our youths so that they can be useful in the future. This, Sir, is what I foresee.

Now, Sir, we have trained some of these people, especially those who come from Marakwet, who are now back at home. They tell me that those who are married, especially those who come from Kikuyu are given jobs because they are married. Now, Sir, why did the Government not tell us before that those people who are married must come forward for this work? That, Sir, we feel is another mistake which the Government is making, and I must make this clear, that this is what I foresee, as I have said, Sir, that in future these youths will remain back in our constituencies. Do you know what they will tell the people? They will say that the Members have never corrected the mistakes of this Ministry, and therefore, we must find our jobs any way that we can, even if it is to steal, we will steal, if it is to beat the Members, then we will beat them and also if we want to spoil the Government, we will do it.

Now, Sir, another person told me, "Well, I was taken to this National Youth Service, I have rendered my services, but I have been given a chit which says that this gentleman has been in our National Youth Service, he has been building bridges, he has been doing this and that", but, Sir, does this help us at all? Sir, even the farmers in this country cannot employ people who have been building roads. They cannot employ people who have been building bridges. This, Sir, is shameful, so I would like to advise, in my position as Assistant Whip, the Government not to amend this Motion because it will not—No one can force a Member whose position today is a very backward position because of this trouble from the National Youth Service to pass this Motion. We are going to pass this Motion as it is, and we want those Members who will be appointed to form this committee to do justice and do it well.

Thank you very much, Mr. Speaker.

Mr. Warlithi: Mr. Speaker, Sir, I would like to say a few words on this Motion. I would like to start off by saying that I support this Motion very strongly and I believe that because of the allegations which have been made in this House by hon. Members it is just that the Government may refuse the Motion, but I am certain that all the Members will support it, and that it is going to be passed.

The Speaker (Mr. Slade): Mr. Warlithi, I must just warn you that you only have five minutes left actually.

Mr. Warlithi: Mr. Speaker, Sir, to start with, there has been a very strong allegation that the promotion or recruitment into permanent posts is primarily for the Kikuyu tribe, and as I am a Kikuyu myself, who is against tribalism, I would like to say, from my own knowledge, that if the number thirty-five is correct—there are thirty-five Kikuyu in the National Youth Service—then I feel that the Assistant Minister could go further and tell the House where these Kikuyu come from.

I know very well that I have a number of youths in the National Youth Service, and not a single one from my own constituency—I would go further and say in the whole of Nyeri District—is in permanent employment. For that matter, I would not like the House to have the impression that these thirty-five are all Kikuyu from the entire Kikuyu-speaking tribe.

I would like to go further and say that we Members in this House have youths in the National Youth Service, we put these youths in

**[The Speaker]**

But I would like to make it quite clear about our own responsibility, and the reason why I would not accept any suggestion of having a committee, is because what the Members are intending to do is to confuse what the Public Service Commission is doing, what the Kenya Army is doing, and what the police are doing. How would you recommend these people to the Public Service Commission? Are you now trying to tell this House—

**The Speaker (Mr. Slade):** Mr. Kariuki, you must remember to address the Chair. No straight address to hon. Members.

**Mr. J. M. Kariuki:** I am addressing the Chair.

**The Speaker (Mr. Slade):** No, you are not, I am sorry, Mr. Kariuki. When you speak to hon. Members, "you, you, you", you are not addressing the Chair.

**Mr. J. M. Kariuki:** Mr. Speaker, I am saying, "These hon. Members", and I would like to repeat it by saying that these hon. Members, if they want to prove that there is no irregularity going on in the National Youth Service, are welcome, not only as a single person, they have the right to come and check the facts as to whether there are any irregularities going on. An hon. Member alleged that there are some people who are taken to the police force or to the Administration by a particular constituency. Sir, you have the right—as the hon. Member of this House—to come and check whether this is true. There is no use in doing this. I would like this to be produced in this House, whether there is a particular constituency where the people were taken and given employment, because this is a very serious allegation. Not only that, Sir, but I would like to appeal to Members that, instead of having complaints and coming to the House and trying to speak on something which you cannot later prove, this will not benefit the country. What I would suggest is that hon. Members of this House should come, check from the record, and let us go to every unit where we have our young men, and let them see for themselves what type of training they are undergoing. Most of those who have deserted, Sir, are the youths who could not, in fact, go through the training, and most of them were undisciplined young men, and we cannot have them in the service, Mr. Speaker.

One of the hon. Members says, "No, no", but we cannot have them because we want them to be disciplined young men, and most of those who are disciplined have signed for a second year. Why have they signed for a second year? Nobody is forcing them to go on in the National Youth Service.

Therefore, Mr. Speaker, I oppose this very strongly, because you cannot tell the future employer of a particular person to take a particular person. Maybe he would not have the qualifications required, and you cannot tell me to employ a driver who will not be in a position to drive me properly. You cannot advise me to employ a cook who, in other words, may not be able to cook a proper cake. Well, this is very ridiculous, and, therefore, we will continue to recommend training people and then, after their training, whoever wants to employ them, will. We have asked the Government, for your information, to recruit from us, but we do not want dictation by a selection board, and that is why I want to correct quite categorically—that as far as we are concerned we do not select anybody for any job; this is done by the person who is going to employ him.

**The Assistant Minister for Labour (Mr. Odero-Jowi):** Mr. Speaker, Sir, I would like to agree very much with the hon. Member for Butere that if there are any people in the Civil Service who are promoting tribalism and discrimination, they are ruining the unity of this country. Sir, also, I would like to state that if there are any people who think that they can pick on little things to embarrass the Government, they are not doing any good either to themselves or to the country.

Mr. Speaker, Sir, the question of employment for servicemen in the National Youth Service is something which the Government has been considering for a long time. I would like to agree with the Members who have spoken that it is necessary to secure jobs for these people who have been in the service. I think it is absolutely necessary. We know some of them, we know that if they are let loose they can do a lot of harm. But, Sir, the National Youth Service is an organization with discipline, and before a serviceman is given employment he must satisfy the members and officers of the National Youth Service that he has followed the training, that he has established a good character. I think that this is necessary before they are recommended for employment, and this is what is being done, Sir. The procedure for providing jobs for those who have gone through the service is very simple: when Government departments or private employers send word to the National Youth Service describing the type of skill they want, the type of man they want, the type of job they have to offer, this information is circulated to all the units of the National Youth Service without any exception. Now, the commandants of the units write back—

An Hon. Member: They are all Kikuyus.

**The Assistant Minister for Labour (Mr. Odero-Jowi):** Now, could the hon. Member allow me to make my point? He can speak later.

Mr. Speaker, Sir, the leaders of the various units write back to the headquarters of the National Youth Service to state the type of personnel they want, the type of candidates they have whom they think are fit for these jobs according to their needs during training, and according to the type of training they have had during their period in the National Youth Service. When all this information has reached the headquarters of the National Youth Service in Nairobi, it is all processed and the candidates who are thought fit, according to merit, to take up these jobs are sent over to be interviewed by the employers concerned. Now, this is what has been done, Mr. Speaker, and I must say that so far we are very happy because a lot of servicemen who have been absorbed into private employment, and those who have been absorbed into Government, have shown that their training was profitable.

Mr. Speaker, Sir, the Mover of this Motion said that there is discrimination. But I listened very carefully and the only point I thought he raised was that members of the National Youth Service from a certain province have not been given employment in Government. I think, Sir, the main reason for this is that jobs are not coming forth, there is unemployment in the country, and I think the fact of the matter is that we have not had enough jobs to give to everybody that wants a job. The fact that there is unemployment really does not mean discrimination.

Mr. Speaker, Sir, I would like to give a breakdown of servicemen who have been sent over to the Public Service Commission and the armed forces and have been given jobs. I would break them down tribal-wise and I will give the numbers.

Hon. Members: District-wise.

**The Assistant Minister for Labour (Mr. Odero-Jowi):** Mr. Speaker, by giving the tribes you will understand—

**The Speaker (Mr. Slade):** Order!

**The Assistant Minister for Labour (Mr. Odero-Jowi):** Now, if you do not know where the tribes are, ask me later.

Mr. Speaker, Sir, we have had one Boran absorbed into permanent public employment, three Turkana, five Nandi and Kipsigis, six Kisi, eleven Embu and Meru—

**Mr. exp. By:** On a point of order, Mr. Speaker, could I seek your ruling on this, Mr. Speaker, because I just wanted to know whether the hon. Assistant Minister knows that the Kipsigis and Nandi are different tribes?

**The Speaker (Mr. Slade):** That is no point of order.

**The Assistant Minister for Labour (Mr. Odero-Jowi):** Mr. Speaker, Sir, Wakamba eleven, Luo twenty-two, Tugen one, Rendile one, Masai five, the group consisting of Talia, Taveta, Rabai, Giriama, Digo, Pokomo, Duruma, fifteen, Luhya seventeen, and Kikuyu thirty-five.

**The Speaker (Mr. Slade):** Order! Order! Hon. Members want to hear this list, I imagine; it is the most vital information relevant to the whole debate. Let us hear it in comparative silence.

**The Assistant Minister for Labour (Mr. Odero-Jowi):** Mr. Speaker, Sir, I think these figures show—

**Mr. Khalif:** On a point of order, Mr. Speaker, because of the noise that is going on, what was it for Kikuyu?

**The Speaker (Mr. Slade):** Exactly. Well, it is hon. Members' own fault if they do not hear these things. Would you like to give that figure again, Mr. Odero-Jowi?

**The Assistant Minister for Labour (Mr. Odero-Jowi):** I said that there were thirty-five Kikuyu. Mr. Speaker, Sir, I think these figures show a very fair distribution. I think it is fair in the sense that if you take—

**The Speaker (Mr. Slade):** Order! One or two hon. Members are interrupting so persistently and loudly that other Members are not being given the chance to hear anything. Will you please keep quiet?

**The Assistant Minister for Labour (Mr. Odero-Jowi):** Mr. Speaker, Sir, I think these figures are fair in the sense that they reflect very accurately the proportion of the various tribes as represented in the National Youth Service. Mr. Speaker, Sir, as I said, the procedure of absorbing these people into employment into Government and the private sector is simple and it is open to everybody.

The other point, Mr. Speaker, Sir, that I would like to make is that a lot of the people we are now discussing are actually still undergoing training. I am sure that the hon. Members know that some time back the training in the National Youth Service was extended from one year to two years, and here I would like to point out that I, personally, have been very bothered about the youth which I sent into the National Youth Service who have refused to go on with the training for two years in order that they may qualify and take up gainful employment. Now, Sir, personally, I have tried to persuade these people to carry on, because I

[Mr. Ochwada.]

Mr. Speaker, I do not blame the Ministers, nor the Assistant Ministers; neither do I blame the leader of the National Youth Service. However, I think there is a mistake somewhere. There is something wrong somewhere along the line, and this is what the Motion intends to correct. It is only fair to say that it is not easy to find the right solution. It is not, however, an easy job to join the National Youth Service and remain in it. Several have joined and have later run away. This is a very difficult job. As one hon. Member said, when any one of these youths has stayed in the National Youth Service for at least six months, has had experience and understands the difficulties, then he is entitled to enjoy the benefits of *Harambee*.

Sir, the only way things can be put right is by appointing a committee of independent people, people who know and understand the difficulties of other people, to conduct things. The committee should be a team of people who will select and allocate the youths to various permanent employment. If this can be done, I think we will be saving the country from the terrible situation we are heading for, something that many people in this House are not aware of.

The Ministry may sit back and say, "We have a National Youth Service. Some of the youths are clearing the bush in Central Nyanza, others are cultivating a farm somewhere in the Eastern Province." Mr. Speaker, although these boys are doing this kind of work, they are waiting for the day when each and every one of them will be posted to jobs in one or other of the Ministries in order that they can earn a living.

It is not so easy because most of these boys are married. It is not so easy for one to live on Sh. 20 a month and support a family. Mr. Speaker, I am asked by the Youth Leader to select married ones, but were they not also serving this country during the struggle for independence? They were the people who used, as youth, to fight Kadu and fight Kanu, and now because there is something to be benefited from—someone is asking me who told me to select the married ones. Why did we not select the unmarried ones to support us during the elections and leave the married ones? We used the whole lot of them and, therefore, the whole lot of them must also be in a position to enjoy the benefits of our independence.

Mr. Speaker, it is not only the married ones who cannot depend on Sh. 20 a month. I cannot imagine even a child of ten living on Sh. 20 a month. Let us be a bit fair—

The Speaker (Mr. Slade): The actual terms on which they serve is not relevant to this Motion.

Mr. Ochwada: I agree with you, Mr. Speaker, Sir, it is not relevant, but I am only trying to give an example of why they should be given an opportunity to acquire a more permanent job.

The Speaker (Mr. Slade): Yes, but I do not think the rate of pay while they are serving makes any difference to that, so we must keep to the point.

Mr. Ochwada: Right, Sir; thank you very much, Sir.

Mr. Speaker, Sir, I am only trying to emphasize the fact that a committee of independent persons is absolutely necessary in order to enable our young men, who have actually sacrificed, to join the National Youth Service. They have served in the National Youth Service for the time they are required to serve, and it is only fair that they should be allocated. I know, of course, there is a sort of element of tribal feelings within the National Youth Service, because I have personally received complaints of very able young men who joined the National Youth Service, with Kenya Preliminary Examination in fact, but they have been unable to be allocated any course for any job, as they do not belong to the right tribe.

Mr. Speaker, I do not want to get myself involved in tribalistic feelings or paternalism, but I think it is only fair that whoever joins the National Youth Service he should be given a full opportunity, regardless of his tribe.

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

Mr. J. M. Kariuki: Mr. Speaker, I am not going to reply to this on behalf of the Government because legally I am still a Back-bencher and the Government will reply to this Motion.

What I would like to say in connexion with this Motion is that there is quite a lot of misunderstanding among the Members of this Parliament on what we actually do in the National Youth Service and what goes on in the Public Service Commission and people who select youth. Our main responsibility in the National Youth Service is to train these young men in the fields which will enable them to get employment in future. Whenever we recruit them, it is up to the company or the Ministry concerned to come and recruit them from the National Youth Service, but we do not, Sir, go to the selection board as National Youth Service officers to suggest which tribe or which person is fit to go to a particular job. Our main responsibility is to be informed

[Mr. J. M. Kariuki]

that 100 people are needed in this department. For example, when the Kenya Army wanted to recruit some young men they came from the National Youth Service and also from outside, because not all priority, Sir, is given to the members of the National Youth Service; there are some other people outside who would like to have employment. We are told that a certain number of young men are required from the National Youth Service and we send people of all tribes. This can be checked. I challenge in this House—

Mr. Khalif: On a point of order, Mr. Speaker, would the hon. Member substantiate that members of all tribes in the National Youth Service are sent to permanent jobs?

The Speaker (Mr. Slade): Order! When an hon. Member says that he does something, that is in itself substantiation; he is speaking of his own knowledge. You may like to try to prove him wrong, but that is substantiation. It is only when a Member alleges some other fact, outside his own direct activity, that he can be required to substantiate any further.

Mr. Khalif: On a point of order, Mr. Speaker, can any Member be allowed to prove that the Member speaking is wrong?

The Speaker (Mr. Slade): Of course, but not as a point of order.

Mr. J. M. Kariuki: Mr. Speaker, I was going to say the same thing. When recruitment is announced by a particular Ministry, we send a list of more than the number required from all tribes, in order that the selection committee can select from that list, and if anybody doubts whether this is true, he is always welcome to come and scrutinise the list of people who are sent to be selected by the Kenya Army. Mr. Speaker, we do not go there as officers of the National Youth Service to select them for them: We cannot tell the army to take So-and-so; it is up to them. We only train them and send them.

For example when we received a letter from the Kenya Bus Service—it recruited drivers from the National Youth Service—we sent all our drivers. It is up to them to recommend and accept whoever they like. We do not go there and tell them, "You take So-and-so," but when they recommend, then we tell the young men who are selected to go. We do not go there and select. I want to make this quite clear, Sir, that our own responsibility in the National Youth Service—and this should not be confused by anybody—is only to train, but as for their future employment, this is left entirely to the Government itself.

It is only very recently, Sir—and I wish the Members would keep silent while I tell them what is going on—we asked the Government to put in the Cabinet that in the future recruitment in any field in the Government the first priority should also be given to members of the National Youth Service because it comprises all tribes. This is now accepted as Government policy. So what I would say to the hon. Members here is that they should not think that there is any discrimination in posting people to permanent jobs from our own end. I challenge the Members here, Mr. Speaker, to produce a list of people who are recommended by my office and my National Youth Service officers for a certain job. I challenge the Members to do it. I would like the Members to produce this in writing to you, Sir, that this person was recommended by the National Youth Leader or by the officers, by my Director, to go to a particular post.

Mr. Speaker, I would like to go on to another point. Hon. Members mentioned that we have not given any training to the youth since they came to the National Youth Service. I would like to refute that very strongly. I believe—and I would like the Members in this House to accept that challenge—that we are training these young men in the fields of mechanics and also training them to get a driving licence. Maybe many of you have seen these lorries going around, with "L" plates up when they are learning how to drive. Not only that, Sir, we are also giving technical know-how in other trades like woodwork, carpentry and bricklaying and I challenge the Members in this House to come with me and to go into where these people are undergoing this training. What they are complaining about, Sir, is their own mistake. They selected some youths who could not even undergo any type of training, youths who were useless. Whether you accept that or not, we are going to see that the disciplined people and people who are ready to take the job they are offered are going to be a credit to the National Youth Service.

I want Members here to go and produce a list of the youths they recommended and tell me how many of them have deserted and the reason why they deserted. But there is no use coming to this House and starting to dwell on past mistakes. How many of you have ever tried to prove from me how many people are given a job in the Government? The Assistant Minister will reply on behalf of the Government will give the figures as to how many people from our own angle are recommended by the Public Service Commission to these posts?



[Mr. Anyien] running away. So I want to say that in order to stop any problem which may arise, these youths, when they are left in the constituencies or in Nairobi here, are not fools, they have been in politics for many years and knew how to campaign against Kanu and against Kadu and are politicians. You have been with them, and know. The Member may find when he goes home that these youths have mobilized the masses. When you go there to address a public meeting you will be stoned.

So, in order that we may be saved, not to help the youths but to help ourselves, these youths must be given employment first; then, the others can be given employment later. Mr. Speaker, I would even suggest that the surplus should be removed to give way one to one in every area.

People who are healthy should be in the army. We do not want to have those who have only one leg or are not healthy being given places in the army. There are people from Kisii, the Luo who may be very good but because they are not Kikuyu they are not given places in the service. This is wrong. I am not saying this refers to Kikuyu alone. This can apply to a place like Kiambu. I can see the Member for Nyeri trying to say that even his boys are suffering. Mr. Speaker, even my boys are suffering.

I hope that the Members of this House will pass this Motion unanimously and after it has been passed, I hope things will be put right.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, may I also join in the chorus of the previous Members who have spoken. Personally, Mr. Speaker, I have said time and again that there is discrimination, that there is something wrong somewhere in the Government. Unfortunately, Sir, the same thing is happening in the National Youth Service. When I spoke of tribalism in this House, everybody laughed and said, "Shikuku, you are dreaming. We are all one. We have *Umoja*." Today, I am sure the hon. Members will say that Shikuku saw further than his short nose.

Mr. Speaker, there is discrimination not because of colour, not because of white or yellow, not only tribalism, it has gone as far as clan-ism. Today, we have much talk of clan-ism. May I point out to the hon. last speaker that this is not only restricted to the Kikuyus, but to Kikuyus from Kiambu. I can see the hon. Member for Nyeri nodding his head. It seems that it is only the Kikuyu who have the chance of getting all the privileges in Kenya. I am not ashamed to

say this because I believe in speaking my mind and the minds of the Butere people as well as that of the Kenya people who, see likewise.

Mr. Speaker, I have received a lot of letters from my boys who are in the National Youth Service. Each Member was asked to send some youths every month and I did my share. These youths write to me and say that despite the fact they work hard they get nowhere. Mr. Speaker, my boys can work hard, they can salute, march and carry a spade over their shoulders, but when it comes to the question of selecting who is to go into the army, or the police force, I understand, with all due respect to the hon. Member for Nyandarua that my boys are not given a chance. If there is something wrong in the country, we, in this House, must be told. Kenya is for everybody, we all fought for independence, and we must all enjoy for the fruits of independence. If, as my hon. friend said, you are asked whether you come from Gatundu before you can get any privileges, then all I want to say is that all privileges are, not all for Gatundu alone. Kenya is for everybody.

Mr. Speaker, Sir, the fact is this. Those who receive promotion must not get it because they come from Gatundu or are Kikuyus, but because they are fit to do the job. Mr. Speaker, I once brought a question to this House asking how many people had been promoted in the national service. If you refer to the HANSARD of that day, you will find that most of the people who had been taken on permanent jobs came from Central Province and not other parts. Sir, this is very irritating.

I also understand that there are letters written recommending those who are in the Civil Service to be promoted to permanent jobs. I have also received information from my youths saying that there are politicians who have asked for the promotion of their youths into permanent jobs in the national service. I have received letters from my youths in the constituency complaining that there are big men in the Government service who write and say that their boys must be given permanent posts in the national service. This is very unfair and, therefore, I support very strongly that there must be a committee, as suggested here, to look into the question of promoting and selecting youths for the National Youth Service.

The other question I would like to mention is the question of their recruitment. I do not know who gave power to the Minister for Labour and Social Services, the then hon. Mr. Mwendwa, to change the system. It was agreed in this House that all the youths will be recommended by the politicians, namely the hon.

[Mr. Shikuku] Members, to the National Youth Service for recruitment. I really do not know who gave that power to the Minister. The hon. Member for Nyandarua says that he was not here when this was done, he was in the United States of America. Mr. Speaker, I want to demand now that the then hon. Minister for Labour and Social Services should tell the House who gave him power to change the system. It is the politicians, the Members of this House who know who are the boys, the people, who fought for independence; they know which youths struggled hard in order to get independence for Kenya; they know who are the people who suffered. Now, these privileges have been taken from the Members of Parliament and given to civil servants, such as P.C.s, D.C.s, D.O.s and even chiefs who do not know all these things. Mr. Speaker, do you think that these people know more than the politicians who are the people who fought for independence, who deserve to—

The Speaker (Mr. Slade): Mr. Shikuku, you have to show how this is relevant to the question of permanent posting after youth service. If you are saying that the quality of the person who is available for permanent posting depends on the quality of recruitment, and, therefore, recruitment is relevant, all right; but you must link this up with the Motion.

Mr. Shikuku: Mr. Speaker, that is what I am trying to do now, Sir. They get in touch with civil servants, with district commissioners, district officers, or chiefs for that matter, people who know nothing.

Therefore, there is a need now for us to get a committee to look into this question of recruitment and also, at the same time, look into the question of posting people into permanent jobs in the Civil Service.

May I now, Mr. Speaker, touch one point as stated by the Member for Majoge-Bassi when he referred to the Americans. Sir, I am one of those people who speak my mind, and very independently, too. Personally, I do not believe in denouncing or hitting somebody when the facts are not true. It is unfair for the Member for Majoge-Bassi to hit the Americans because these Americans are the people who have helped with the question of the youths, they have given us tractors and so forth.

The Speaker (Mr. Slade): Mr. Shikuku, I do not think that it is relevant and I said to Mr. Anyien that his remarks were not relevant to the subject of the Motion.

Mr. Shikuku: Mr. Speaker, the House will not find it unreasonable or untimely to accept this Motion. In order to promote the spirit of *Harambee*, I am sure the Government must accept this Motion as it is, without amendment, otherwise it will not be any good if rejected. It is no use saying things while you have other things in your mind, it is no use promoting your own brothers only, because in that event you might think that everything looks green in the garden while in actual fact it is completely dry and floppy.

I would like to strengthen the Motion, Sir, because these people who are here are concerned in this subversion of promoting their brothers and clans in the Civil Service, as well as the National Youth Service, should know that they are actually driving Kenya into a state of chaos. If things go on in this way, then the people who promote such things might find their necks cut off.

Mr. Speaker, there is some advice from our brothers which we must heed, that the public are not going to remain stupid for ever. If we continue to encourage this tribal favouritism, we are pushing people into a tight corner, for, in the long run, they will protest because they are suppressed, and there is a limit to everything. Then, there will come a day when you will find Kenya looking very small and not quite as big as we thought it was.

Therefore, I feel that in the spirit of *Harambee*, and in order to promote this spirit for the benefit of Kenya as a nation, everybody should enjoy the fruits of independence. I support the Motion wholeheartedly and hope that the Government will not move an amendment. I am the greatest enemy of tribalism and nepotism in this country.

Mr. Ochwada: Mr. Speaker, Sir, I want wholeheartedly to support this Motion. My reasons for doing so are as follows. When the National Youth Service was initiated, we were told that these youths would stay in their various camps for a few months only before they could be sent to their permanent postings. Alternatively they would be sent to do certain courses before they were given permanent postings. Now, however, you find that there are some youths in the National Youth Service who have been there for almost a year or over. They have constantly written to us. We have approached the various people who give the permanent jobs to these youths but the results have been very disappointing. How long can this continue?

The Speaker (Mr. Slade): Be more careful of your language, please.

Mr. Khalif: Yes, Sir, there are many tribes in Kenya, all having National Youth Servicemen and I am surprised that, out of all these tribes in Kenya, there are only a very few whose National Youth Servicemen are being given the opportunity to be posted to permanent employment. Kikuyu, for example, you know that as well as I do.

Mr. Speaker: I am told that nearly all of the youths from Gatundu are posted to permanent posts, all of them. Mr. Speaker, Sir, I am told that in the case of Gatundu it is not a question of choosing which one, it is a question of putting the whole lot in permanent employment. And if that is the essence of the National Youth Service, then, Sir, it is not worth while. All the funds we are spending, all the publicity, even the salary we are giving the leader of the National Youth Service, none of this is worth while, if the essence of the thing is that all the youths from a certain area—not even an area, a constituency—are given first consideration as regards posting to permanent employment. If that is the essence of the thing, then sooner or later we are going to have another Nigeria here. I challenge the Government because here I have definite statements. If there is anybody who is going to challenge my statements, let him stand up, be he a Member or the leader of the National Youth Service or a Minister or anybody else, because I have the information, I am very well informed.

Sir, the essence of the Youth Service, in so far as the Government point of view is concerned, is to teach and train the youth all over Kenya in the task of nation-building. And, Sir, if we are going purposely to create discrimination and hatred within our own Youth Service, among our own youths, then it is completely useless. I thought that the only place where we could effect nation-building is among the youth; the only way we could do this was to teach them that there is no discrimination, and to forget tribalism. But instead we see now the officers of the National Youth Service, though whose direction I do not know, teaching the nation's youth discrimination, by selecting some particular tribe for permanent posts.

Sir, it is known that the National Youth Service members previously were selected by Members of Parliament, and it has been the tendency up to now that when a National Youth Service member has a complaint he comes to his Member. It is unfortunate that Members like us, whose youths have been purposely discriminated against, have our National Youth Service members coming

to us complaining. And their complaints are valid, Sir. They complain that not even one person from one given province has been selected for a permanent post. When this happens, Sir, we are apt to speculate as to the real reasons behind creating the National Youth Service.

Mr. Speaker, Sir, with these few words, I beg to move.

Mr. Anyien: Mr. Speaker, Sir, I do not think that I should speak too long on this because my friends, the Assistant Ministers, have perhaps been able to help their youths, on account of the fact that they are Assistant Ministers, but I can say that most of the Back-benchers have a problem. We understood, when this thing was introduced, that these youths were becoming a problem because, after they had helped in the struggle for independence, the Government thought they would be a problem if they were left at home, so they decided they would give them something to do. If we recall, Mr. Speaker, we remember that the announcement which was made by the President was that a big acreage of land had been set aside in almost every province where buildings were going to be put up, where machinery would be installed, where these youths would come to be trained. And then, after one or two years, they would be ready to go and look for employment. This was the announcement which was made by the President.

When the announcement was made, we were very happy; we went out and told our youths, "Things are now going to be, all right." We encouraged them and many of them came forward. As a matter of fact, not only youths came forward, but even some chairmen of KANU local branches and so on; they also thought that this was their opportunity. It was stated that, after training, it would not be necessary for Government to employ them because they would get employment on account of their having been trained.

Now, Sir, if we go through the training they have received, my youths have told me—Normally, the Kisii people are very hard working on *shambar* and on clearing the bush. What my youths have told me is that since they joined the National Youth Service, all they have been doing is to clear the bush in other people's constituencies. Is this the training? They have not been clearing any bush in Kisii but they have been clearing bush elsewhere; as a matter of fact, some went to Nyandarua to clear the bush. It is true. They went to Nyandarua to clear the bush. This clearing of bush, is that training? You do not have to train a person for one year how to clear

(Mr. Anyien) fighting or is this the Kenyatta of Gatundu?" Can you say these youths were wrong? If it is not true, that these youths were picked out from there, the Government must state very clearly that it is untrue. But if it is true and they are deceiving us into thinking it is not true, then they know they are trying to deceive the masses and one day the masses will discover they are lying.

Now, Mr. Speaker, they said that these youths were dangerous, that they should be removed from their homes and given something to do. But now they have trained them and shown them how to use these shovels as guns and how to fight and what not. Then they let them loose. Now they have gone home and they are now more dangerous than at any time before. I assure the Government that some of us who speak are speaking in order to avoid a Nigeria here. We are speaking now to avoid any revolution here. But you people go on saying, "Oh, things are all right." There is a fire down there, but you people say that there is no fire. If you say there is no fire, that does not stop the fire. These youths you have been trained are now a problem, Mr. Speaker.

In my constituency, the ones who joined the service are not now blaming the Government, they are blaming me, the Member, because it was I who signed for them to come to the National Youth Service. They are writing letters to me, they are saying, "You deceived us, even in jail a person is better off." What happens is that these youths are taken there, they are given shoes and what not, and I met some of these youths here last week. They were stripped of their shoes two weeks before they were allowed to leave, and also their clothing was taken away. Many of these youths had come here and when they came and were given these good uniforms, they gave their clothes to their relatives at home. Then they were told, "You must get your clothes." Some of them could not even come out of the dormitories because they had no clothes; they had to beg from their friends. Many had no shoes. They were suffering terribly.

Now, Sir, when we have a situation like this and we have a man who has suffered, who knows what suffering means because he was in detention camp for a long time and in jail, and we make him the National Youth Service leader and we give him some powers here, why has he not done anything? What is being alleged here is true because I have discovered that it affects every area. Once I was told by my youths that somebody came there and said, "All the youths from Gatundu are wanted." And so all the youths from Gatundu were taken away. We hear that some were put in the General Service Unit and some were given this and that. These youths are now asking me, "Is this the Kenya for whom we were

fighting or is this the Kenyatta of Gatundu?" Can you say these youths were wrong? If it is not true, that these youths were picked out from there, the Government must state very clearly that it is untrue. But if it is true and they are deceiving us into thinking it is not true, then they know they are trying to deceive the masses and one day the masses will discover they are lying.

When this thing was being introduced, Mr. Speaker, we were given an assurance—I think it was in one of these rooms up here—by the then Minister for Labour, Mr. Mwendwa, when we expressed fears that there would be indoctrination of neo-colonialism in this National Youth Service, that all the Government was going to do was to receive help from wherever it might come in the form of materials. But the people who would be working with the youths would not be coming from anywhere, they would be Kenyans. We said, "Well and good." What has happened now? This is a base for neo-colonialism. The Americans have sent materials; everything you can think of is American. You might think they were American negroes in America. It is an American base and they have colonized our boys.

The Speaker (Mr. Slade): Order! Mr. Anyien, I think you are getting right outside the terms of the Motion. This Motion is concerned with the posting to permanent Government employment of youths who have finished their service. Let us keep to that.

Mr. Anyien: Thank you, Mr. Speaker, but you cannot help saying what is going on there when you have an opportunity like this.

The Speaker (Mr. Slade): You can help it, if it is irrelevant.

Mr. Anyien: Mr. Speaker, I will not continue with that now.

I think also other Members have other problems which have been reported to them. Even the Assistant Ministers know, but they keep quiet; so let them keep quiet and then we can speak. Assistant Ministers cannot speak so let them keep quiet so we can put the case for their youths also.

So, Mr. Speaker, I want to say that what the Government should do now is to make sure that the first people to be absorbed into employment are these youths. Let them be trustworthy. Let them be given some work so that they will be all right. If the Government does not do this, if these youths meet—There are very many now, 5,000. If they all meet, my dear friend, even this Parliament, even we Members here will all be

[Mr. Omeri]—become really good teachers. They have to go to the field, do the job, and understand it while they are doing it and after some years of experience they would become really good teachers. In this case, Sir, I believe that the shorter time we give them in the college the better, so that they can go out and gain experience and become better teachers while they are doing the real job in the field. If we say that they would be half-baked after one year of training, I would not agree at all, because it is not the question of their being half-baked, it is the question of letting them have that experience on the job. When they have experience on the job, then we would have better teachers which the country wants. In this case, Sir, I do not see how the Ministry is going to say that they cannot accept this Motion.

Mr. Deputy Speaker, Sir, there is one other point, which I mentioned earlier, which the Assistant Minister has failed completely to explain and that is with regard to the reduction of intake and the reduction of colleges, where the Minister has displayed the fact that it is unnecessary to expand the production of teachers and the training of teachers, and in this case, I moved my Motion as a way of asking Government to take more interest and train more people so that we have enough teachers going out and carrying out their job in the field.

Sir, I would like to finish off by saying that this particular Motion was moved in order to request the Government to agree and accelerate the training of teachers so that we have enough teachers to cope with the increased amount of work, because more people are taking a bigger interest in education and more pupils are coming into these schools, more schools are being opened, and with this expansion we must also expand accordingly with training the personnel who are going to manage this. I did not mean that I am trying to turn every high school student into a teacher, this is not the intention of the Motion, and was completely misunderstood.

Mr. Deputy Speaker, Sir, I beg to move.

(Question put and negatived)

#### MOTION

#### KENYA NATIONAL YOUTH SERVICE: GOVERNMENT APPOINTMENTS

Mr. Khalif: Mr. Deputy Speaker, Sir, I beg to move the following Motion:—

NOTING that there have already occurred irregularities and discrimination in the selection for posting to permanent Government

employment of youths from certain areas who have undergone training in the National Youth Service, this House urges the Government as a matter of urgency to appoint a select committee comprising twelve people, including eight Members of Parliament each from the provinces, in addition to four officials of the National Youth Service, to carry out the selection of youths for posting to permanent Government employment.

The Deputy Speaker (Dr. De Souza): This Motion must read "... one each from the provinces . . .", therefore it must read this "... eight Members of Parliament, one each from provinces . . .", because as it stands it means sixty-four Members altogether.

Mr. Khalif: Yes, Sir, that is right.

The Deputy Speaker (Dr. De Souza): All right, then, we will correct that.

Mr. Khalif: Now, Mr. Deputy Speaker, Sir, irregularities and discrimination have taken place in the National Youth Service, with regard to the selection of people for posts to permanent Government employment. Sir, this is known all over, and something which the Members have practically experienced. Nobody is going to bluff any Member of this House, because the system has always been, originally, that the Members of this House should choose so many National Youth Servicemen and then are informed as to who is employed into these Government posts. Sir, it is a fact that none in one particular instance are posted to any permanent post, which indicates that any one Member knows how many of his National Youth Servicemen have been posted to permanent Government posts, or to the Civil Service.

Mr. Deputy Speaker, Sir, it is arising from this that I am saying with no hesitation whatsoever that there has been some discrimination and ignorance, and nobody is going to be able to bluff anyone in respect of this, and therefore, Sir, if it warrants it, I would like to suggest that it happens, or is the view of the Government, that it opposes this Motion, then I demand the names of all those youth servicemen who have been posted to Government permanent posts.

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

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

Otherwise, this particular Motion is clear-cut and there is no question of redrafting. Sir, in some areas some tribes have been discriminated against. This is indicated by the fact that quite a number of tribes, including the Boran, the

[Mr. Khalif] the Tesos—I am well informed—a certain section of the Kalenjin, and so many others, have been completely neglected, and there is an instance, Sir, where not even one candidate, one National Youth Serviceman from any one given tribe of those I mentioned has been posted to Government, to a permanent post. This is ridiculous, Sir.

Take the Somalis, Sir, and I am mentioning them not because I am a Somali but because I am better informed about the Somalis. Now if five or three or two of these people had been posted to permanent posts, then it would be something that the Government could argue about. But it happens that there is not even one. Sir, I am inclined to think that what is going on in the National Youth Service cannot be tolerated; and we have to be told point-blank and in no uncertain terms how things have been so irregular ever since the National Youth Service was started.

I know, Sir, that some provinces have not even had one National Youth Serviceman. And if anyone wants to challenge me, let the Minister who is going to answer this on Government's behalf challenge me and ask me for substantiation, because I am capable of substantiating this. Challenge me, go ahead; we have the Standing Order; let anyone challenge me for substantiation and I will substantiate that there are provinces where not even one National Youth Serviceman has been posted to—

Mr. J. M. Kariuki: On a point of order, Mr. Speaker, an allegation has been made that there is a province in this country which has no National Youth Serviceman. Could the Member substantiate this and say which province?

Mr. Khalif: Mr. Speaker, either the Member did not hear what I said or else he is trying to waste my time. I said that there are some provinces where not even one National Youth Serviceman has been posted to permanent employment.

The Speaker (Mr. Slade): After their service?

Mr. Khalif: Oh, yes, Sir.

The Speaker (Mr. Slade): I see.

Mr. Khalif: Ask me and I will substantiate.

I seem, Sir, from what I gather after looking into this matter very carefully that some areas have been given particular consideration.

Mr. Malinda: On a point of order, Mr. Speaker, the hon. Member has said that there are some provinces in this country from which no youths

have been taken into permanent Government employment, after their time with the National Youth Service. Can he tell us which provinces he is referring to so that we know exactly and can support him?

Mr. Khalif: One of them, Sir, is definitely the North-Eastern Province. There is not one National Youth Serviceman from the North-Eastern Province who has been posted to permanent employment; and I hope that the leader of the National Youth Service will bear me out because there is not even one. If there is a challenge—let anyone challenge me—

Mr. J. M. Kariuki: Mr. Speaker, I just want your ruling here. The Member is alleging that there is not a single man from the National Youth Service who is in a permanent job, and, from the Government point of view, this is why I want your ruling. It was stated that for one year there was no recruitment from the North-Eastern Province so I just want your ruling there on that, whether that is the failure of the National Youth Service or of the Government.

The Speaker (Mr. Slade): I am sorry, I could not hear your point, because of interruptions. I will hear points of order in silence.

Mr. J. M. Kariuki: Mr. Speaker, I was asking you to give a ruling on this: Government decided that there was not going to be any recruitment from the North-Eastern Province for a period of one year because of the *Shifta* activities. That was not done and now the Member is alleging that not a single man from the National Youth Service has been posted to a permanent job whereas that was decided by the Government. Whose fault is it?

The Speaker (Mr. Slade): I do not think that is a point of order.

Mr. Khalif: I will leave that alone, Sir, because I am surprised to hear that the leader of the National Youth Service is implying that there has not been any recruitment from the North-Eastern Province. The first time there ever was recruitment all over Kenya, there was recruitment from the North-Eastern Province. I will confirm that because there are National Youth Servicemen from the North-Eastern Province who have completed their one-year term of training. It would only have been fair on the part of the Government that they also should have been taken into consideration in so far as permanent employment is concerned. This is "bullshit".

The Speaker (Mr. Slade): Mr. Khalif, I think I heard you use a word which is certainly not used in this House.

Mr. Khalif: I beg your pardon, Sir.

[Mr. Anyten]

With those few words, Mr. Deputy Speaker, I wish to thank the Member who brought the Motion and I wish to support him.

The Deputy Speaker (Dr. De Souza): I would like to point out that the next speaker only has five minutes because at ten to eleven we have to call upon the Mover to reply.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Deputy Speaker, I would like to join my colleagues and friends as a teacher to speak on this Motion, but I would like to clarify one small point which the previous speaker has made.

He has accused this Government of having carried on the colonial methods in training teachers. He has forgotten that the Kenyatta College did not exist in colonial times and that, at this time, Kenyatta College has a course of three years to enable school certificate students to teach in secondary schools. This was not there during colonial times, so the hon. Member for Majoge Bassi should be able to know this.

Another point I would also like to mention, Mr. Deputy Speaker, is that during secondary school education students who are taught chemistry and physics and who are lucky to choose training as doctors, despite the fact that they have learned these subjects, still train for nine years as doctors. So the fact that we would teach some of the teaching profession students in a secondary school does not prevent a student being trained as a teacher for four years. So this point should also be borne in mind.

I was surprised, Mr. Deputy Speaker, when I read the Motion, at the word "education" alone as it appears in the Motion: I was surprised still further when I was told by the hon. Member for Majoge Bassi that the Mover of this Motion had been a teacher and a supervisor of schools. As a teacher, I was wondering what he meant by "education syllabus". I think he meant the principles of education being introduced in secondary schools. Well, if my friend took a course in teaching, he knows very well that a profession such as teaching does not only require principles of education, if that is what he meant. It requires psychology to begin with, and a psychologist—if you remember—did child study for two years, and this in itself is quite a tedious study. If my friend remembers, he did principles of education, which took him two years, as a subject. He also did methods of teaching, if he remembers. This the students cannot do. He should also remember that in the teaching profession the students study the curriculum of

whatever classes they are going to teach. These things, as I have tabulated them here, take quite a long time and that is why they, themselves, have a two-year training. Apart from teaching science or mathematics and geography in secondary schools which also takes two years, it would be putting a great burden on students by introducing any subjects of the teaching profession into the secondary schools.

Well, Mr. Deputy Speaker, I agree with my friend who suggested that there should be a crash programme, but I think the suggestion should be that of attracting more of the students to join the teaching profession, there should be some sort of pocket money paid during their two years' training. This, I think, would attract some of the students to join the teaching profession, but I should hate to see half-baked teachers or half-baked students trying to join the teaching profession. It is a pity that a friend of mine, like the Member for Homa Bay, who has never been a teacher, has spoken for this Motion and has spoken very strongly as though he had been in a class facing students.

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, I was a teacher in 1952. Can the Assistant Minister substantiate that I have never been a teacher? I was a teacher.

The Deputy Speaker (Dr. De Souza): I think the Assistant Minister will accept your statement that you were a teacher.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): I am pleased to note, Sir, that the Member for Homa Bay was an untrained teacher in 1952, and that alone proves how uninformed he is as far as the teaching profession is concerned. I think, Mr. Deputy Speaker, the House should be aware that it is unfortunate that my friend who brought this Motion brought it in the terms he stated, because it just cannot be accepted by the Government.

Mr. Deputy Speaker, Sir, I beg to oppose the Motion.

The Deputy Speaker (Dr. De Souza): It is now 10.50, so I will call upon the Mover to reply.

Mr. Omweri: Mr. Deputy Speaker, Sir, I wish to thank hon. Members who have spoken on this Motion and for the display of interest that they have shown, and I would also like to reply to and make clear some of the points which those who have spoken misunderstood.

Mr. Deputy Speaker, Sir, the point here is quite clear and the speakers who have spoken against this Motion seem to have felt that at the moment the methods we are using are, in fact,

[Mr. Omweri]

is a worse position than what I am suggesting. My suggestion is much better than what the Minister is doing, because the Minister is not at the moment doing anything as far as the training of teachers is concerned. He is, in fact, making a reduction in every possible way.

The Assistant Minister for Education (Mr. Muiso): On a point of order, Mr. Deputy Speaker, could the hon. Member explain how the Minister of Education is doing nothing as far as the training of teachers is concerned?

The Deputy Speaker (Dr. De Souza): Order! Order! I do not think this is the type of matter which he needs to explain. That is his opinion. I think, in fact, you have given the Government case. I do not think that he needs to substantiate that.

Mr. Omweri: Mr. Deputy Speaker, Sir, let me state exactly what one of the hon. Members said about the education syllabus. In most colleges the principles of education are referred to as the education syllabus, and in this case where the hon. speakers who have been teachers previously have tried to amplify that, you can amplify that quite a lot. It means exactly what the Motion says, that it is a syllabus concerning education as a profession, and the Motion here, Sir, is about teaching as a profession. In this case, I wanted the House to give approval; what I meant were the principles of education which have some meaning and some relevance to what the actual students do while they are at school. In this case, Sir—This is because my friend never went to college to do the principles of education there, and he has no idea; if he had he would have agreed.

Mr. Deputy Speaker, Sir, to say that this would be a bother to students and to claim that students at high school have enough to do, let me say that this is quite true, they have quite a lot. They are also capable, as I said earlier, of doing a lot more.

What happens is that students preparing for School Certificate do more than the subjects they require, they study eight subjects, but their pass requires only six. Is that not a bother, too? If we were to take into consideration the seriousness of the shortage of teachers in the country, my suggestion could be substituted for one of these unnecessary two extra subjects. In this case, Sir, I do not see how it is difficult or how it is bothersome for the students. I agree, also, Sir, that students want every possible moment to prepare and concentrate on their academic studies. That is all right. The point is that in the past when they have been studying they have had some optional subjects, which they also carry out on their own, and this has proved that these students

would be capable of or would be interested in doing some extra subjects so as to help the country's problem of recruiting enough teachers.

Mr. Deputy Speaker, Sir, when hon. speakers said that in the high school we have all kinds of persons, say, doctors, engineers and others, the thing is that even if we were to give these professional studies about education for those who would like to become teachers in their last two years, it does not compel—I have not included in my Motion or in my speeches that this would compel every student who undergoes these principles of education to become a teacher. There are so many of us here who have been trained as teachers who have not remained teaching all their lives, or even go back and teach at all after their training. In this case it does not mean that after introducing these principles of education that it would be compulsory for those who took it to become teachers, or remain teachers. This would be of necessity and because of the problem we have in getting teachers.

Mr. Deputy Speaker, Sir, some hon. Members also mentioned the use of unqualified teachers as a necessity. Now, if by necessity we are using completely unbacked staff to do the job, I am surprised that hon. Members cannot see the point that here I am proposing that they should have two years at high school in which to understand exactly what goes on in the education field, and they should then have one complete year in which to be thoroughly educated, thoroughly trained in what they are going to do and on the methods of approach, or on the methods of organizing a school, or on child psychology, and how these things would be included. Mr. Deputy Speaker, Sir, it is a surprise that hon. Members cannot see this point at all, a point which is so clear and which is so practical, and which has already been done.

Mr. Deputy Speaker, Sir, I would also like to make it clear that here is the Minister for Education getting students straight from college in America and they come here as Peace Corps or "Cross-Roaders". These fellows, Sir, just come from college and they come here and they teach without any training. If our Government is able to accept these untrained teachers, I am surprised that they cannot accept our own students who have been given enough training at high school and, also, in the college. I also, Sir, as a teacher believe that experience is the best teacher. In this case, Sir, I would make it clear that even if we had to train teachers for three years or for four years without giving them enough time to go out, they would never—in those three or four

[The Assistant Minister for Education] keen interest to see that the standard of the teachers is raised to the equivalent of other professions, if possible.

Having said that, I think, as has already been pointed out before, the Government cannot accept this Motion because it will only amount to confusing our teaching methods and also adding problems to those which already exist.

So I think I do not need to say much, all that I wanted to say was that the Government cannot accept the Motion for the reasons I have just given.

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

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

Mr. Anyieni: Mr. Deputy Speaker, I must thank all the Members who have spoken on this Motion because it shows that every Member is concerned with our educational system. But I must, even more so, thank the Mover of this Motion for having brought this Motion to the House, because it shows that, in his brain, he is also thinking what can be done to help in this particular profession.

But then, Mr. Deputy Speaker, while I support what many Members have already said, I am very surprised that all that the Assistant Minister to the Ministry of Education had to say was practically nothing, except that he rejects it, on the grounds given by the Members who spoke before him. Dr. Deputy Speaker, I think when this is a policy matter which is being introduced to the Ministry of Education, it would have been proper if the Minister for Education should have also tried to be here, because he is the one who is taken into account very much when a policy matter is being discussed in his Ministry. However, it seems as if the Minister has consistently boycotted the proceedings of this Parliament; he never comes to this Parliament. The Assistant Ministers are saying "Question", but they know very well that I am speaking the truth, because you can only see now Assistant Ministers here. Particularly the Minister for Education has consistently refused to come to this House and if he were here, he might have tried to tell us what the policy of his Ministry is going to be.

Mr. Deputy Speaker, one reason why I think that this Motion is properly brought to this House is because we have taken on what was in colonial days, we have just carried it over; we have not made any change at all. This is a sign of laziness. The Ministry has not said that instead of teaching these people the teaching

profession in their last two years of academic education, we are going to introduce a crash programme. If this is what the alternative is, I will also support the Government and I will also disagree with my friend, but in the absence of a crash programme, in the absence of anything else. Mr. Deputy Speaker, these people are saying that this will bring confusion in the teaching profession. What do we have, Mr. Deputy Speaker? 75 per cent and, in some areas, even 90 per cent of the teachers who are teaching our children are unqualified. They are refusing this and the only alternative is we are going to have people who do not know anything about teaching, and even a man like me, who has not been a teacher, I can now straight away go to a class and start teaching Standard I. I do not even know how to teach, but I will go there and teach.

Mr. Deputy Speaker, the best thing will be that these people should be given some coaching, some amount of training so that they will be capable when they go out. Again, this will also be able to attract the teachers. This will help. Mr. Deputy Speaker, to make sure that when they are leaving with school certificate all of them will not be running to Shell, because if you give them some amount of training, you must also be able to pay them a little bit more. But now, Mr. Deputy Speaker, what happens is that when somebody is leaving with school certificate, he wants to come to Nairobi and get a job with a company where he will get a little bit more money, because if he goes to the teaching department, the teaching department will give him very little money. Because of that, the best of our brains are not going into the teaching profession. How are you going to improve the country if the best of the brains go to work for Shell Company, for maybe Power and Lighting, for Overseas Touring Company, and so on?

These people should be helped to be maintained there. Now, Mr. Deputy Speaker, this should be taught, because this will introduce into the mentality of the students that there is also an interesting profession called teaching. How do they know it is interesting, if you do not even tell them anything about it? Maybe one of the reasons why this may not be accepted is that if you teach these people, they will be able to see that their teachers do not know how to teach them, because some of the teachers they have who are teaching in high schools have never been given any training on teaching. The Assistant Minister is now looking at me. For instance, the people you have introduced into the country, who are teaching, have never had

[Mr. Anyieni] in teaching. These people have no training in teaching, and when they have had any training on teaching, and when the Minister is looking at me, he knows he is not being honest.

The hon. Members who have already spoken have said that these people should concentrate on their academic studies, so that they can pass the examination. What kind of examination is that? If you introduce teaching as a subject also, you will have to give them an examination on that, but what the Assistant Minister and the other Members who spoke are actually saying is that they are fully colonised and they do not want change. Mr. Deputy Speaker, what I mean by this is this: All our children are now taking School Certificate. Where is this School Certificate Examination being written? It is written in Britain and, therefore, because this does not—

The Assistant Minister for Education (Mr. Mwaeso): On a point of order, Mr. Deputy Speaker, could the hon. Member substantiate that the examinations which our children do are written in Britain?

Mr. Anyieni: Mr. Deputy Speaker, I hope you will not allow my time which he has taken to be wasted. I will substantiate just now—

Mr. Shikuku: On a point of order—

The Deputy Speaker (Dr. De Souza): Order! Order! There is a point of order being dealt with now, Mr. Shikuku, please sit down.

Mr. Anyieni: Mr. Deputy Speaker, Sir, the Assistant Minister is the most ignorant Minister I have seen.

The Deputy Speaker (Dr. De Souza): No, no, Mr. Anyieni—

Mr. Anyieni: Just a minute, Mr. Deputy Speaker, just a minute. I am going to prove—

The Deputy Speaker (Dr. De Souza): Order! Order! Mr. Anyieni. You are asked to substantiate an allegation made by you. You do not substantiate by saying that the Assistant Minister is the most ignorant person. Please withdraw if I do not want any insults being flung across when you are, in fact, as it were, in the dock to substantiate.

Mr. Anyieni, Mr. Deputy Speaker, Sir, the reason why I said this is this: If I cannot substantiate it, I will withdraw, but let me substantiate. The Overseas Cambridge School Certificate is not written in Kenya, it is written in Britain. Mr. Deputy Speaker, and this is what I said. It is true, he knows it, it is not written in his Ministry.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, Sir, I do not know if you are going to rule that the hon. Member's substantiation is not correct, because I think it is confusion over the language. I think the examination is written here but set in Britain.

The Deputy Speaker (Dr. De Souza): Yes, I think you are quite correct. I think Mr. Anyieni's statement was a slip of the tongue. I think what he quite clearly meant was that it was set in England. I think it is quite clear now what he, in fact, means.

Mr. Anyieni: Mr. Deputy Speaker, what I said is completely correct: the examination papers are written, are set, are what—I do not know what you call it, set or written, or what; it all means the same in my mind. You must know I am not an Englishman. If you people have become too English, it is your problem.

So, Mr. Deputy Speaker, these students must take an examination written in Kenya, and soon we must move out of these examinations being set in Britain. These examinations should be written here, should be set here. We have professors like Dr. Omingde; we have here a person who was a professor in Makerere, who is now the Minister to the "Minister of No Planning". I think these people can help to write, and if the teaching profession is included, they will also be able to put it as one of the papers which will be done by these people.

Mr. Deputy Speaker; I must support what the hon. Odera-Joyi said about the teachers leaving, because if we continue to train them and we do not do something to keep them, we are wasting money. What happens in the country today, Mr. Deputy Speaker, is that a teacher is trained, the Government spends a lot of money on training him and after he has taught for one or two years, he is frustrated because some of his friends who did not go to that profession and did something else find themselves in very enjoyable, lucrative jobs and they are better off. So if the Assistant Minister—the Minister should be here, not the Assistant Minister, to deal with this matter of policy, Mr. Deputy Speaker—can report this to the Ministry, the Ministry should be able to take immediate steps at least to make sure that those K.T.I.s, or P.I.s as you call them now, should be helped to stay. They must be able to stay. You must find a way of helping them to stay. Maybe you will promise them that if they do very well after some time they will get something bigger in some other place, so that they do not have to leave without the Government preparing the ground.

[The Assistant Minister for Foreign Affairs] headmaster of the school is responsible for the untrained teacher. He has to see that his work is properly done. If untrained teachers are properly handled, then they can be very, very useful in the shortage we are facing at this moment.

Mr. Speaker, Sir, this is a big problem which is facing everybody. We should face it in the right manner. I am sorry I cannot support this Motion because it does not solve the present problem; it only creates new problems that we do not want at present.

Thank you, Mr. Speaker.

The Speaker (Mr. Slade): Mr. Kibaki, I take it you are speaking on your own account?

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): That is right, Mr. Speaker. It is one of these rare occasions when we can speak as Members of constituencies.

Mr. Speaker, really I have only two points to make. I think enough has been said to convince our friend here the good intentions he has cannot be solved in the manner that he proposes. I hope really that he will see fit not force us to vote now that we have persuaded him that there are better ways of solving this problem.

What I would like to propose to him particularly, Mr. Speaker, is that there is a very good way of utilizing the Forms III, IV, V and VI in this country, which perhaps is what he ought to join me in trying to promote. Now, I had occasion a little while ago, Sir, to propose that these students should be used during their vacation for the purpose of educating the 4 million adults in this country, who have not had the chance to get a formal education. I propose, Mr. Speaker, that we should utilize these students during their vacation to teach the adults. Now, the hon. Member clearly is not aware of the fact that in order to be able to teach adults in the modern method you do not need a long course, you do not need long training. If he had volunteered to come and teach some of the classes we have started in Nairobi, he would be aware that he would only need about three days' tuition to qualify him to go and teach adults. Therefore, Sir, this is the best way to utilize these students. Give them vocational jobs, let them get the national spirit, that this is a national service to educate those of their brothers and parents on whom the whole economy today depends, because we tend to overlook this major fact, Mr. Speaker, that the production on which the whole country now depends is, in fact, being carried out by a lot

of illiterate labour which is now adult. If this illiterate labour could be taught how to read and write, this would open new horizons for them, open new ways, new scopes for better and more productive methods of production. Now, this is what we ought to employ these people in.

Now, Mr. Speaker, since it was announced by the President of this Republic, that we are going to give free education to students in Forms V and VI, indeed this is the more reason why we should call them to show a little bit of Harambee spirit by volunteering to teach the adult illiterates during the vacations. They do not need, as the hon. Member for Majoo-Bassi is shouting, training in a formal school career. What they need, Mr. Speaker, is four days a week training at the Literacy Centre in Nairobi to teach them how to do the business, and they will be able to do it perfectly well. That is the job we ought to give these students. Indeed, that ought to be made a national service. As a matter of fact, Sir, if I had my way, before these students left for other careers, even for university, it would be made compulsory for them to give one year's national service in the form of teaching the adults who are today illiterate. That would be a perfect way of training them.

Mr. Speaker, I only have one point to add to what has been said as to the reasons why the teachers are leaving their present jobs and seeking for better employment. Enough has been said on this and I know that there is a commission. The Assistant Minister for Education will be speaking on those matters. However, I would like to add one point because in the middle of all this emotion, we tend to forget it. It is true that the teachers ought to have better services than they now have, but it is equally true that as things are today, the Ministry of Education's budget—which is one of the highest budgets of all the Ministries we have here—is still incapable of supporting very much higher salaries than the teachers are getting today. So, therefore, the hon. Members in this House, when they want that the educational service should become more expensive than it is today, will have to choose sometimes between promoting that service and other services which they want. This is a very useful thing to keep in mind because we have only that limited amount of resources.

Finally, Mr. Speaker, before I sit down, can I take again this opportunity to blow the trumpet of the literacy campaign being carried out in this country? If the hon. Members in this House will teach—

The Speaker (Mr. Slade): Mr. Kibaki, in this debate I do not think you can blow that trumpet very much.

The Assistant Minister for Economic Planning and Development (Mr. Kibaki): Mr. Speaker, I only want to draw the attention of this House to the fact that now that a campaign has been started, each one of us should teach one adult. Let us start a literacy class in each constituency and let us recruit the services of these students during their vacation. In this way we will be doing a much better job than confusing the programme of education, which the Member wants us to do.

The Speaker (Mr. Slade): Mr. Mutiso, you quit for Government, do you?

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

Mr. Speaker, Sir, I do not think the Government has much to say on this Motion because a lot has already been said by the former teachers who have educated this House. They have told us which are the best teaching methods which are necessary for our schools.

As I have already been stated by many speakers, education is such a difficult to define. What is education as a subject? Everyone of us here is educated and you, Mr. Speaker, as well as educated. However, it is difficult to say, "Let us introduce a subject in a school to be known as education," as the Motion asks.

If we take the methods we are using in our schools, you find, Mr. Speaker, in Forms IV, V and VI, particularly from Forms I to IV, that our children have at least eight subjects which they must study. This opens the way for them for the time to decide what career each one of them will like.

Now, education, as such, is a profession and it will be very difficult to introduce a further subject in the schools, because this will deprive the students of the opportunity of carrying on with one of their most important academic subjects in the schools. As has already been pointed out by many of the speakers here, in Forms IV, V and VI we have all sorts of people. We have people going to be doctors, some studying to be engineers, and other kinds of professions. If we introduce education as a separate subject in those classes, this means we shall force students to study unnecessary subjects which, even when they have their academic qualifications, will not encourage them to pioneer in those particular

So, it is wise that we continue in the way we have been doing. When a student has completed his studies, either Form IV, V or VI, the way is open to him to decide what profession he would like to carry on with. It is then that he will be trained for it. For example, a teacher as such is a person who must be trained. He must be trained in that particular line, what and how to teach. It is not enough for one to have education in school; after completing his studies a student qualifies to be a teacher. That is why, I think, my colleague, who is a former teacher, thought of bringing this Motion. He himself left teaching and I presume he did so because he may not have been aware of the methods of teaching. This is something which one must be trained to do. A person who has completed Form VI has learnt a lot of things in the school but immediately he finishes his studies he cannot claim to be an engineer or a pilot. He must go away to be trained as a pilot or as an engineer. The same thing applies to a person who wants to be a teacher. This person must be trained how to teach. He must be taught how to conduct his class, how to prepare lessons and things of that nature.

Mr. Speaker, I would not like to labour this Motion because some of the Members who have spoken, those who have educated some of the Members in this House, have explained this point very clearly; some of them have spoken better than I could myself.

For the reasons I have given, the Government finds it difficult to accept this Motion because it will only amount to adding more problems to those we have at the present moment.

I would like to say something more. As hon. Members have pointed out, many teachers are leaving the profession because this does not seem an attractive one. The salaries are very low, and there are other drawbacks. Now, I think this is a point which the Government has fully considered. We have appointed a local commission. A lot of committees are working on this matter in order to try and produce an acceptable principle of one employer as the teachers have demanded. We are also trying to raise their standards of living. This is something which the Government realizes fully and I think there is no point in any hon. Member trying to say that this is one of the delaying tactics of the Government. This is not true, because we are already looking into this matter together with the Ministry of Labour, and I am sure that in a very short time the findings of the commission will be made known to this House. The case of the teachers has been very effectively discussed. My Ministry is taking a very

**[The Assistant Minister for Labour]**

I think that everyone is aspiring to a better life, and these teachers cannot tolerate seeing their fellow students, who were with them in the same forms, enjoying a better life either in Government service—

Mr. Shikuku: Mr. Speaker, on a point of order, is the hon. Assistant Minister speaking as an Assistant Minister or as Member for his areas?

The Speaker (Mr. Slade): Mr. Shikuku is quite right to raise that point. I have asked Ministers, when they speak in a debate, to make it quite clear whether they are speaking for the Government or for themselves. It does help the House to know.

The Assistant Minister for Labour (Mr. Odero-Jowi): Mr. Speaker, I am speaking as Member for Lambwe.

Mr. Speaker, Sir, this is a serious situation which must be recognized; and, because the teaching profession is really the key to the development of this country, let us face this problem and face it boldly.

Sir, the suggestion that the teaching of the principles of education should be introduced at Forms III and IV, and Forms V and VI misses the point. We are training not only teachers. These students from these forms comprise doctors, engineers, surveyors and what not. And at that stage we do not want to make them amateur teachers. We should give them a chance to go through and, at the end of their training, they should select which profession they want to enter. The mere teaching of the principles of education does not make one a teacher. I am sure the Mover of the Motion knows that, in order to become a teacher, one must go through the discipline of the profession. You must learn methods of teaching. You must learn educational psychology, you must learn principles of education; you must learn the modern methods of using various visual aids and the blackboard. And one year's discipline in the principles of education does not make one a teacher.

I therefore think the Motion misses the point. If we want to have more teachers, let us train more teachers. I agree; and once we have trained them let us keep them. Mr. Speaker, Sir, I oppose the Motion because it really misses the point.

Mr. Makokha: Mr. Speaker, Sir, the Mover of this Motion must be congratulated on trying to think for the Ministry of Education. The idea he introduces sounds very laudable, but as far as I am concerned, speaking as a former teacher and as a person who has trained teachers, I find

these ideas completely impracticable. For that reason, I am going to oppose this Motion. Both the Mover and the Seconder failed to give any example of what educational syllabus they wanted to see introduced in Forms III, IV, V and VI.

Having been a teacher myself, as far as I am concerned, the most important subjects for a teacher are methods of teaching, child psychology and practical teaching. I just do not see, Sir, how it would be possible to introduce methods of teaching in a class, say, Form III or Form IV. Methods of teaching is one of the most important subjects for a teacher; you need to teach them visual aids and how to teach a subject like history or reading or English; and this would move completely away from the syllabus of a secondary school child. So, Sir, I feel that the Ministry of Education should not take this into consideration at all.

What the Ministry needs to do is to make teaching attractive. This is the short cut to producing more teachers in this country. Now at the moment terms of service for the teachers are so bad that even if we train more teachers, the teachers will continue to run away from the teaching service. It is no use training what I might call deserters: you train someone today and the following morning he runs away from teaching. So, Sir, what we must urge the Ministry of Education to do is to make teaching as attractive as possible by making the terms of service for the teachers as good as possible, by giving them, say, one employer, giving them better pay, improving housing, particularly for teachers in the rural areas.

Mr. Speaker, Sir, to support the hon. Mr. Ngala, teaching is a very special profession and if you are going to train somebody as a teacher you need to do it properly. It is not a job—

Mr. Ngala-Abok: On a point of information—

The Speaker (Mr. Slade): Do you give way, Mr. Makokha?

Mr. Makokha: All right; let us try it.

Mr. Ngala-Abok: Mr. Speaker, I wish to inform the Member that at the moment about 25 per cent of the teachers in the country are untrained and yet the Ministry of Education allows them to teach.

Mr. Makokha: Right, Mr. Speaker, Sir, it is exactly for the same reason that I am opposing this Motion. You see, the fact that we are using these untrained teachers does not support this Motion at all; it would not make me support this Motion. It is unfortunate that we should

(Mr. Makokha) have any untrained people teaching children; it amounts to what I might call even a very serious offence, because they do not teach properly. And in the same way, by getting a few children not trained properly, they are just as bad as untrained teachers.

Therefore, Mr. Speaker, Sir, for these reasons, I oppose this Motion and ask the Mover and seconder to think again.

The Assistant Minister for Foreign Affairs (Mr. Mahino): Mr. Speaker, Sir, if we want to bring confusion to this country, let us adopt this Motion, because it assumes, to begin with, that nobody can teach, which is not true. The fact that a child is in Form V or Form VI or Form III or Form II does not necessarily mean that that child is going to be a teacher. Another thing that we also assume here that in order to make a nation of our people we must make all of them teachers. Well, a country is not made up of one profession only; a country is made up of all sorts of other professions. We need engineers, we need doctors, as one hon. Member has just said. Now, if we are going to adopt the method of teaching anyone how to teach, then where are we leading to?

The Motion is very unfortunate, particularly by virtue of the fact that it has come from a former teacher, a former supervisor of schools; it is really shocking. I could have understood it if it had come from someone else who was a medical assistant or something like that, but I think it is very unfortunate indeed that it should have come from a teacher.

There is another point which I would like to raise here. We do not want to make our nation a nation of teachers. There was a time when Britain was known as the nation of shopkeepers, and we do not want to create another nation here of teachers. We want a nation where everybody will be able to participate fully in whatever way he feels he is able to contribute to the development of this country.

Mr. Speaker, this Motion also says that children in Form V and VI should be taught methods of teaching. Well, I do not want to repeat what has been said by other Members; but it has been pointed out that teaching is a profession, a full-time job. It is a profession whereby a man is taught how to develop fully an individual, so that the individual will be fully developed and capable of being useful to the country. This is a big job, it is not a small thing. You have to deal with an individual. You are not dealing with a machine, but with an individual; and you must

devote almost the whole of your life, the whole of your skill, the whole of your attention to the child, in order to develop him fully. Now we cannot give this responsibility to a child who is preparing himself for School Certificate, who is fully occupied. We have all passed through this machine of School Certificate or studying for School Certificate. It means a lot, Mr. Speaker. It needs the whole of your brain, the whole of your time; studying, memorizing, reading textbooks and solving problems. Surely you are not going to take this child out again and show him how to treat delinquency? It just cannot be done.

These are the problems which the teachers know and understand, and we know it is impossible. It is true that there are problems; we have a problem here in Kenya, a problem of shortage of teachers, and that of the number of schools which are growing every year almost like mushrooms because of the enthusiasm of the people for education. These are the problems that we are facing at the moment. I know the hon. Mover was trying to solve this problem and he thinks this is a method whereby it can be done. But let us forget this method, let us think of other things. We have just been told of the question of better conditions for teachers which I am sure the Ministry is quite aware of and which it is doing its best to put right; we have been told of the question of employment, that teachers should come under one employer; we have grievances, the salaries, the question of accommodation for our teachers. These are the problems which we know, we who are former teachers. We know these problems exist, and we know the Government is trying very hard to put them right. It is not easy; it cannot be done in a day. But as long as the Government is doing something about it, we should appreciate the achievements which have already been made and also the efforts that are put into trying to solve these problems.

Mr. Speaker, Sir, when we teach we must make sure where we are heading to. A teacher is a man who is creating the future nation of this country. We must know, plan, what we are doing. There are Members who have just said that we are using untrained teachers, and I would advise them that we are doing this of necessity. We would not really like to use untrained teachers.

Mr. Speaker, I am not speaking as a Government Minister, I am speaking as a teacher, a former supervisor of schools and a man who has taken a lot of interest in education.

I know there was a need which led us to take in untrained teachers. Untrained teachers, if properly used, are most useful because they are not allowed to play about with the students. The

[Mr. Ngala-Abok]

In fact, Sir, the Minister will come to this House and say that we want more teachers and that we have to attract people into the teaching profession, so that we can be educated. We want to educate ourselves, but yet when it comes to the question of providing a proper salary for the teachers, providing better houses for the teachers, organizing one employment authority and introducing such things as . . . . . (Inaudible.)

lectures so that more teachers are produced every year, what does the Ministry do? It only appoints a commission. Even on a straightforward thing, we will wake up tomorrow and say, "This is what I want to do, as a Minister", because Sir, as a Minister must have a policy every time you are given responsibility, you must have a policy for yourself, because if you rely on professors and other people who have been disciplined in England and America, when they come here they become involved in so many technical matters affecting other countries which are not relevant to our situation. Reports are set up, say, for two years, and when you come back to election time you find that your education policy is not yet laid down, and you, as a Minister, are mixed up completely. So, Sir, this question of commission after commission being set up will not assist us in anything. It is just like boards, they are also becoming a common thing.

An Hon. Member: That is not relevant.

Mr. Ngala-Abok: It is relevant, Mr. Speaker, Sir, because all we want is for the Motion to be affected. But usually the policy of the Ministry is to go and appoint another commission. For example, in the Ominde Commission Report, is there no suggestion for a lecture to be introduced in these schools? What is that commission doing to see that more teachers are being produced per year? What is that commission doing to see that untrained teachers are not muddling the children? Instead of asking a person who is waiting for his School Certificate results to go and teach, you will be asking a person who has already had one year's teaching lectures in a school, a bright fellow who knows the right method of approach, who knows how to do calculations, and who knows how to impart knowledge into someone's head.

So, in fact, Sir, this is all right, but what I want to say is that the Ministry should try to stop this question of appointing commissions. The Ministry should embark on a plain request which has been put to this House, and I am sure the Ministry is going to accept it in the light of the reasonable argument given by my colleague, the Mover of this Motion.

Mr. Speaker, Sir, I do not see very much substance in this Motion, all that the Motion asks is quite plain here. It says in the Motion, "education syllabus in the final Forms of III and IV or V and VI", and also which says, "one year's training of teachers-to-be who have studied education while in high school". Mr. Speaker, Sir, I do not see how the Ministry is going to oppose this plain request. In fact, there is nothing rude about it, and there is no argument which is actually going to involve finances here in doing this and also there is nothing which the Ministry should reject.

Mr. Speaker, Sir I beg to support.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir, first I would like to say that I am very surprised that the Motion is so woolly and completely incomprehensible. Mr. Speaker, Sir, teaching is a profession, and as a profession it must be done properly. Sir, the Motion here is suggesting a very dull and incomprehensible idea. I am not surprised because I do not think the Mover is an educationist. I think, Sir, that children, after teaching Form III or Form IV or Form V should not be encouraged to become Jacks of all trades. They should be given every opportunity to concentrate in their final year on the academic study, so that they can study properly.

Sir, in making this point, I am opposing the idea of including an education syllabus, during the final year when the children should be seriously studying the academic costs and passing the examination properly.

An Hon. Member: What is academic?

Mr. Ngala: Academic costs is School Certificate level or the Higher School Certificate at Form VI level. This is what I call the academic costs. Therefore, to include a side cost to introduce it, as it were, in order to stand in the way of proper studying of the students is very unwise and it is a waste of time and the money of the students. Therefore, this, I think, is completely improper.

Mr. Speaker, Sir, imagine this being long-term set-up on which the teachers have to be trained. This would be very unfortunate, if the Minister for Education did accept it. I am quite aware that there is a shortage of teachers, but the way to deal with the shortage of teachers is first, to have a short-term programme, a crash programme, involving those boys and girls who have completed their academic studies, and this is possible, we have so many of them in the streets, Nairobi alone or even Mombasa, if they were collected the Minister for Education could get say amount of children they wanted to put into this

[Mr. Ngala]

crash programme of teaching costs. Now, Sir, that would serve the immediate requirement of teachers for primary schools or even intermediate schools, but, Sir, the long-term policy must be that the Education Department must concentrate on working on an original basis, on provincial basis and every province should have one or two centres where all the people who intend to become teachers can be put together and given proper training. The practice in the past of missionaries being left on their own to have small denominational basis, should be discarded, so that the Government takes over the training of teachers completely, and does not leave it to the missionaries or any other voluntary body, and does it properly on large scales.

Therefore, Mr. Speaker, Sir, this Motion seems to be sort of filling in a duct, not exactly knowing what to do, but, Sir, I think the Mover should have suggested a crash programme to deal with the short-term policy by getting pupils from different areas who have already completed School Certificate work, instead of muddling these children with their proper studies in the academic costs.

Secondly, Sir, I think the Mover should have noted that the long-term policy is also observed by the Ministry so that on provincial basis real big centres could be undertaken. Sir, I think in the Nyagah Commission or in the Education Commission, there was a special committee set up which dealt with the question of teachers, their recommendations and we have partly seen these, and I think they are on the right move; the move is that in different provinces teachers' centres should be established.

Now, Sir, I would like to reserve my feeling on this Motion, because I do not really think that it is educational. I do not think it is understandable. I do not think the Mover really thought about his country as far as the teaching was concerned, in a long-term way and therefore, as a Motion, I would like to ask the Mover to think again before we cross swords on it.

Mr. Speaker, Sir, when you say the education syllabus, what do you mean by this, because everything a child learns at school is based on an educational syllabus. Of course, from Standard I right up to School Certificate standard the children are educated on an education syllabus. What do you mean by an education syllabus? The explanation was not very clear. If the Mover means a teaching syllabus as a way of inducing Form III and Form IV or Form V and Form VI children to like education as a way of inducing

them, then, Sir, I do not think it is necessary. What is needed is for the Ministry of Education to go out and talk to the children at these levels so that they can get them interested in education, and the Minister for Education should advise as to the paying of the salaries so that teaching can be more profitable. After all, the fact that many people do not like teaching now is only a transitional period. It is a transitional period because there are so many posts today, immediately after independence, that the teachers turn to district officers, district commissioners and so on, but this will not be for a long time. This, Sir, is a transitional period. I think Sir, that after three or four years many people will go hunting for teaching jobs and we shall come to a normal stage in the selection of work.

Now, Sir, I would like to suggest to the Mover or his seconder, because this is an important subject and we should not quarrel, that he reconsiders amending his Motion so that he has the short-term crash programme, and secondly, he has long-term programme shown so that we can support him if he is prepared to reconsider the Motion.

The Assistant Minister for Labour (Mr. Odero-Jowi): Mr. Speaker, Sir, I quite sympathize with the motives behind the Motion, but I think the Mover has missed the point. Now there is a shortage of teachers in this country for two reasons: first, we are opening far more schools than ever before, and more teachers are needed to man these schools; the second reason is that we are training as many teachers as we are losing. Now if we want to stabilize the teaching profession, I think we must tackle it from both these angles. On the one hand, we must train more teachers and give them a thorough training so that we can turn out better teachers than before; and also we must tackle it from the other angle, we must keep the teachers we have trained.

Mr. Speaker, Sir, the fact of the matter is that a lot of teachers are leaving the teaching profession today. I know this for certain because the employment service of the Ministry of Labour has a lot of teachers who are leaving the teaching profession to look for other jobs. Including me, yes, why not? One of the reasons why a lot more teachers are leaving is that the teaching profession is not attractive. The pay of teachers is still very low. I think this must be recognized. The working conditions of teachers, especially in the rural areas, are terrible. As long as these things still remain, I think the shortage of teachers will last a very long time. I do not agree with the hon. Mr. Ngala that it is transitional;



[Mr. Omweri] more money to build more classrooms, more dormitories and more staff houses because there will be one stream or one year's class every time and students would use the available housing in the existing colleges.

Mr. Speaker, Sir, I feel that the Government now should consider a practicable approach to our problem of getting personnel in this country, and this approach is to start right from the Ministry of Education. If the Ministry of Education becomes obstinate and does not accelerate the methods of producing teachers, then all other departments and all other lines will be affected because we will not have enough students going out.

It is also proper here, Sir, that I should refer to another point. When we are told that about 10 per cent of our primary students go into high school, the reason being that we have no finance or we do not have enough teachers to carry out the teaching, we should bear in mind that already the intake in the lower classes—the first classes—is not 100 per cent yet; we are still at about 53 per cent. The rest of the Kenya children are at home, uneducated. If we want to help them, we have to plan right now to see how we can turn out a lot more teachers who will be able to cope when everybody realises that education is important and all students—say, up to 100 per cent of our youngsters—go to school. In this case, if we had enough teachers, we could cope with the educational requirement.

I would also like to refer a little to the fact that the educational report given recently says that the shortage of teachers or the percentage at the moment occupied by unqualified staff is up to about 49 per cent, and by 1970 it will be about 43 per cent. Mr. Speaker, Sir, the Ministry should realise that at the moment, in certain districts, in certain localities, the unqualified staff is up to 70 per cent and the Ministry should be concerned and see that more teachers are trained, so that they go out and do a better job than the unqualified staff is doing. We can only do this by getting students encouraged to go into education, and we can only attract them by introducing this system my Motion is requesting the Ministry to do. We would only like to fight the ignorance in the country by getting good teachers who are well trained and who are capable of carrying out the job in a better way, instead of having the Ministry just sitting and saying, "Well, we are doing what we can."

Mr. Speaker, Sir, the problem is increased by the Ministry itself. Here is one way in which the Ministry is working. In the past, Sir, we had

a lot of colleges. Recently, they were reduced to thirty-five. The proposal which the Ministry is now working on is to reduce the number from thirty-five to twenty-four. Now, if you look at that, it is a negative approach. When we are asking the Ministry—

Mr. Malinda: They are enlarging them.

Mr. Omweri: Mr. Speaker, Sir, the interjection is ridiculous because the interjector comes from Machakos and Machakos College was run down plus the High Ridge in Nairobi. The students were taken to Kenyatta College and the T3 or P3 classes have not been taken to Kenyatta College. Where are they? Is that the enlargement you are telling us about?

Mr. Speaker, Sir, the problem is great and it is being increased by the Ministry itself, and we would like them to have a better approach and do a lot more as the country requires them to do.

Mr. Speaker, Sir, this decrease of classes, or decrease of colleges, in most cases is opposed and people do not agree to it. If we are expanding, the Ministry should see that we have more of these colleges and the classes in these colleges should be increased so that more students can be taken. For example, Sir, in my own area, we had Kabianga which used to serve, say, the western part, a part from Siriba. Now, Kabianga was discontinued and was transferred to Kericho as it was felt that that was a more accommodating place than Kabianga would have been; the problem has been that the T3 classes, which were there, which came from Kisii or South Nyanza, are no longer there and there has not been any provision made for students who should have come from these two districts to go to this college, and they now have no place to go. If the Ministry said that they were enlarging their college, then they should have told us that Kabianga which is now Kericho Teachers College would take six more from our area. Then we would have said that this was the enlargement that we wanted. But, if by enlarging they mean reducing the students, then we would not accept this idea where we are flattered that it was being enlarged and when, at the same time, the intake was reduced. If we want to enlarge the intake, then we have to do that practically and so that we can prove that this had been the case.

Mr. Speaker, Sir, I feel that the Government should do this and help to accelerate the production of our teaching staff in a better way, so that we shall be able to get students and to get teachers to help our development planning.

[Mr. Omweri]

Turning to one year's college, Sir, the possibility is there. If we had students going into college for one year after they had studied while in high school, it would attract more students to become teachers. At the moment the problem is how to attract students to go to college. In fact, the Minister for Education last year—in this House—asked if we could go and help him to influence students who would like to become teachers. Here is one way of influencing them: tell them that they would only have one year and that this one year would be a concentrated one-year of really good study. In this case, Sir, I would also ask that, because it is cheaper to keep them for one year, the students should be given pocket money because this is one reason why students do not like to go in for education, if they can make money in the first month they are out after their high school. Mr. Speaker, Sir, I feel that this is also practical and the Ministry should accept this and initiate the move to carry it out immediately.

We have also some examples, Sir, that in previous years some students have gone into college in May, they are, in most cases, absent, and, at the end of their two-year course, you find that they have only done three terms' studies and they passed their teaching examination. This is one proof, also, which has led me to move this request that the Government should utilize the one year cost effectively, because we have had some teachers who have had two to three terms' studies and when they go out they become, probably, the best teachers we have.

Mr. Speaker, Sir, I would say that the problem of getting our economy established properly is to start with education. We believe that education is the key to our progress, education is the key to our development, and we must see that our education system is given a speedier and a more effective means of planning and of producing enough teachers who will be able to cope with the personal training and with more practical work, which we now desire in these countries. We want progress, and progress—

The Speaker (Mr. Slade): Order! That is the end of your time, Mr. Omweri. Who seconds? Mr. Ngala-Abok?

Mr. Shikuku: On a point of order, Mr. Speaker, I was just wondering whether it was in order for the Mover not to say that he has moved. He just said, "I do not know whether he has moved."

The Speaker (Mr. Slade): It is not necessary for the Mover, having stated his Motion and having said that he moved it, to repeat at the end of his speech that he moves it.

Mr. Ngala-Abok: Mr. Speaker, Sir, it is already clear to the House that the Mover of this Motion has been quite down to earth and very reasonable indeed in introducing the Motion. Members are very much aware of this fact because it is simple and reasonable.

What the Mover is actually requesting the Government to do is to merely introduce a syllabus that would make teaching a pleasant job for those supposed to come out of school and go to teach. This syllabus will involve quite a number of things. One, it will make the teaching profession something that a person comes to know much earlier, and then he will make up his mind as to what he will do next, after he has finished his education. Many of the jobs that we do after school are jobs that we do not prepare for, and usually you find that people switch from job to job because of ignorance as to what job would provide them with a better standard of living and with other amenities of life. So, it is important that in order that we may improve ourselves, in order that we may develop from the beginning, we must introduce a syllabus of some profession in the schools, and the first and most important one is the teaching one. In fact, my colleague has dealt with quite a number of reasons why this should be done, but there is another aspect with which I want to deal.

In order that boys and students may select teaching, or may like teaching, they must also see that opportunities are provided for teaching to become a more attractive job. If we all agree that education is the foundation of improvement in life, and we accept civilization as such, and the system of the educated class, then we must accept the fact that we must make teaching an attractive job by providing proper salaries to these teachers, providing better housing accommodation, by providing one employing authority or at least not putting the teaching service into a confused state of affairs, where teachers never understand who will pay them, who they can negotiate with and where they send their problems. So, we must see that these things are also put in order. In addition to creating a teaching syllabus in schools we must also see to it that teaching becomes an attractive job rather than a thing which people do not like. In fact, the most unfortunate class of our people, the educated class, are teachers; they are so dissatisfied, the Ministry of Education does not seem to care about their state of affairs, they usually leave the services because they are attracted by other jobs, and the Education Department does not care and does not do anything about them.

Mr. Mbogoh: Mr. Speaker, Sir, somebody was telling me that they were in the majority and that is why I was giving him the reply I did.

Sir, if this country has to progress, some concrete steps must be taken. For example, I have heard so many shouting here shouting about Rhodesia, saying, "We must go and help Rhodesia." What are the Rhodesian Africans themselves doing? If they want help, then they must also learn to help themselves as we helped ourselves during the Emergency.

The Speaker (Mr. Slade): Mr. Mbogoh, that also, is far removed from the subject of this Motion.

Mr. Mbogoh: Mr. Speaker, I have heard different speeches at meetings and have read different things in the papers where Members of this Parliament, Ministers, everybody, are trying to say that this Government is being undermined by some people. This being the theme of the Motion, I categorically deny this fact. If, at any rate, anybody knows that such things are going on, I think the right action is to go to the department concerned, the police, the Criminal Investigation Department, the Special Branch, and report immediately that somebody who is anti-Government is acting against the Government. It is no use stating rumours to this Parliament, which some people take seriously. Unfortunately, Sir, you find that some civil servants report rumours to the Government; you find that in most cases these rumours are wrong and people being punished unnecessarily, when, often they are not to blame. It may be that somebody did not like their faces and so they have to suffer because of these false rumours.

In ending this Motion, Mr. Speaker, I would thank the President, on behalf of the people of Embu, and Kenya as a whole, for his recent action in changing Ministers in the various Ministries. Here, again, I would urge the President to reshuffle the entire Cabinet so that we have the right Ministers in the right Ministries. I feel that the President has a long time—

The Speaker (Mr. Slade): Order! Order! Mr. Mbogoh, you are again wandering far from the subject of the Motion. You must keep to the subject of the Motion.

Mr. Mbogoh: Mr. Speaker, Sir, I beg to move. (Question of the Motion as amended put and agreed to.)

Resolved Accordingly:

THAT this House being aware that numerous elements are working to undermine the authority of our popularly elected Government,

as stated by His Excellency the President during his speeches, urges the Government to bring those concerned immediately before a court of justice so that they can be prosecuted.

### MOTION

#### TEACHER TRAINING AT HIGH SCHOOL LEVEL

Mr. Omweri: Mr. Speaker, Sir, I beg to move:—

THAT this House being aware of the great demand for teachers upon whom our development planning depends, urges the Government to overcome this problem by introducing—

- (a) education syllabus in the final Forms of III and IV or V and VI;
- (b) one year's training of teachers-to-be who have studied education while in high school.

Mr. Speaker, Sir, the necessity for this Motion is great. The importance of it has been expressed by nearly everybody, and even in this House. We find that in our Development Plan it is referred to quite often in several pages, that we cannot do a great deal until we educate our youngsters who will be the future leaders and personnel in various departments of our Government. We can only do this by getting qualified staff to teach these students, or these future personnel who will take over responsibility in our development.

This being the case, Sir, we have to start right from the root. The problem arises from the shortage of teachers. Yesterday, Sir, when the Assistant Minister was dealing with a question regarding Form I intake, the reason he gave this was not possible was that there were not enough teachers to carry out education if the number of Forms was to be increased. If we are to hide behind the shortage of teachers we have, then we have to face the real problem and educate our trained teachers so that we can be armed to fight the problem we have of educating our youngsters. The only way we can do this is by accelerating the system we already have, of training teachers. The system is to have the students, while at high school, doing some studies in the education syllabus so that when they go to college, they are able to spend a shorter time there. In this way we will be able to produce a good number of teachers every year to go to the field.

Mr. Speaker, Sir, my reason for moving this Motion, and why I believe it is practicable, is that the Forms I have referred to are classes of senior students, students who are capable to do a lot more than what they do at present, students who, if guided properly, could utilize their time,

(Mr. Omweri) even their weekends, to do extra studies, professional studies, to prepare them for their future careers.

Last year, Sir, the Minister for Labour and Social Services gave out how a career could be chosen. Now, we have to instil this in the secondary schools so that students know exactly what careers they would like to follow. In this case, I believe, if the students were given some guidance by the Ministry they could utilize their time while at school in a much better way than at present. In this way we could get more of them interested in education.

One other reason why I feel this is quite practicable, Sir, is that the educational syllabus or principles of education, I would like to see introduced in schools, is so related to the normal subjects the students take, that there would not really be an extra problem to the students themselves; it will not even be a problem to the teachers to prepare the subjects and lecture to the students because these will be exactly what they are doing, except that the subject matter will be modified. We want our students to go out, ready equipped with material to become careerists in the teaching profession. So, I see no reason why the Ministry should not accept this good proposal.

There is still another reason why I believe this is a practicable suggestion. I believe that in the past when teachers were really in great demand, the Colonial Government used this same method and introduced that while a student was doing his final class, he also combined the professional side of it. In this way teachers were turned out, they went out to schools and did a very good job of teaching. They became good teachers. I do not see why this should not be done now.

An Hon. Member: Which year?

Mr. Omweri: 1931. If you want places, I can give them to you.

Mr. Speaker, Sir, I also believe that this is possible because even graduates, when they go to colleges or universities, after their bachelor's degree, should they decide to become teachers, they find that they have covered most of the educational methods or principles of education; and they only go for one year to do a teaching diploma and they come out as teachers just after one year, they do not take two years as our teachers take. This is quite possible if it is taken a step below, so that our high school students also go out after one year of training and, therefore, become useful; and we need a lot more of these teachers to do the job.

Mr. Speaker, I would like to raise one other point to show why I believe this is possible. It is the problem we have of unqualified teachers in the field. We can only eliminate this great number of unqualified teachers who are doing pretty badly at the moment by training teachers properly. We can only train them properly if we give them time and give them encouragement while they are at school, so that when they go out to college, they are already equipped to take a shorter time and to specialize more efficiently in what they are going to do when they go out. In this case, Mr. Speaker, I feel that the only way we can fight it is by introducing the system I have proposed, of students, while in their final forms, doing some educational studies, so that they are ready to go out and replace or displace the unqualified staff which the Ministry of Education is still encouraging, saying that they should be used, but they make a lot of mess in the education department. We want them to be displaced and, if possible, completely removed from the field, and we want to have qualified staff. We can only have qualified staff if we use an accelerated method of producing more teachers.

Mr. Speaker, Sir, this, I believe, would help the Government a great deal. My suggestion does not cost the Ministry any extra money; in fact, it is a cheaper way of running this particular Ministry. A student takes two years in college and the Government spends quite a lot of money to keep the student in training. If my suggestion was accepted, Sir, it would be cheaper for the Ministry to use the same money it spends in secondary, the final forms, to get these students to do some extra job or some extra course, so that when they go out they are capable of helping our Government much more quickly. In this case, financially, Sir, I feel that the Government will find it fit to agree with my suggestion and to practise it, so that it is cheaper for them. They give us the reason that they have no finance to educate people or to train teachers or to build colleges, but here is a simpler method which saves Government money and helps the country to run faster than the speed at which it is now running. I feel if the Government accepts this, then there is a saving already for one year for every student who should have gone to college to become a teacher. Mr. Speaker, I feel that the Government should utilize this opportunity and practise it.

It will also be cheaper, Sir, from the point of view of accommodation. If the Government accepted my suggestion and students went in for one year, it would be cheaper—or it would be easier because Government would not need a lot

[Mr. Gichoya] officers have executed all the leading political characters in that country; and now the country is left with just disciplined army officers, who have no political background and have no human failings so as to determine an issue on its own merits and the merit of the bullet. This, Sir, is exactly what some of us have been trying to emphasize in public meetings, that the Government must give us this and the public will be kept cool and satisfied and then this machinery will be run right as a State. But, Sir, if those things have been interpreted by the civil servants as things leading to people trying to overthrow the Government, then I think the intentions of the civil servants who are giving this information to the Government are meant to undermine the Government, by the civil servants. This, Sir, is what I personally see is going on, and if the Ministry can give us a contrary view, then I will say that there are civil servants who are working for, and not against, the Government, and also some politicians, including Gichoya, might be told also that they are working against the Government.

With these few words, Mr. Speaker, Sir, I stand to say that there must be immediate proof given by the Kenya Government, that there are people who are undermining our Government, so that we can be aware of them, and meet them squarely.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the word, "immediately" in the amended Motion be deleted, for the reasons that my colleague, Mr. Osogo, gave.

The Assistant Minister for Education (Mr. Mutiso) seconded.

(Question of the amendment to the amendment proposed)

The Speaker (Mr. Slade): We have five minutes left in which to discuss that.

Mr. Khalifi: Mr. Speaker, Sir, I rise to oppose the amendment to the amendment. I am stating my reasons.

Sir, if it is accepted and known that there could be elements in Kenya who are trying to undermine the authority of our popularly elected Government, there is no reason why those elements should not be brought immediately before a court of justice. If the Government tries to evade the responsibility of bringing any elements who are trying to undermine the authority of the popularly elected Government, then it only indicates that it fails in its duty. We have heard what has happened in so many

countries in Africa; there have been about eight States in the last three months where *coups d'Etat* have taken place. Now if you are not very careful and if you do not take swift action in respect of those elements who try to undermine the popularly elected Government, then we may as well face the consequences.

With these few words, Sir, I beg to oppose the amendment to the amendment.

Mr. Anyieni: Mr. Speaker, I wish to support the hon. Member who has just spoken. When, Mr. Speaker, a person like the President, people like the Ministers, stand up in public meetings to speak they surely have some confirmation because they have access to the information given by the security forces; and I do not see why people should go around the country that there are people undermining the Government and yet doing nothing about it. If it is true, Sir, that there are people who are undermining the Government, it is proper that even before someone goes to address a public meeting on that issue, those people should already be in jail, so that the Government can say, "We found Mr. So-and-so doing this and now we have locked him up, and if there is anyone else trying to do this he will face the same consequences."

But, Sir, what we fear is that some people after having failed to accomplish certain things which they promised the masses, want now to distract the attention of those masses from the things they were supposed to expect, and so they start telling them, "Oh, there are people who are undermining the Government." When they do this, Mr. Speaker, it is a very dangerous thing because it must be realized that today many of our people are very dissatisfied. Maybe the Members of Parliament and the top civil servants are satisfied and see the benefits, but there are many people who are jobless and handless and they are still suffering. And when these people hear someone say, "Oh, there are people trying to undermine the Government", they think perhaps these people can help them; they are suffering and they think that perhaps such people would come and help them.

I think, Sir, that it is because some of these gentlemen are politically bankrupt that they make these statements; they have now nothing to tell the masses and the only thing they can say to the masses is, "Oh, there are people who want to destroy the Government." What happens sometimes is that some people, after having refused to present the problems of their constituencies in this House, after having refused fully to represent their constituents, go around telling the masses even something which is non-existent.

[Mr. Anyieni]

What I think should be done, Mr. Speaker, is that if there is a thing like that—The Attorney-General keeps on saying this; the other day he gave a very long statement to the Press, in which he said, "If we hear of anyone who is trying to create commotion and this and that, that person will be dealt with." But, Sir, when one man, the hon. Mr. Nyamweya, the newly appointed Minister of State to the President's Office, spoke on the radio, he said, "In Kisi, there are people who are trying to overthrow the Government." He even said that there were people who were planning to shoot the President when he went to Kisi District.

The Speaker (Mr. Slade): Order! I am afraid I have to interrupt you now, Mr. Anyieni, we have reached the time for the Mover to reply. And we have also to dispose of the amendments.

The first question that I have to put to the House is that the question of the amendment be amended by leaving out the word "immediately".

(Question of the amendment to the amendment, that the word proposed to be left out be left out, put and negatived)

(Resumption of debate on the first part of the amendment)

The Speaker (Mr. Slade): I now have to put the question of the amendment, which is in two parts; and normally we were premature in discussing the wording, because the first question the House has yet to decide is that the words proposed to be left left-out of the question. That is, if hon. Members refer back to the original Motion, that all words after the words "urges the Government to", the words "name these people" onwards, be left out of the question.

(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)

The Speaker (Mr. Slade): The question then is, that the words proposed to be inserted be inserted, that is the words "bringing those concerned immediately before the court of justice so that they can be prosecuted".

(Question of the second part of the amendment, that the words proposed to be inserted, be inserted, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Mbogoh: Mr. Speaker, in accepting that amendment, I feel that it does not matter whether my words are omitted or not, as long as the Motion is to the effect that these people, who have been spoken about by the Ministers, the

President, the Members of Parliament, will be brought to court and be revealed to the people of this country.

Mr. Speaker, the member of the Government who replied to the debate was just about to move an amendment to this Motion, saying that "immediately" must be removed, and I thought that he was not the Minister of State and a good agriculturalist should not be a very good politician sometimes!

So, Mr. Speaker, to continue replying to this Motion, I usually contend that the President of this country is the sower of seeds, and if he sows some unhealthy seeds among the people of this country I think the results will be that most of the plants, that is, the Ministers and the Members of this House, will be weak too, and it will be difficult for him to control the aspirations of these people as long as they get out of hand.

Mr. Speaker, the policy of "if you are not my friend, you are my enemy's friend" in Kenya should cease immediately. If you are not aligned with this, everybody who is aligned with that says that you are aligned with the other. It is most difficult, and a very wrong thing to imagine in this country. We must have very, very honest politicians who know exactly what they are doing; and if they do not know what they are doing, I think it is time this House was dissolved and some mature people were brought to Parliament so they can represent their country properly. If anybody came to represent his own tummy, I think it would be very wrong; and he should go back home and tell his people he has failed politically.

Mr. Speaker, we know that the enemies of African Socialism work very hard day and night, and when African Socialism is brought to bear you find that many of us do not have our own brand of socialism included in that paper. I now suggest that at any time this paper is revised, the wishes of all the tribes of Kenya must be sought, not just two tribes sitting together and pretending that they know all about African Socialism.

Mr. Speaker, what I was going to comment on here is that if no action is taken about this paper on African Socialism, you will always find that the majority, as they call themselves, are not the authoritative majority. If you count all the tribes of Kenya, you find there are many more than just Kikuyu and Luo here.

The Speaker (Mr. Slade): But, Mr. Mbogoh, I think we are getting away from the subject of the Motion.

Friday, 28th January 1966

The House met at 9 o'clock.

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

#### PRAYERS

#### PAPER LAID

The following Paper was laid on the Table:—  
The Appropriation Accounts, other Public Accounts and the Accounts of the Funds for the year 1964/65; together with the Report thereon by the Controller and Auditor-General.

(By the Minister for Finance (Mr. Gichuru))

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, copies of the Report will be available to hon. Members in the course of the next few days.

#### MOTION

##### PUBLICATION OF NAMES OF SUBVERSIVE PEOPLE

THAT this House being aware that numerous elements are working to undermine the authority of our popularly elected Government, as stated by His Excellency the President during his speeches, urges the Government to name these people publicly, so that the people of this country may beware of their activities and refuse to deal with them in every way.

(Mr. Mbogoh on 10th December 1965)

Amendment proposed:—

THAT the Motion be amended by deleting all the words after the words "urges the Government to" and inserting in place thereof the following words:—

"bring those concerned immediately before a court of justice so that they can be prosecuted".

(Mr. Shikuku on 10th December 1965)

(Resumption of debate on the first part of the amendment that the words proposed to be left out be left out interrupted on 10th December—1965)

The Speaker (Mr. Slade): I would remind hon. Members that this is a continuation of a debate and that there are only twenty-seven minutes still to run. An amendment had been proposed, as noted on the Order Paper, and I think I had ruled that debate on that should be combined with debate on the main question; and Mr. Osogo was speaking with seven minutes still to go.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): May I know from you, Sir, if I am allowed to amend this Motion before the question of the amendment is put, the amended Motion?

The Speaker (Mr. Slade): You want to move an amendment of the amendment?

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Yes, Sir.

The Speaker (Mr. Slade): Yes, if I have it in writing, and I have not yet.

Mr. Mbogoh: On a point of order, Mr. Speaker, is it in order for the Government to amend the Motion again when it was accepted by the Government as amended?

The Speaker (Mr. Slade): Yes, they can have second thoughts.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Actually, the hon. Member who has just raised a point of order has forgotten exactly what had taken place when I was replying for the Government on this Motion. If he refers to the HANSARD report of the day, on page 1006, he will find out that I had actually proposed, in the course of my speech, that the Government was accepting the amended Motion, but deleting a word in that Motion. As such, the Government had not accepted the amended Motion fully, as the hon. Mr. Mbogoh has just stated on a point of order.

Mr. Speaker, the Government, as I have said earlier on, on the 10th December, has a lot of sympathy with this Motion and feels that the country should be calm and should be told the Government policy as advocated by this Government and that every leader in this country should be able to put to the citizens of this country the policies of this Government, both in public and in private.

The Government, in accepting the amended Motion, Sir, is fully aware that it needs time to bring those who are committing crime in undermining the Government or who are making statements that would undermine the Government; to justice. As the Government needs this time they accept this amended Motion, so that these people could be brought to justice. But, Sir, the Government does not accept the word "immediately" as in the amendment proposed by the hon. Mr. Shikuku. The amended Motion, if I may remind hon. Members, with your permission, Mr. Speaker, would read:

"THAT this House, being aware of numerous elements are working to undermine the authority of our popularly elected Government

[The Assistant Minister for Agriculture and Animal Husbandry]

as stated by His Excellency the President during his speeches, urges the Government to bring those concerned immediately before the court of justice so that they can be prosecuted."

Then accept, Sir, but only with a minor amendment, that of removing that word "immediately". This is because, as I have said, the Government needs time in which to find these people, out and being able to prove beyond doubt in a court of law that they have committed a crime. So, that is why we accept the amendment, but wish to delete the word "immediately".

I do not want to waste much of the House's time and, with your permission, if this amendment to the amendment could be accepted I would ask the House to kindly accept the Government amendment.

With these remarks, Sir, I beg to move the amendment.

The Speaker (Mr. Slade): I am afraid, having regard to Standing Orders, I cannot allow Mr. Osogo to move that amendment, because our Standing Order is quite clear and we must adhere to it. I think Standing Order 37 says "The proposal of an amendment, shall, before moving it, have the amendment in writing, signed by himself, to the Clerk." Now, this is only a very small amendment, but if we start relaxing that Standing Order we shall not know where to stop. So, I would suggest that another Member of Government now writes out this amendment, signs it, and hands it to me and then moves it. There is still time though not very much time; the Mover is due to reply at 9.20.

If any hon. Member wishes to speak meanwhile—

Mr. Gichoya: Mr. Speaker, Sir, we have accepted responsibility and we accept, also, that whatever is given to the public must also equally rest the responsibility of the leaders of this country. It would be wrong to say that there is something cooking in this country; at the same time for a Government to come forward and say that they are still to get it— if the Government is aware of people plotting against the Government it is up to the Government to take immediate steps and, as the hon. Assistant Minister has tried to put forward, the Government must have adequate time to prove its case beyond any reasonable doubt before a court of law.

I would like to say, Mr. Speaker, Sir, that my Minister or civil servant before he makes a statement in the Press, or puts a statement in

the Press, that there are people trying to undermine the authority of this country, should think twice or thrice before doing so and should be sure that at any moment if he were requested by the public to produce evidence to show that there are people plotting against the Government, then he should be prepared to do so. Mr. Speaker, Sir, when the Assistant Minister tries to say that the Government is not yet ready, at this moment, to produce evidence which might lead to the prosecution of these people who are trying to undermine our own authority, it shows that the Government is working under the coverage of fear, and a Government, Sir, working under the coverage of fear must have a guilty conscience over certain things which ought not to have been done by the Government.

Mr. Speaker, Sir, in this case, what I am trying to say is this. At times some people have challenged the Government on public platforms and this is all right as it is a part of politics and it is allowed, because if the Government has not done, and is not going to do, this, then people are bound to complain. Now, Sir, if that means that people are trying to undermine the authority of the Government, then I feel that that might lead to a dictatorship whereby you see a mistake being committed but you keep "mum", because if the manager says, that there is something wrong here, you are then told that you are plotting against the Government.

Mr. Speaker, Sir, I know that the Government are being fed with material by people who were against the coming into being of the Kenya nation. I do not need to elaborate that much, because it is well known that our Civil Service, by the process of Africanization, is filled with people who are anti-Kenya, anti-Kanu and anti-nationalists. Therefore, Sir, the Government of today is the Government of the party; Government of the nationalists. Sir, those people who like to see that the Government fails will also try to say to the Government, that such and such a politician is working against the Government. Mr. Speaker, Sir, we are the makers of the Government, and therefore, if we are the makers of the Government, we will see that it goes in the right direction. I am going to make that in this House, and not outside, and therefore, to do so it means correcting the mistakes so that we do not give any room to the Army. If we fail as politicians to correct the mistakes that might crop up in the course of executing the duties of the Government, then the man to do this will be the army officer, and we might be faced then with the same situation as we see today in Nigeria, whereby the army

[Mr. Mwanzandi.] The ordinary person who is not working should pay all of his tax by December, if he is paying in two instalments. If he is not paying in two instalments, the first instalment should be completed by June every year, so that we know that he, too, is given half time to pay, but not taken to pay within three months.

An Hon. Member: And the Minister pays in twelve months.

Mr. Mwanzandi: Another most important point, Mr. Speaker, I have seen that some of us have already forgotten our people who have voted for us. It has been very sad. During the colonial régime tax raids, during tax raids you see old people, you see poor people arrested and taken to detention camp—the colonial régime had decided on the detention camp. Our own Government has decided to put these people in prison.

This is a very bad thing. It is not in line with African Socialism. Mr. Speaker, Sir, tax defaulting cannot be a criminal case, but a civil case. If a poor person could not pay Sh. 48 during a period of twelve months, he is brought before the court, after a certain period, and charged for non-payment of personal tax and imprisoned, or else he has to pay a fine for default of paying tax of about Sh. 350. Now, Sir, if he could not pay that Sh. 78 or Sh. 48 during the year, then how can he pay the fine which is Sh. 350? This, Sir, is a mockery to this Bill. He cannot pay that money. Sir, it should have been identified that if Mr. Patel, who is very rich, deliberately refuses to pay that tax within a set period he should be taken to court for conviction, then that would be better, because we know that he is rich, or else a Minister who is very rich—

An Hon. Member: Or Mwanzandi for that matter.

Mr. Mwanzandi: Yes, or Mwanzandi for that matter, but that does not identify anything. Therefore, Sir, this will lead to the poorest people being taken to court, fined or imprisoned unnecessarily, and we shall find that most of them will unfortunately go to prison as they are unable to pay their fine, because they have already been unable to pay their taxes.

Mr. Speaker, Sir, I would like the Minister to get one thing into his head and that is that that section which refers to the imprisonment and fining of these poor people when they do not pay their taxes within a certain period should be removed from this Bill, or it will be very difficult for us to pass this Bill. I cannot commit my people, Mr. Speaker, Sir, because I know them. They are poor, I have been paying taxes

for about seven people in my area. But Sir, this is only identified for the rich. We know them, they own the shops and the big companies. Sir, if we were to put it in here that this section refers to someone we know who is running a business, that, Sir, would be better, but not to my people who are today called squatters, and do not even have crops, because they have been taken over by an Indian, who will take him to prison because of non-payment of tax. I do not like this. It can never be a criminal case.

Another thing, Mr. Speaker, Sir, which I would like to say here is about the stamps which are given after payment. We have seen, Sir, that it has incurred a lot of expenses and sometimes doubled the expenses. I pay for a stamp and it is lost, and there is no duplicate. If I had fixed stamps, say worth Sh. 600 on to a card, and lost the card, then I would have to begin afresh, there is no duplicate. That, Sir, I think is very bad. I think that the stamps should be in duplicate, because our people sometimes lose a stamp and sometimes these stamps are stolen by thieves, and so on, therefore, that is why I think they should be in duplicate so that there will be a record that so-and-so did buy a stamp, but that he has either lost it or it has been stolen, and then he can get another one for perhaps one-third the price he originally paid for the stamp. I think, Sir, that the Minister should take this into account and the old system of stamps was very, very bad, and that it should be reviewed. At the moment, there is no record as to who bought a stamp and, therefore, if they are lost they have to begin afresh.

Mr. Speaker, Sir, I would like to finish up with another thing, which I would like to say and that is with regard to assessment. This assessment has been very, very bad for the last two years, because I have seen, in some cases, very old people being asked to pay taxes which they could not possibly pay. I would like the Minister to inform these administrative officers to make a note that it would be better for these ordinary people who do not run any kind of business at all, or do not have enough finances and subsistence, at the age of 60 or 65, they should be exempted. Mr. Speaker, Sir, I have seen, during the colonial régime, very old people, and some of them almost naked, being arrested, brought before a court for the non-payment of taxes. We knew very well that these people could not possibly pay taxes, and therefore, I feel that our Government today should also think of these poor people who cannot pay their taxes, and that they should be exempted immediately. I do not see any reason as to why they should not be exempted. Sir, I

[Mr. Mwanzandi.] I understand that the assessment committee is almost a local committee, but some of them being jealous, for one reason or another force the others to pay taxes without any consideration at all. They should be informed of this.

Mr. Speaker, Sir, the time has not been specified in this Bill. It has not been specified as to what time tax, or if there is a tax raid, can work. It might be there again, as I saw it during the colonial régime, that the tax raid will begin about three o'clock in the morning. This was very, very bad. Mr. Speaker, Sir, the Minister, I feel, should specify the time of the tax raid. Although it was specified in the Criminal Procedure Code during the time of a raid—let them be settled as the animals are during the night. During the night let everyone rest, and let everyone do their business during the day. But, Sir, they should not be disturbed when they are very happy on the bed with their—I saw, gentlemen, these Tribal Policemen, during the raid, going round raiding the houses at three o'clock, and, of course, the gentlemen ran away and the women were raped. Rape was often committed during tax raids, because it was night. It was right. Some Tribal Policemen stole things, such as money—

The Speaker (Mr. Slade): Order! You are getting rather far from the merits of this Bill, I think, Mr. Mwanzandi.

Mr. Mwanzandi: Anyway, Sir, it looks as if the time is up and therefore, I would like to finish up with these few remarks. I would very, very much like to oppose the Bill as it stands.

The Speaker (Mr. Slade): It is too near time for the interruption of business to call on any other hon. Member, I think.

#### ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is now adjourned until tomorrow, Friday, 28th January, at 9 a.m.

The House rose at thirty minutes past Six o'clock.

#### WRITTEN REPLY TO QUESTION

Question No. 142.

##### TARMAK ROADS IN KISII DISTRICT

Mr. Anyien asked the Minister for Works, Communications and Power:—

(a) Would the Minister tell the House the number of tarmacked miles of road there were in Kisii District.

(b) How did this compare with other districts of comparative farm production.

(c) What improvements did the Government intend to make to the roads in Kisii District.

The Minister for Works, Communications and Power (Mr. Mwanjumba): (a) I assume that the question relates to the Kisii County Council area and if this is the case, then present length of bituminized road is 13.9 miles, all of which are on trunk roads.

(b) It is extremely difficult to compare one area or utilization of roads in one part with another part of the country. In the first place, it is not clear what the hon. Members means by "comparative farm production". It is not clear whether it means an area where similar crops are raised, or an area where a similar weight or volume of crops are produced, or an area growing the same value of crops but not necessarily of the same type.

Furthermore, the roads do not serve local purposes only, but also carry traffic passing through and although it might be that two areas have comparable farm production the location of the two areas might be very dissimilar. There might be a considerable length of trunk road carrying a large volume of through traffic, while the other carrying little of such traffic.

I understand that figures for total farm production are not available; but if the question requires a comparison between areas which export similar value of farm produce, then the comparable county council area is Murang'a. (It am not sure if this comparison is still valid) but it is from the figures provided by Ministry of Economic Planning and Development.)

In the latter county council area there is a total of forty-eight miles of bitumen road of which thirty-four miles are trunk roads carrying one of the greatest volume of traffic in the country, whereas trunk roads in Kisii County Council area carry little of such traffic. The other fourteen miles are on secondary roads.

(c) As regards the third part of this question, I am glad to inform the hon. Member that first the Government intends to bring to gravel standard the Kisii-Ahero and Kijaur-Sotik Roads and reconstruct the Ruja Bridge on the Kisii-Sotik Road, for all of which a contract has already been let. Secondly, the Government is planning the construction and improvement of ten roads. Thirdly there is a proposal for the bituminization of the Kisii-Ahero Road and improvement of Kisii-Isbania and Kisii-Manga Roads to gravel standard.

[Mr. Masinde] work on my *shamba* or your *shamba* or anywhere, and get money for the council. We do not want this question of imprisonment, because these are some of the things I would tell the Government. If Government has money for the prisons, then let us give all of this money to the county council to help and give this man a job. We do not want the county councils to be without any money. He has suggested it, it is in the Bill, you should read that.

Mr. Speaker, coming to clause 14, I am afraid I do not know who drafted this thing. Mr. Speaker, my Minister is really muddled. Here he says that in the rural areas it is going to be necessary to have collection by/distrain. What exactly does my Minister mean? According to my own interpretation, I understand by this that if my brother does not pay poll tax and I have some *ngombe*, the Government will come, tribal police, the police, and they will collect my *ngombe* to be impounded until my brother pays. This is what it is. Mr. Speaker, we are not going to allow this, I am afraid a person like you, possibly a Minister, will be able to pay for all your brothers, but there are some other poor people who have worked hard; and we agree that there are some other lazy people and others who try to avoid paying poll tax, and if they want to penalize you, they will just say, "That's all, you have to pay for me, whether you like it or not because the Government is there." This one we cannot accept.

An Hon. Member: You read what it says.

Mr. Masinde: Collective; well.

Mr. Speaker, it is on these grounds, Sir, that I am afraid I have to oppose this Bill as it stands.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I thank you very much for giving me this opportunity.

Mr. Speaker, Sir, I stand to support this Bill because I, personally, think it is high time that our people were made to understand why they must pay their poll tax. Mr. Speaker, the hon. Members are saying that the people understand why they are paying their poll tax, but I think, if we are honest with ourselves, the hon. Members are quite aware of the situation in the country today, that most of the county councils have run bankrupt. Some of them are being run by the commissioners appointed by the Central Government and others are in the state of collapsing. This is because the people do not know why they should pay their graduated personal tax.

Mr. Speaker, it is true that the two years' experience has shown that when independence came and people were given latitude of paying their graduated personal tax when they wanted, they abused this extension of time given to them by the Government, simply because they felt that the graduated personal tax, or the *kodi*, as it is generally known by the Africans, was going to the Government, and they did not know why they were paying.

Mr. Speaker, a lot of examples can be given of this, and I think not all the people do not know really why they must pay the graduated personal tax. But some of the people in the countryside take advantage of those who are paying the graduated personal tax, as the hon. Member said. If today I have paid my graduated personal tax, my relatives in my home place will take the opportunity of saying, "If so-and-so has paid his graduated personal tax, when the Government comes we will collect his property and go and sell that, in order to pay for my graduated personal tax." Now, it must be understood, Mr. Speaker, that everyone has to pay for the services which the Government is rendering to the country and this is what this Bill is seeking: there must be no free riders in this country, people who want to live at others' expense.

Mr. Speaker, if I may give an example particularly of my own constituency, at this moment we are supposed to be paying the county council for the consumption of water in Yatta, but a number of people have paid for this water and the majority have refused to pay, simply because the county council of the Administration have no powers to enforce the law and make these people who have failed to pay, pay their taxes.

When I went to the country to ask the people whether it was right for them to pay for this water, the majority of the people agreed that they must pay, that they should pay. But there are sections of other people who feel they should not pay. Now, the county council has no powers to force those who fail to pay to pay for these water rates.

Mr. Anyeni: On a point of order, Mr. Speaker, is the Assistant Minister not speaking about matters which are not very relevant, because we are not discussing the paying of water bills, we are discussing the taxes?

The Speaker (Mr. Slade): Order! I think Mr. Mutiso is within bounds because he is pointing out by example what happens if you have no sanctions for the payment of a tax. He can give examples of what has gone wrong in other places

[The Speaker] through not having such a sanction as this Bill proposes; as long as he does not go on too long on it.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, I was just giving an example of what can happen if there are some loopholes in the law. So, I think, Sir, it is high time that the Government should introduce a law whereby people who fail to pay graduated personal tax should be brought to book, so that we people of this country must pay for the services which the Government gives. Otherwise, we are going to have the free riders who will make other people pay for the services when they are just enjoying a free ride. So, I think, Mr. Speaker, this Bill deserves no criticism because, as the Minister pointed out when he moved the Bill, the experience of two years had already shown that this present law could operate very effectively in places like Nairobi or Mombasa or in the towns, but not in the countryside where the majority of our people have been used to the colonial rule, when they tended only to pay when they saw an *askari* coming to arrest them. So, people should realize that although we have independence, the Government does not have any factory for manufacturing money, the only factory which is there is the pockets of the people. Therefore, the people must be prepared to pay for the services which the Government is giving them.

So, Mr. Speaker, I think it would be wise for the hon. Members of this House to have any impatience, the Government is trying to introduce a Bill which would penalize the people, but the only thing which the Government is doing is introducing a Bill which will enable the county councils and the Administration to penalize the defaulters, and I am sure no hon. Member here can stand and say that he is going to support the defaulters who fail to pay for their graduated personal tax because he, too, is paying for his own graduated personal tax, so why should not everybody pay? So, I think, Mr. Speaker, the House should give this Bill their whole support so that we can have the money which the country requires to run all the services. The hon. Members of this House always say, "Why can't we have free education, why can't we have many mad bimmized?" These are the things which require money, and this money can only be got from the people, and most of the people do not pay for these services. I think this is the only way in which the Government can collect funds to run all these services and I think the Bill has been brought at the right time, as the experience

of two years has shown that most of the people are going to have a free ride because there is no law which can bring them to court.

So, I, personally, support the Bill and hope that most of the Members will do the same.

Mr. Mwangandi: Thank you very much, Mr. Speaker.

I think, Sir, that this is one of the Bills which will be difficult to pass through in this House. I know very well that we need money for the development of our country, but we should always think how we shall get this money. In the way that it is put here, the way the money will be available, will be a bother and will be very difficult for the ordinary person.

Mr. Speaker, first of all it has not been specified—I have seen for many years that unmarried women, those who are not employed, do not pay taxes. I want these unmarried women, Sir, to pay taxes because they earn a lot of money during the night. If we can have all unmarried women lining up for assessment—because we know them, we know how much they get every night—I do not see why we should not tax them because we are taxed. So, Mr. Speaker, I would like the Minister, when he withdraws this Bill, to put that forward for the whole of Kenya; not only the women who are working, but every woman who is earning money by any means, should be taxed.

Another problem, Mr. Speaker, is now against this Bill. The person who is working, Sir, has been given enough time to pay for his tax—twelve months—and this person who is working has a means of getting money. But there are the ordinary person, and some of these people would stay for a month without getting money even amounting to Sh. 10, I can assure you, gentlemen. Here we have seen that that same person who finds it difficult to earn his living is given very tough conditions in this Bill. Those conditions, Sir, are in section 7 of this Bill. If a man who is employed can pay his tax in twelve months, I do not see the reason why that ordinary person—the poorest man—should pay half of the tax within three months. This is impossible.

Another thing, Mr. Speaker, if I, as a Member, can pay for twelve months—I know I get money every month—I do not see the reason why the ordinary person who, perhaps, does not have any job, who would perhaps find it very difficult to get his daily food, should have to pay his whole tax by June. This is impossible. In my opinion, Mr. Speaker, the Minister who is here, should have put it this way here, and if he is not going to withdraw this Bill in that way, I will bring an amendment in that respect. He should put it this

**[The Minister for Local Government]**

A further alternative, Sir, I think it is the right one, is to collect the tax due from more people. This then is one of the main purposes of this Bill, to make the collection of tax more effective.

Sir, I now come to the changes in the Bill, that is the collection and assessment by administration. We inherited a very varied system of graduated personal tax assessment, and collection, when we took over from the regions.

Sometimes the provincial administration and sometimes the council were responsible; sometimes the responsibility was shared, and sometimes no one seemed to be taking very much responsibility at all.

Sir, experience has shown that the provincial administration is better able to handle the assessment and collection than the county councils. Sir, so one of the ways of improving the system that is contained in the Bill is that all assessment and collection in county areas, other than the collection through employers, should be the responsibility of the provincial administration.

Sir, again we inherited from the regions various systems for the payment of graduated personal tax. In some counties the taxpayer had to pay in one lump. In other counties they permitted two instalments, in others they permitted a self-employed taxpayer to have a card and buy graduated personal tax stamps from the tax clerk. This system of a self-employed taxpayer stamping his own card has not been successful in rural areas. In the towns it has worked well and the Bill permits municipalities at their direct discretion to continue the system, but in county areas, in the light of experience and on the recommendations of the provincial administration, we would permit payment by the self-employed in not more than two instalments.

Sir, a major provision of the Bill is that non-payment of tax would be an offence for which a defaulter could be arrested and if found guilty fined or imprisoned. Now—

**An Hon. Member:** If we have no money?

**The Minister for Local Government (Mr. Sagini):** Excuse me now, gentlemen. Now, this is tough. I know, but it is necessary. We have tried publicly, we have tried persuasion, we have tried appeals and I have already indicated what a low proportion of people have paid their tax. We have asked why is the collection so poor and we have looked at the evidence, and the provincial commissioners, the district commissioners and county councils, all have said that the present law

is not strong enough. We have got to be tougher on defaulters. Now district commissioners are sensible men, and I do not expect them to start arresting and prosecuting people who cannot possibly afford to pay. They would be laughed out of court. I expect them to use these powers with discretion, and where they find someone is too poor to pay, to advise him to claim remission of tax which the Bill provides for.

Sir, the tough measures in the Bill are aimed at the person who ought to pay, who can afford to pay, but who, so long as he can get away with it, avoids paying his tax, his contribution towards the progress and development of his country.

Mr. Speaker, Sir, my final point is this: I know taxes are not popular and never have been, and I do not therefore expect this Bill to be a popular piece of legislation, but what I want to make quite clear is that this tax is intended to help people and not to oppress them. This tax and this Bill are essential if the local authorities are to be able to provide the services which the people of this country want. We do not want to hurt people, but to help them by providing the schools, the teachers, the health centres and dispensaries, the nurses and health assistants, the roads and markets and all the other services so necessary for their welfare and the improvement of their lot.

Sir, I beg to move that the Graduated Personal Tax Bill, 1965, be read a Second Time.

**The Assistant Minister for Education (Mr. Mutiso)** seconded.

**(Question proposed)**

**Mr. Masinde:** Mr. Speaker, Sir, I almost agree with Mr. Minister in some respects, particularly where he has seen it necessary that the administration should come in and help the county councils in the collection of this graduated personal tax. Here I agree with him wholeheartedly, but I do not think that the Minister will, therefore, extend to this the meaning that the administration is going to bulldoze the county councils, particularly the administration of the county councils. Now, going further, a number of things have happened in various areas, such as today—and this is what I want the Minister to realize—and before we even allow this Bill to go through, he has to assure us and even if it is provided for in the Bill to come, or the enactment of Parliament, that, for instance, those people today in places like Nairobi, those who are looking for jobs, before they get an appointment or before they get employment, they are asked to produce a receipt. I think, Mr. Speaker, that here we are not being realistic. If a person is

**[Mr. Masinde]**

and he has got nowhere to live, unemployed and he has got nowhere to live, nothing to eat, how do you expect him to pay personal tax? This is very different if it was in the rural area, it would be a different matter, but that one I am going to deal with later, Mr. Speaker, but here is a case where we have seen people sleeping on the road, they have got no place to sleep, and he is the very person fortunate enough possibly to have been offered a job, but because of the ruling of the Minister with the city council or whatever county council, they say that unless you have got a receipt for personal tax we cannot employ you, which means that we are only encouraging those who already have money, to change from one job to another, but not those who are unemployed.

Sir, with that I think the Minister will see fit to order it and until we get that assurance I am afraid that the Bill cannot go through.

The other thing, Mr. Speaker, is that many of the county councils are now penalizing children, innocent children, from going to school. They say that unless you produce a receipt for your father's poll tax, you cannot enter the school. Sir, why should this happen, is it the fault of the child, should the child pay for his father's personal tax? Are we taxing the children or are we taxing the adults? In fact it is completely illegal where you say that a person can be asked to pay tax when he is eighteen, and yet why should a child of six be asked for a receipt?

Mr. Speaker, some of my friends realize only too well—I hope they will not see their constituents (Inaudible.) the electorate here to listen and to hear what he is talking about. Mr. Speaker, this is a very important issue which is facing parents and even the children themselves. Some of these children are orphans, they go about begging for money, and to person can stand as their guardian, but possibly a man sympathizes with the position of the child and gives him the school fees, then he is told that he must bring his father's or guardian's receipt. Even those who have fathers and a father might have about seven children, he has many money fees to find, but he still has to look for a receipt to pay his personal tax, why should the child be asked to produce a receipt? The schools start in January and the children are supposed to start then, but a father can pay his personal tax right up to May.

Still he has time. May is not the time of penalty, he will still be looking for money, but here he is told he must come with a receipt for personal tax, Mr. Speaker, Sir.

I hope my Minister—and I can see he is a man of understanding—is going to see that this is going to be included, so that we do not have this problem and let us deal with the person who is the offender. We cannot prosecute a child just because his father has not paid anything and take him to the law courts to be penalized at all.

Mr. Speaker, going ahead, there are some anomalies where my hon. Minister has clearly stated that a number of county councils have received money for this graduated personal tax, 50 per cent of it from various townships, but we want an analysis of who these people are, because we know now most of the administrations are being paid in Nairobi and, as a result, you get a chief at home in Kabras who has nothing to do with Nairobi City Council at all and he has 50 per cent left in Nairobi. What has it to do with Nairobi City Council, just because he is paid here? Is this not robbery of the city council? It is the duty of the Minister to see that we check and find out those who have nothing to do with Nairobi. They should get their own money back straight away. If it is commission for the collecting done by the city treasurer, then let us be told how much is commission, but not 50 per cent.

Take even Members of Parliament. What do we have to do with Nairobi City Council? I sleep in a hotel, I do not own a house here, my children do not live here, they stay at home. If the city treasurer is collecting these rates for us, let us be told that we are paying so much as commission, but not to pay Sh. 300 and then they say, possibly, that it is commission, that I am enjoying the facilities of Nairobi. Yes, I am enjoying them, but at the hotel I am living in, they pay water, they pay everything, and I pay them.

Mr. Speaker, these are some of the things which are lacking very much in the Bill of my hon. friend, the Minister, and I am afraid we are not going to allow this to go through.

The other thing, Mr. Speaker, coming on very quickly, is clause 11, where the Minister says that imprisonment can be one of the alternatives to collecting revenue for the county council or city council. My friend, when you put a person in prison, feed him, clothe him, he has water, soap, everything, you find that you have given him more than Sh. 100, and he goes out with a free ticket again, a receipt, and nothing goes to the council. Is that an alternative? What I would like the Minister to do, as far as the penalty is concerned, is this. We do not want imprisonment. Get a person to work, let him

[Mr. Gichoya]

have been advanced, it has been found necessary that unmarried people, too, should be considered so far as income tax, allowances, rates and reliefs are concerned.

Mr. Speaker, we have found it very difficult, technically, to have these things amended.

—Mr. Anyieni: On a point of order, Mr. Speaker, we have moved adjournment of the debate on this Bill without specifying a time. You advised, Sir, and what I intended to move may bring some difficulties to Government because, if the other Governments have already discussed this Bill, then if we keep the Bill for six months—Sir, why can I not be allowed to move that we adjourn the debate of this Bill so that as soon as we can get in touch with the Minister to agree to certain amendments, then the Bill can be brought to this House again without waiting for six months.

The Speaker (Mr. Slade): Oh, yes. That is an alternative Motion. You can move that the debate be adjourned, but that is not what I understood you wanted to move. You wanted to adopt the formal procedure of, in fact, killing the Bill, as I thought.

Mr. Anyieni: No, Sir.

The Speaker (Mr. Slade): Oh, then, if I misunderstood you, I think we should start again from your point, Mr. Anyieni. You move that the debate be now adjourned, do you?

Mr. Anyieni: Yes, Sir.

The Speaker (Mr. Slade): Would you stand up and do that now.

## MOTION

### ADJOURNMENT OF DEBATE ON BILL

Mr. Anyieni: Mr. Speaker, Sir, for the reasons which I have given before, and which I need to repeat now that the Minister is here, I wish to move that the debate on this Motion be adjourned so that in our Parliamentary Group we can discuss with the Minister and include some of the amendments to the original Act without necessarily waiting for six months.

I can see the Minister is nodding his head, and I hope that he is in agreement with what I am proposing. So I do not want to waste any more time.

Sir, I beg to move.

Mr. Gichoya: Mr. Speaker, Sir, I am seconding the adjournment of the debate so that the Minister may not find himself pressed into a tight corner by this House throughout the week or the month.

The intentions, as we have put forward, are quite understandable. It is true that the Minister for Finance himself is affected by this Bill. Being one of the people affected, I believe he will take advantage of permitting unlimited allowances for children. There should be no question of limiting to four. According to the African customs we have not accepted to limit our production to three, four or five. We should consider our manpower for the sake of the country.

Mr. Speaker, Sir, I am trying to put these views across so that the Members may understand fully the intentions of the adjournment. If the Members do understand, then I am very happy to second the Motion right away.

(Question proposed)

Mr. Kase: On a point of order, Mr. Speaker, since the intentions of the adjournment are so obvious, may I move that the question be now put.

(Question, that the question be now put, put and agreed to)

(Question put and agreed to)  
(Debate on Bill adjourned)

The Speaker (Mr. Slade): We will now move on to the next Order.

## BILL

### Second Reading

#### THE GRADUATED PERSONAL TAX BILL

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I beg to move that the Graduated Personal Tax Bill be now read a Second Time.

Sir, I would like to give the historical background of the present law. Sir, the present system of graduated personal tax was introduced two years ago, following a report and recommendations of the Fiscal Commission. At that time we had Regional Assemblies and it was necessary to pass a graduated personal tax law in each of the seven Regional Assemblies, and in this House in respect of Nairobi area.

Although my Ministry distributed model law, naturally in passing through eight legislative bodies, various changes were made so that we had slightly different laws in different parts of this country. Sir, following constitutional changes it became necessary to try and consolidate the law. As an interim measure this was done by the Constitution (Amendment of Laws) (Graduated Personal Tax) Order, Legal Notice 104

[The Minister for Local Government]

of 1965, which repealed all the regional enactments and applied the Nairobi law, with certain adaptations, to the whole country. However, Sir, I would like to emphasize that the present law under which we are operating was basically drafted for Nairobi area, and a tax system suitable for a fairly sophisticated urban society, is not necessarily suitable for the rural parts of our country. This is one strong reason why it is necessary at this time to introduce this Bill. Sir, furthermore, when the working party were drafting the original graduated personal tax legislation they were, so to speak, working in the dark. This was a completely new system providing revenue for local authorities. So they had to theorize as to what would be the best system. Now, Sir, we are no longer in the dark, we have re-examined the system in the light of two years' experience of graduated personal tax. Naturally we have found in some respects that the system is good, but in other respects we have seen where changes and improvements should be made. Sir, we have not found, as some critics would suggest, that the whole system of graduated personal tax is a failure. This is far from it. Sir, the original estimate of the Fiscal Commission anticipated that the tax would produce just under £44 million a year throughout the country. In fact the total collection of graduated personal tax collection for 1964 was rather more than £44 million. When we have the final figure in 1965 we anticipate an improvement on the 1964 total. Sir, quite definitely we feel that the measure of success so far achieved, justifies the retention of the system, subject to modifications presented in the Bill.

Now I come to the urban and rural collection of transmission. However, Sir, we have found the collection of graduated personal tax better in urban areas, where a large proportion of taxpayers are employed people whose tax is deducted by their employer, and poorer in rural areas where the majority of the taxpayers are self-employed.

Sir, I think it is right at this point to pay tribute to the way the majority of the employers co-operated with our local authorities to make the tax a success. In view of the success of the graduated personal tax collection in municipalities our Treasury has decided to discontinue all local Government grants to municipal councils in 1966. Sir, the problem of poor collection is many, although not all, of the rural areas; remains with us. I am aware of the suggestion that has been bandied about, that the only

reason for difficulties in county councils is that they are not getting the tax transmission which they ought to receive from the municipalities. I am certain, Sir, that there is some small measure of truth in this, not because of any fault of the municipal councils but because not all employers give the correct information on the tax card as to residence of the taxpayer and family. But we cannot, Sir, hide behind half truths, we must deal in facts and figures. It is a fact that the system of tax transmission is now working fairly effectively. It is a fact that in respect of 1964 Nairobi City Council transmitted over £400,000 of the tax they collected to other local authorities. It is a fact that to name a few of the major labour-exporting counties such as Kiambu, Masaku, Kisumu, and Kakamega counties have each received more than £30,000 tax collected outside their own district in respect of 1964. The hon. Shikuku will never agree with me because he wants Kakamega to do very well. Sir, I am not suggesting we have reached perfection, I believe that with more publicity and as employers become more educated as to what is required of them the transmission of tax from urban to rural authorities can and will improve. Even if the system of transmission was working perfectly, this would not provide the answer to the financial problems of many of the rural authorities. The problem lies in poor collection of graduated personal tax in the county areas. Again quoting 1964, Sir, the average percentage of potential taxpayers in county areas who actually paid their tax was 46 per centum only. I am not talking of people working away in towns, I am talking of people actually there, resident in the county areas, who ought to have paid tax. Sir, on an average over the whole country only 46 per centum paid, and the figure for 1965 will not be much better.

Faced with the financial problems which confront many of our county councils through under collection of graduated personal tax, what is the answer, Sir? One answer is to cut down the services which the councils provide, that is less dispensaries, less health centres, less schools, poorer roads. I am sure none of us would have this happen.

Sir, another answer is to put up the rates of graduated personal tax. I have not allowed this to happen so far and I do not want to do it. Why should the good citizens, the willing taxpayer, have to pay because of the tax defaulter? Why should we whip the willing horse? This way of increasing taxes all the time leads to less and less willing taxpayers.



[Mr. Maliro]

by the citizens of this country should be, irrespective of what Tanzania, Uganda or the East African Common Services Organization say about their respective countries. We feel here that if we have to make an amendment here, the Minister must tell his counterparts in Tanzania and Uganda that Kenya is not going to conform to that, Kenya is paying so much. Now, Sir, this I feel is the view the Minister must accept.

Another point, Sir, which the Minister must convey to the people who administer income tax is that there are a number of people today, particularly Africans, who were not in well-paid jobs previously and who are coming up into the higher-income brackets. These people, many of them, might not know how to fill in their income tax return forms. Many of them might forget to fill in the income tax returns, and then the Commissioner of Income Tax here just decides and says, "This man must have made so much money, and the profit is so much," and decides that so much income tax is going to be extracted from the person who never earned any income at all even.

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

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

This is happening in quite a number of cases. I think the income tax must be based upon what the individual has earned. The Income Tax Commissioner must at least try to get in touch with the taxpayer and ask him to go to his office and discuss with him what his actual salary is. But he must not create something in his mind, that so-and-so has a little *shamba* in a given location and has possibly made such and such an amount of money. This, Sir, is a point which is valid for those who are inexperienced, for those who are starting to pay income tax, and the Commissioner for Income Tax, in applying the Income Tax Management Act, must have some discretion.

With these few remarks, Sir, I oppose the amendments which are being made and I hope one of the hon. Members is going to move a proper amendment to this so that we see what money should be extracted from the people of Kenya.

With these few remarks, Mr. Speaker, I reserve my opinion.

Mr. Anyieni: Mr. Speaker, Sir, we must thank the Minister for Finance for having introduced this Bill. However, he seems not to be here.

The Minister for Local Government (Mr. Sagini): I am here on his behalf.

Mr. Anyieni: I see, you are going to take notes for him, are you? Well, that is good.

For the information of the House I would like to inform the House that according to our Standing Orders you cannot now, or at the Third Reading, bring an amendment to include the number of children and wives, because that it is in the main Act. That is not dealt with in the amendment. So, the only authority the Members have is to demand that the Minister should withdraw this Bill so that in bringing an amendment he will be able to include some of the things which the Members have said in connexion with the question of the number of children and the number of wives. I would like to inform hon. Members, Mr. Speaker, that if we allow this Bill to continue at present, what is going to happen is that one day when there are only about five Members present in the House, the Minister will bring this Bill and it will go through. For this reason the Members should consider now demanding the withdrawal of the Bill so that when the Minister brings the amendment he will also include the question of the number of children. Mr. Speaker, Sir, this is very important because according to African custom you do not have to limit the number of children. This idea originated from Europe, particularly from Britain, where on the island there is not much land and, therefore, they are forced to limit the number of children they can have.

Mr. Speaker, I think it is an act of selfishness that a person should restrict himself to only four children when there is plenty of land available here. Sir, the number of children must be included because you—

#### POINT OF ORDER

##### SPECIAL INSTRUCTIONS ON BILL

Mr. Kibuga: On a point of order, Mr. Speaker, Sir, I would like your clarification with regard to something which the speaker has just mentioned concerning our Standing Orders. The hon. Member speaking said that according to Standing Orders we cannot move a particular type of amendment. For example, instead of having four children we should like a provision for an unlimited number of children. Sir, I would like your clarification on this point.

The Speaker (Mr. Slade): Yes, it is very reasonable of Mr. Kibuga to ask this. I have often told the House that in debating a Bill, you are limited to the scope of the Bill. When it is a

[The Speaker]

Bill for amendment of an existing Act, you are limited to the amendment proposed. So in the Committee when the Bill goes to them.

However, there is a provision in our Standing Orders, which we have not used very often, whereby the House, before the Bill goes to Committee, can instruct the Committee to enlarge the scope of its consideration. This is called a Special Instruction, and it would be open to an hon. Member, on this particular Bill, after it has passed its Second Reading, to move that it be a Special Instruction to the Committee to consider also some specific amendment to the principal Act, some specific amendment.

I have actually so advised Mr. Anyieni, and that is what he is after at the present moment, I think.

You cannot actually now, on the Second Reading, debate things other than the amendments proposed, but you can link up the amendments now proposed by this Bill with some further amendments which you want to see by Special Instruction after the Second Reading.

What Mr. Anyieni should do is simply to give the House notice now that he is going to move for a Special Instruction on this point after the Second Reading has passed, and then leave it alone until he comes to that point.

#### (Resumption of debate)

Mr. Anyieni: Thank you very much, Mr. Speaker.

Sir, I was not going to follow that channel because I have the fear that when we come to the end of the Second Reading, at that particular time I may not be in this Chamber; also, at that particular time there may not be any Member to move this amendment. For that reason I am suggesting that the Minister should withdraw the Bill so that in our Parliamentary Group discussions with him we can help him to include the amendments that we want. After he has included these amendments, then the Bill can be brought back to the House.

It is no use saying that at the end of the Second Reading we will do this and that. The end of the Second Reading may come without Members being aware of that and other Members will come here to be told that the Bill has gone through. That is the reason why I am saying that the best idea would be, since it is not the first time we are demanding that a Bill be withdrawn—twice we have demanded withdrawal of Bills from this House: one was from the Ministry of Health, and, yesterday, there was one from the Ministry of Finance—and I

do not see anything wrong in that. There is nothing wrong in the Minister withdrawing the Bill in view of the fact that we cannot make an amendment to the sections we want since these are not included in the main Act.

Therefore, Mr. Speaker, I do propose that the Bill be now withdrawn. Sir, I would seek your ruling here. According to Standing Orders I propose the withdrawal of the Bill, then the withdrawal is seconded, after which it is debated, or what do we do?

The Speaker (Mr. Slade): There is no procedure for the House actually to resolve on a question that a Bill be withdrawn. That is not a question that can be put to the House. It can be suggested, as it often is, in debate to a Minister that he withdraws a Bill, and he may or may not act on that suggestion. However, as I said, there cannot be a resolution. All that the House can do is to resolve either to have the Second Reading or strictly to postpone the Second Reading for an indefinite period.

Mr. Anyieni: Mr. Speaker, Sir, then I would like to propose that the Second Reading of this Bill be postponed indefinitely so that the sections of the main Act which we want to amend—which the Members have spoken about, and which I do not want to repeat now—can be included.

The Speaker (Mr. Slade): The actual form of amendment that you should move is, that the word "now" be left out, and the words, "upon this day six months" be added at the end of the question. This then means that you are trying to alter the Motion to a Motion, that this Bill be read a Second Time on this day six months hence, which means, in effect, that it is postponed.

So, Mr. Anyieni, I take it that that is your Motion.

Mr. Anyieni: Yes, Mr. Speaker.

Mr. Gichoya: Mr. Speaker, Sir, I second—

The Speaker (Mr. Slade): Are you seconding the Motion?

Mr. Gichoya: Yes, Sir.

The Speaker (Mr. Slade): Have you already spoken in this debate? You have not. All right, you may second.

Mr. Gichoya: Mr. Speaker, Sir, I am seconding the Motion. There are quite a number of things that have been spoken about by some of the hon. Members, particularly those things pertaining to unmarried people. After so many reasons

[The Deputy Speaker] amendment that it would wish to move. Of course, the right time—as hon. Members know—is to move these amendments during Committee stage. So it cannot be done now, it must be done before 2.30 p.m., on the particular day when the Committee stage of this Bill will be taken.

Mr. Mallina: Thank you very much, Sir.

Now, Sir, I do not want to speak a lot on this Bill, because what I had in mind has been voiced by my hon. friend, Mr. Shikuku, and I wish to concur fully with what he said. Sir, I would like to say here, and impress that there are needs for this marriage allowance to be more than £500 per annum. In fact, Mr. Deputy Speaker, Sir, if that clause goes through as it is, then a person getting £500 marriage allowance and also a children's allowance to the tune of £480, it will not be enough if he has more than four children. It is most difficult for him to maintain the extra child or children. Therefore, Sir, I wish to draw the attention of the Minister to what Mr. Shikuku said, and I hope he will take heed of it.

Sir, with regard to clause 3, as Mr. Shikuku mentioned, we have the African Socialism Paper, and this African Socialism does not limit the number of children one may have, or even the number of wives a man may take, and it is the African tradition for a man to have as many wives as he wishes irrespective of whether he is rich or not. He counts each wife equal in face of the others. Therefore, Sir, when the Minister speaks about marriage allowance, he should not base his argument on a man having only one wife, if we are to maintain the African Socialism Paper.

Now, Sir, coming down to clause 3, although the African Socialism Paper says, page 31, I think it says, the Government will educate the people of this country on better and modern ways of birth control. Sir, until that comes about, I think this type of education is wrong. Sir, I think that if this is taken as part of the education of Africans, to limit their children to four, then, I say that this is a most unfortunate part of that education. It is unacceptable to the Africans. We cannot accept this education coming from the Government arbitrarily like that, and it should be left to the Africans themselves, to control themselves as and when they wish until the Government comes out with a scheme of education acceptable to the people. Mr. Deputy Speaker, that therefore means that the Minister must clearly state in this clause that it should be £120 for all the children, because although it is—Sir, I, and only the other day, received my income tax forms, and if you look at it there are only four spaces

where one can fill in details for four children. Now, Sir, what about the fact if one has more than four children?

An Hon. Member: I have six.

Mr. Mallina: If one has six children, then there is no way of one claiming an allowance for them, but yet when these children go to be educated by their parents' out of the funds that they can scarcely afford, then the Government comes in and perhaps takes them over for their own employment and they are asked to pay income tax. This clause, Sir, if it must be for four children, then the Minister must give an undertaking here that any children over and above four who are educated by their parents will not be asked to pay income tax if and when they start to work, otherwise the Government is cashing in illegally.

Mr. Deputy Speaker, Sir, there is one other item here which I would like the Minister to elucidate when he comes to reply. Sir, let the Minister give the parents the ability to educate these children, so that when they come out they can pay even more income tax to him. Sir, now in clause 4, it says, "... income which is chargeable on him in the United Kingdom . . .", why does this apply just to the United Kingdom? Why only the United Kingdom? Does it mean that if a person comes from the United States of India, Australia or for that matter China, he is not going to be considered in the same way as one who comes from the United Kingdom? Why apply just to the United Kingdom? He has just told us, Sir, that we have arrangements with a lot of Governments, then why should we particularize the United Kingdom? I would like to know.

Mr. Deputy Speaker, Sir, going on to Schedule No. 2, there is one question here which I want him to elucidate when he comes to reply, and that is the question of the insurance relief which is at the rate of Sh. 3 and so on, because it says in the Second Schedule, "The amount of the insurance relief shall be at the rate of three shillings . . .". I think, if I am not mistaken, that this provision has been practised even in the past. Now, Sir, if that is so, I would like him to tell me what course there is open for one who has not had such relief, what action can he take to get a fair deal out of the income tax? Sir, what I am trying to say is this. A person insuring his life for a certain amount of premium then that premium, according to how I understand it here, will be allowed income tax at the rate of Sh. 3 in the £. Now, Sir, if that is so, then what about those people who have paid their insurance premiums and instead of the premiums being treated like that, they have only been deducted out of

[Mr. Mallina] the total income. If the Minister wishes me to clarify further, then I will, but I think, he has understood what I am talking about. That is not the same as deducting Sh. 3 in the £ for tax for the premium that has been paid. So, if there is the irregularity, Mr. Deputy Speaker, Sir, what chances are there for a person to get a refund, not necessarily to him, but to be counted for in the tax that he is likely to pay?

Mr. Deputy Speaker, Sir, in ending my speech, I would also like the Minister to tell us what he means when he says, "The surtax rate shall be on the first £1,000 nil." From where does one start to count the £1,000? If one's income is £1,000, then he will not pay any surtax, but he will pay Sh. 2/50? Is that so? If that is so, I will leave it to him to tell us exactly what it is.

Now, Mr. Deputy Speaker, my last point is this. Some people have some share holdings in some of these companies; and when the dividend is declared, as is the law, income tax is deducted from the source at the rate of Sh. 5/50, I think it is, in the £. Now when this person submits his income tax return, it happens that perhaps he is asked to pay income tax on about £500 or £200. Now the money which he paid, at the rate of Sh. 5/50, is just deducted from the total amount of income tax he should pay. Here, Sir, I submit that that is over-taxing the person, because he had not earned enough in all his earnings to pay more tax in the pound than Sh. 2/50; for that matter. So, Mr. Deputy Speaker, there again I would like the Minister to explain to us what relief there is for a person who is over-taxed on one side, from the point of view of dividends.

Sir, with those few remarks, I reserve my vote.

Mr. Mallro: Mr. Deputy Speaker, Sir, I also want to make a few remarks on this Income Tax Bill. I feel, Sir, that the Minister is becoming increasingly unfair. As the cost of living is rising all the time, I cannot see how one should pay more and more and more in the form of income tax, when indirect taxation itself, through the cost of living—what you pay for various goods—causes the individual to pay quite a lot of tax. The other day, I sat down to calculate the tax I pay to the Kenya Government through fuel, petrol and diesel, alone, and I found I was paying roughly Sh. 13,000 per year. Now I just wonder how this can continue in this way. Here one is being squeezed more and more.

I think, Mr. Deputy Speaker, the marriage allowance should be increased to £800 for someone who is married; and as for the unfortunate

bachelors, spinsters and so on, these people should at least be given a single allowance of £500.

Several Hon. Members: No!

Mr. Mallro: Mr. Deputy Speaker, I used the word "unfortunate" because they are definitely unfortunate. It seems as if this House is mostly composed of people who are married and they are extremely envious of the freedom of unmarried young men. Now my argument is that actually unmarried young men have possibly more commitments than married men. An unmarried man has to put on a very beautiful suit, he has to entertain various young girls, one of whom he would like as a suitor; so I think these people must be given a decent way of living, at least twice the amount the Minister has proposed here would not be unfair or unreasonable.

As for the children's allowance, I think it is today much more urgent that the children's allowances go up. If a man wants to give his child a good education, he must send his child to a good school. Now today in Kenya those good schools are mainly centred in Nairobi. If someone lives outside Nairobi, his child must go to boarding school; and for a boarding school he has to pay a very large sum in order to maintain the child at the school. I say this from personal experience. So I consider that the children's allowance should have been increased. At least, if the children are at boarding school the allowance should at least have been an average of £160 or £180 per child.

I have not said anything about the number of children yet. I said, Sir, that for every child at boarding school, the parents should be given an allowance of, say, £160 or £180 per child.

This question of limiting children to four; Mr. Deputy Speaker, is a completely foreign ideology. It is an imposition of the social system of the people of Western Europe, which is not the system of the African. The African considers all his children as his children alike, without distinction, because he has to pay dowry for every wife, and therefore every child which he produces is legitimately his child and must be catered for equally. But this is worse. What is worse is that it is only limited to four children and no more. In my view, this is an indirect imposition of birth control on people who do not want to limit the number of children they are going to produce. This is a thing which the Minister must look into.

Another problem I would like to raise here, Sir, is that I think this Parliament is the authority to decide what the taxes to be paid

[The Minister for Finance] approved by the House in the 1965 Finance Bill, Item 3 covering the child allowance is in accordance with the announcement I made in the Budget Speech, as is Item 5. Item 4 repeats a provision in the existing law.

The Second and Third Schedules implement decisions announced also at the time of the Budget Speech. Item 4 might appear perhaps a little difficult to understand, but I am advised that, though it we do not lose money, it comes in because of the agreements that we have with very many other countries, in this particular case Britain, where we have the double taxation agreement. The Commissioner of Income Tax advises me that, if anything, we have everything to gain in it.

Therefore, I would commend the Bill to the Members, which only gives force to the Bill that the Central Legislative Assembly has passed, which the other two territories have passed and which will enable the Treasury to act on it as from the middle of this year. We must have this early enough to enable us to prepare the papers and all the other documents necessary for the pay-as-you-earn system as soon as possible.

Mr. Deputy Speaker, I beg to move.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Murgor) seconded.

(Question proposed)

Mr. Shikuku: Mr. Deputy Speaker, Sir, while appreciating the Minister's explanation, I do, however, wish to point out one or two things and make some observations on this Bill.

He did, as a matter of fact, say that the First Schedule of the Bill was contained in his Budget Speech as such, but, Mr. Deputy Speaker—if I am wrong, the Minister will have to point it out to me—I do recall that on this First Schedule he said the amount of the married allowance was £720, I think, and this time it is £600. I was wondering if the Minister would be kind enough as to let me know why it is being reduced so low, whereas, in actual fact, every year means higher expenditure and, at the same time, means higher production in humanity. I would like to know how he comes to this, Mr. Deputy Speaker, because if one filled in an income tax form in 1963, filling in for three children, surely by this time, if he is working well, it should be showing about five children or six; that, of course, depends on how quick the person is. But, Mr. Deputy Speaker, I just do not see any tangible reason why the Minister has seen it fit to reduce it to £600 when the cost of living goes higher.

If I may point this out, Mr. Deputy Speaker, the Minister has travelled quite widely and so have I, but if you compare the cost of living in different countries, you will find that the cost of living in this country compares almost exactly with the cost of living in New York or Britain, whereas those people are far more advanced and economically sounder than we are. The cost of living goes on rising in this country, higher and higher and higher, until, in the end, we will not be able to find our feet on the ground and will be flying or floating in the air. I do not see any reason why, Mr. Deputy Speaker, if it is within the jurisdiction of this House, this House—with all due respect to all hon. Members here, and I am sure they will agree with me—should allow the Minister to reduce the £720 to £600 this year, when the cost of living is still going up.

In addition to that, Mr. Deputy Speaker, may I point out to the Minister—probably he might have overlooked it because he is a busy Minister and has to spend a lot of time on calculations and so forth—the fact that we passed Sessional Paper No. 10 on African Socialism. Now, Sir, when we take this Paper into account surely the structure of the income tax should be based on the African Socialism, taking into account the structure of the African life. I wonder whether he took this into account before he reduced this to the sum of £600, because—if you come to Item 2 of the First Schedule (3)—you find that the amount of the child allowance shall be £120, and I recall that in the old income tax scheme you were allowed £180 for every child. This, again, has been reduced to £120, and if we have to take into account the African Socialism, surely the Minister will agree with me that no African would agree with him that he has only to produce four children. Therefore, the freedom, Sir, has been infringed as to the production of how many children. This idea of four children was originated by the Europeans, and the imperialists are gone and we now govern ourselves and we have to take into account our own African Socialism which does not restrict one to four children.

Mr. Deputy Speaker, the other point I would like to point out to the Minister is that we have to educate our children and surely it would be very, very unfair for the Minister to work out his figures on four children. What about the other children who are going to come up? Are we not to cater for them? Sir, I feel this question of four children, and the question of the reduction from £180 to £120 is completely unfair, because these days we have to educate our children and it is now more expensive to feed the children and then educate them. Therefore, the figure of £180

[Mr. Shikuku] In addition to that, the figure four should be scrapped, and I do wish to make it known, Sir, that I am serious about this and I do intend to move an amendment to the effect that there should be no limit to children, you produce as many as you can and all must be included.

The other issue I would like to raise is that I feel that in the First Schedule, 2 (a) where it says, "Provided that where an individual is entitled to single allowance, and he is also entitled to child allowance, the amount of single allowance shall be £412." Here, Sir, I just do not understand this, I would be very glad if the Minister could tell me because he is talking of a single person, at the same time, having a child. How this is going to happen is one of the interesting parts of it.

An Hon. Member: You know it very well.

Mr. Shikuku: I do not understand how a bachelor could have a child. Of course, when we talk of children, they should be married people in the African custom or in the church, and if there is a question of a bachelor having a child without a wife, well, we have what we call—we passed a law here, I remember—an affiliation fee, Sir. Is he going to pay the affiliation fee and at the same time get away with some amount under the income tax allowance?

Mr. Deputy Speaker, the other issue is the question of age, where it is mentioned in (b), it talks of a man of the age of sixty-five upwards. Mr. Deputy Speaker, I think this is quite a big problem, because at the age of sixty-five—this goes very well with the Europeans because a European at the age of sixty-five might well be able to do something, business and so forth—if you look at the African point of view, if you look at those poor men in Butere and elsewhere in this country, at the age of sixty-five they are completely finished. They have been working for such a long time and, having had such hardships, they are completely finished. I think, Sir, in our own interest these years should be reduced to sixty and, for the women, fifty-five, because our women and our men here are really worn out because of hardships. They do not have proper food, some eat once in a day. On this, I think, Sir, the Minister will agree with me, that something should be done.

Apart from the things I have mentioned, I do not think I have a big quarrel with the Minister at all as far as this Bill is concerned. If I may emphasize again, Sir, I feel that the Minister should consider or give tangible reasons, but so far as I am concerned, I do not see why the amount of £720 should be reduced to £600 when the cost of living is still rising. In addition to that,

I would like to point out to the Minister that the amount of £120 as the allowance for a child is completely unfair and we should have £180 per child, and the question of having four children should be scrapped and there should be a limitless number of children; the more you have, the better it will be for that particular person, to increase the population in Kenya.

With these few remarks, Mr. Deputy Speaker, I beg to reserve my comments.

Mr. Kase: On a point of order, Mr. Deputy Speaker, the Minister has indicated the other two territories have passed this Bill and that the Central Legislative Assembly has passed it. The hon. Member, Mr. Shikuku, has indicated, too, that he is intending to move an amendment. I am wondering whether, if we amend it in this House, it would be in order or what would happen later. What would happen about the other territories?

The Deputy Speaker (Dr. De Souza): I am afraid I have not studied the constitutional position that would arise, and I do not think I am in a position to give a ruling at such short notice. As you will recall, the Speaker did say when Mr. Alexander raised a point of order—I think it was the day before yesterday, I was here—drawing attention to the same fact, saying that as the East African Management Act had not been amended in the Central Legislative Assembly, this Bill was probably *ultra vires*. Mr. Speaker did then ask Mr. Njonjo, the Attorney-General, to look into the legal position and I think he told us just now that he was advised by the Attorney-General that the Bill was in order. We will, therefore, accept the views of the Attorney-General on a matter of law. If, for example, later on it is discovered that this Bill is *ultra vires* in regard to the authority and powers conferred to the East African Common Services Organization of the common authority, then, of course, it is a matter for the courts to decide. As far as we are now concerned, and as far as I am concerned, we must accept the ruling by the Attorney-General that this Bill is at the present moment constitutionally in order.

Mr. Glehoy: On a point of order, Mr. Deputy Speaker, as you have already explained that the Bill is in order, would it be in order for us to make some alterations to the Bill? If we make some alterations to the Bill would these alterations affect the legislation already passed in Tanzania and Uganda?

The Deputy Speaker (Dr. De Souza): I think I have already stated that insofar as this Bill is being promulgated and moved in this House, this Parliament is supreme and it can move any

[The Assistant Minister for Local Government] some money in England, and if we withdraw that money to bring it here, the bank will require a half per centum. Imagine one half per centum for two million shillings or pounds, how much it would cost. I would like to tell the hon. Member that there will be no chance for the Government to lose, because now we want the treasurer to withdraw the money without interest. If we go today and bring back here the money that we have in London, and then tomorrow we want to buy things in London, the bank here will require at least one-half per centum. That is the very first statistic for the Government to accept.

Mr. Speaker, Sir, I would like to support this Bill because it is for the future of this country.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I would like to correct some of the very wrong impressions that have been created and I am worried that some of the people who have created these very wrong impressions—sorry, hon. Members—some of the hon. Members have created this very wrong impression, claim that they are economists. I do not claim to be an economist—

Mr. Odya: On a point of order, Mr. Speaker, Sir, I think on this one I should like to seek your guidance, possibly to direct the Minister, because at no stage did the Chair really understand where any Member claimed that he is really an economist that he was trying to advise the Minister. I think it is because he is an economist? Because from what I understood here the Minister is now trying to say that the Members who opposed the Bill were economists. Now could you give directions to this?

The Speaker (Mr. Slade): Order! I do not recollect any hon. Member in the course of this debate specifically claiming that he was an economist, but that does not mean to say that he has not done so elsewhere. I do not think that any hon. Member need take offence at the suggestion that some Members have claimed to be economists. Even if the Minister now proposes to prove that they are not.

The Minister for Finance (Mr. Gichuru): I am not proving that they are not. I accept that they are. My main point here is that the confusion that has arisen has come about because a picture has been created that all the money that we get we send it all to Britain and store it there. This is wrong. We do not. The impression has been created that if this money were to be brought here we could make use of it. If we borrow money to build a tea factory we could

bring the money here, in the meanwhile we could lend it for other purposes and wait for a year—somebody mentioned a year—but the point is this, Sir, that when money is borrowed it is borrowed for specific projects and when you start spending money on that project, as soon as you start spending money on it, you start paying interest also. Therefore, you cannot lend it. As soon as they start, you cannot start lending it because you have started spending it. Therefore, if you can get someone who could look after that money for you, who could help you pay interest on this money as you spend it, it would be wise. Who would pay me interest? This is the kind of confusion that we have.

I would like to state that I was questioned as to whether we are likely to have any Kenya money—any Kenya bank—or things like that. We are definitely going to have our Kenya National Bank. It is being reconditioned at this particular moment. Our new money is being printed at this particular moment and will be issued in due course, I could not give you the exact date because it is not in the interests of this country that I should give the date. But what I want to emphasize is this: the other day for instance I signed for some money, Britain is going to lend us some money. We are going to spend that money largely in Britain. When we borrow money in the United States, we spend it in the United States. The only country so far when we borrow money from Russia, we spend it there—this is the usual pattern. Who is going to lend you money, Mr. Speaker, who is going to lend Kenya money? Who is going to lend us money to buy things from another country? This is what I am trying to find you know now, my hon. friend. If you can find me loans without any strings attached then I will be very pleased indeed.

I think the man who has asked me very interesting questions that I liked very much was the hon. Mr. Ngala-Abok. He asked me as to whether this is the normal practice. It is. Somebody mentioned Ghana, for example. You will find that most of the countries, even the Commonwealth countries, have got big accounts in London. It is the centre of money, whether we like it or not, it is the centre—it is the international money centre—what are you talking about? Therefore there is no shame about this. It is the normal practice. Then I was asked as to whether we borrow money and then look round for projects to finance. Nobody will lend you money unless you can produce a project and prove that it is viable. You cannot. And this is why we have always to ensure that our projects are viable, present our case to the would-be lender and if

[The Minister for Finance] he feels that his money is assured, that he is sure to get his money back, then, and only then, he agrees to let us borrow his money.

Therefore to lay emphasis, that perhaps even the *loft* that we collect here in Kenya, is all sent to London for safe keeping is really absurd. It does not go there and I would like to say it does not, Mr. Speaker.

Therefore, all that we are trying to do, the funds that we have in London that enables us to make adjustments, to make these payments, to enable us not to spend too much money in foreign exchange and so on, we have an account there, it amounts to some £700,000, well, all I am saying is that it is not enough to cover the expenditure, the Paymaster-General would like it, and we would not like him to be in deficit and therefore we required this little adjustment and, as I said yesterday, there is no extra expenditure involved at all. It is unfortunate that the question of our banking in London has been brought in, because it does not come in that particular respect and any businessman—it is a pity, that people like the hon. Pandya have not spoken—because he deals with a lot of money and this is the way you do business. If you have business in Moscow, in China, in Japan and so on it would be good to have a small account in those places so that you can make certain adjustments when you need them and they do not cost you so much money.

Mr. Speaker, Sir, I think the Bill is very straightforward and the remarks that were made to give the wrong impression that we bank all our money in London is wrong, and I would like to repeat that. Therefore, 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 INCOME TAX (ALLOWANCES, RELIEFS AND RATES) BILL.

The Speaker (Mr. Slade): Before calling upon Mr. Gichuru to move this Second Reading, I would refer to a point that was raised at the time of the First Reading by Mr. Alexander; I am not sure whether Mr. Gichuru was here.

Mr. Alexander questioned whether this was expeditiously in order, having regard to the present stage of a Bill in the Central Legislative Assembly for amendment for the East African Income Tax Management Act. The Attorney-General promised to advise this House on that point before the start of the Second Reading of

this Bill. I do not know whether he has made any communication to Mr. Gichuru which enables him to answer.

The Minister for Finance (Mr. Gichuru): No, Sir.

The Speaker (Mr. Slade): In that case, then, I think I must say I have had it verbally myself from Mr. Njionjo that it is in order, although he had no opportunity to explain to me or the House why. I think we must take it, in Mr. Njionjo's absence, that this is constitutionally in order.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Income Tax (Allowances, Reliefs and Rates) Bill be now read a Second Time.

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

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

I stated in my Budget Speech on the 10th June—and I quote—"The changes affecting 1964 are included in the Finance Bill and come into operation at once, in accordance with the Provisional Collection of Taxes Order, also published today. It will be necessary later in the year to introduce a new Rates and Allowances Bill to include the changes that are applicable to 1965 and later years. The Bill amending the Income Tax Management Act will be presented to the Central Legislative Assembly as soon as possible." The Bill amending the Income Tax Management Act has now been passed by the Central Legislative Assembly and, therefore, it is now possible for me to bring up the Bill to the House and fulfil the pledge that I made during the Budget Speech. I did describe the changes that were likely to take place and, indeed, they do appear in the HANSARD, but they take about six pages in the HANSARD, and since I know that you all take a lot of trouble to read these things, I do not propose to bore you by repeating them.

Opportunity has been taken, as it is stated in the Memorandum of Objects and Reasons, to repeal the existing Act and replace it with a new and simple Act. It will be remembered that one of the main purposes in the changes of personal allowances was to enable us to introduce the pay-as-you-earn system which we are going to start this year, the second half of this year, and that the proposals with regard to corporation tax, which replaces company tax, represent a major measure of simplification of our tax system.

As you will notice, the First Schedule deals with personal allowances and the first two items laying down the amount of married and single allowances merely repeat the provision which was

[Mr. Kibigi]

Commonwealth countries, try to keep their money in England to earn interest? If that is the practice, I have no quarrel with that one.

Again, I would like to know whether it is politically favourable for the country to know that instead of money being brought here and being involved in projects straight away, money is kept in England which can be frozen at any time.

What I want to know also is, when we borrow money, do we borrow money for projects which are already stipulated and which are already organized to be financed, or do we merely get money, keep it there and then we ask our experts to help us in formulating the projects? Some experts are not even interested in putting this money into use, particularly when they know that money is accumulating in England. Instead of advising the Ministers and the boards to start straight away with an organization, or with implementation of a project, you find unnecessary arguments. We people who sit on some of these boards find even a straightforward thing still will need deferring for three months and then, at the end of three months, the same thing is not implemented.

So we fail to understand—and I think the Minister should clarify this—whether the money is borrowed when projects are ready to be financed or whether the money really goes to England, only later on to find that the project is still lagging behind or it has not been started for two, three, or five years, in which case this money may not be made use of. So we had better understand the conditions governing the borrowing of money and why this money should be borrowed and kept there earning interest.

Suppose money is borrowed from Yugoslavia, transferred to England and the project is not financed, will the interest it is earning actually come to Kenya, even when it is still remaining within Yugoslav hands, because, in fact, once you do not use my money, I will get it back? Even if you use it or not, you will repay me; in fact, you will be losing. Therefore the country borrowing money will repay, whether the money has been made use of or not.

Therefore, we must know that when we borrow money, we are ready to use the money. That is the most important part I want to understand from the Minister. Otherwise, if the Minister thinks that this is going to comfort him, both politically and in view of what I have said, I would not mind, but I reserve my decision on this particular Bill.

Mr. Kase: Mr. Speaker, I have only one small point to make.

As some hon. Members have said, why should it be necessary to transfer money borrowed from various countries to London? We are interested because, as soon as you place your money in London, there are things which you cannot carry out because you take care of your money, which is in London. If I may give one example, recently, some countries did break off relations with Britain and they are safe. Now, by keeping our money in London, are we sure it is safe there? Are we going to be free to break our relations any day that we feel we do, not like those relations any more? We want these points clarified, Mr. Speaker, because if they are not clarified, it means any day that we are offended by Britain, we shall always be thinking of our money which is in London, which they are using themselves, if I understand finance properly. I want to keep money in my bank and trade with it and get profit, because I cannot agree to give you profit for nothing.

This money is going to stay in London and we are going to be given 5 per cent. This man must be making more money than that 5 per cent, Mr. Speaker. There are people asking, "From where?" They know themselves, they are business men. This is one of the very small points, Mr. Speaker, I want to know about. We want clarification from the Minister. Any day we want to break our relations, how far is our money safe in London, and is keeping our money in London going to make our position deteriorate? We are not going to be very free.

An hon. Member here talks of security, that when money comes here we must think of security. What security? Who has no confidence in this Government. If he has no confidence in this Government, it is not a mistake of that man, it is a mistake of Government itself. Therefore, any stable Government, Mr. Speaker, should not feel unstable. Now, Mr. Speaker, to talk of security, that if we bring it here perhaps it will be insecure, then it means that the Government itself is worried over its own position. Let them tell us that is, why they are keeping the money in London. If they are not fearing something, please, Mr. Speaker, the hon. Minister should act as my hon. friend has just said, and bring the money to Nairobi, open our own bank so that we can handle our own money. It is true that the hon. Member for Mathira I think has said, some currency is difficult to change from one country to another, but you do not find any country that you cannot change its money. You can change it either here or there, if you cannot change it in that country you can try the

[Mr. Kase]

way. Why should we always go back to London? Why did we now decide to keep it in Moscow. Mr. Speaker, we are independent such things make our people think that we are going back to our old masters, and this is something which we must keep away from. As soon as we concentrate everything in London, our people will say look at those gentlemen going back to the old master. I think this is a very serious matter which the Minister for Finance must go into.

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

Mr. Gatiguthi: Mr. Speaker, Sir, I want to say that I am not an economist, neither am I a financial expert, but I am surprised to find some Members who claim to be economists opposing such a straightforward Bill. This Bill, Sir,—if the hon. Members would just keep quiet I will educate them—this Bill, Sir, is not in any way going to affect our own Government financially.

As I find it, we get a loan from Great Britain, and instead of transferring that money to Kenya to keep it there, and it earns interest. If there is any fear that that money may be frozen, of course they would be freezing their own money. If we borrow ten million from London today, and we keep it there, then tomorrow it is frozen, why it is not our own money that has been frozen. They have frozen their own money. If you raise the point that we have borrowed money from China and we have kept it in London, and it is frozen tomorrow, then you have to remember that Britain has money in this country. We have borrowed money from Britain, probably more than what has been borrowed from China. If they freeze our Chinese money in London, we will freeze their money in this country which they have already given us for development.

Mr. Speaker, the other point you have to bear in mind, if you want to be logical in this matter, is this, that when we borrow money from any country, we have to assume in the first place that you have good relations with that country. If that is the case, then you have to assume that this question of the money being frozen is not going to arise. All these negotiations are made in good faith. The moment we start suspecting other nations, gentlemen, you will never achieve anything in this world. That is quite reasonable that we have to act in good faith. We have also to remember, Sir, that whatever money we borrow, whether from the United States of America, Yugoslavia or any other country, most of the materials that we buy are from Britain,

and we have to pay the British Government. The fact is that our trade at the moment is with Great Britain and other countries of the world. It would be most uneconomic, and most illogical, Sir, for us to transfer money from London to Nairobi, as was quoted by the Minister when he was giving his first speech. It is an uneconomical position. So, Sir, I believe that there is nothing wrong with this Bill, and the Members should support the Bill, and I do not foresee anything that is going to spoil our relationship with Britain to the extent that they may freeze this money. I believe that our relationship with Britain will continue for a long time to come, and there is no cause to fear. In any case this money is going to earn interest for Kenya.

I do not see anything, wrong, Mr. Speaker, and I wish to say that I support this Bill very, very strongly.

The Speaker (Mr. Slade): We are getting a lot of repetition, Mr. Godani; I hope that you will say something new.

Mr. E. D. Godani: Mr. Speaker, Sir, I am surprised at the way this Bill has been presented to this House.

Mr. Speaker, Sir, I would just like to make one or two points which have given me great surprise. First of all, Mr. Speaker, I think about a month ago, in December, we passed a Bill in this House that no money will be invested outside Kenya. All investors will keep their money in Kenya. I do not know if the people are aware that the Kenya Government kept their money in London. At the same time we put a Bill saying that we are to keep our money in safe custody in London. So, Mr. Speaker, at the same time we have a big problem in this country. I wish all the Kenya people were aware of this trouble which this Government is creating for itself. I wish the people in the gallery, or anywhere outside this House, were aware of all this trouble. Money has been kept there, we cannot educate our children, no employment and so many other things.

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

The Assistant Minister for Local Government (Mr. Njiru): Mr. Speaker, Sir, I think the hon. Members have said a few things which some of us cannot understand. It may be true because some people are using an erchequer without knowing that he is a treasurer. The hon. Member mentioned that the Kenya Government was going to bank money in England which is absolutely wrong. I think if he has read the Bill very well, he will see that there are grants, credits and, of course, the loan. In other words, today we have

[Mr. Khasakhala] currency or funds of that country are valued in relation to your own country, how are you going to exchange this money when it comes to your own bank in Nairobi? Currency does not mean anything when we do not have gold and such other things which can give us this currency.

Therefore, Mr. Speaker, I feel that instead of hon. Members confusing the House with minor arguments which do not apply to this Bill, the Mover should be called upon to reply.

With these few remarks, Sir, I beg to support.

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, Sir, I think the first thing to understand in a Bill like this is that we all do not understand finance and, therefore, we are likely to make several mistakes. For this reason I do not blame any hon. Member who does not really understand the aesthetics of this Bill. Well, I do not pretend, Mr. Speaker, to understand finance any better than other hon. Members, but at least one should try and understand the Minister.

Several very important points have been raised in connexion with this Bill and these things are straightforward. Our problem, however, is inability to understand. For example, Sir, the question of exchange charges when importing or re-exporting capital is a straightforward, clear fact and should be understood even by any layman. For instance, if we borrow money from London and we are purchasing goods with money from London, it will look very odd if we transfer the funds to Nairobi and thereby pay certain charges for exchange, and then re-export money to London to effect the purchase. In this way we incur further expenses by incurring further charges in exchange. Therefore, it would be much better if the money stayed in London until the project in question was really concluded and the money could be used while still there without incurring unnecessary expenses.

Another factor is the question of security of any money borrowed. Money, as the hon. Minister has said, whenever it is borrowed, and is for import into this country, it is usually imported. However, when money, borrowed from any country, or even from a land bank, until and unless the project for which it is borrowed is actually ripe and ready to start, it will be a risky affair on both sides to bring the money so that it can stay here and start to be used on a project. Each and every lot of money the country borrows is utilized for a specific project, and unless such a project is ready and ripe for commencing, it will be unnecessary to bring the

money here because there are also other factors involved. For example, the interest on such money will start—

Mr. Gichoya: On a point of information, Mr. Speaker—

The Assistant Minister for Lands and Settlement (Mr. Gachago): Mr. Speaker, the hon. Member, I think, is as uninformed as he thinks I am and, therefore, I will not give way to him.

Another factor, Mr. Speaker, is that when the money is brought into the country, it is imported into Kenya, interest starts being charged there and then. If such a project is not started, then such money starts to charge the country a lot of unnecessary expense. This money should only be brought when the project is ready for commencement so that interest can be charged at that time. This is what I understand the position to be here.

Another reason that has been given by one of my colleagues for bringing the money here is that money can be used by the country for lending and for doing all sorts of other things. Actually, I do not think this is correct because if money is for lending, such money is borrowed for such particular purpose. We have money which has been borrowed from all over the world for various projects. This money is being used by the Land Bank, by the Industrial Development Corporation, and other corporations like the Agricultural Finance Corporation. Such money is borrowed from overseas countries for the purpose of various specific projects of development, and it is, Mr. Speaker, rather unfair to say that we are not developing, because the facilities given by such organizations, such powers, have been seen and witnessed. It was only the other day that it was announced that various Members of this Parliament have borrowed money and, therefore, benefited from such projects.

Sir, while finishing, I would like to refer to a question which has been posed in the House this afternoon, as to whether we are really independent. I must say, Sir, that we are really politically independent. If we go further into the question, if anybody feels that we are not economically independent, what I do not understand is whether he means that in order that we may be economically independent we should not borrow money, or in order that we should feel economically independent we should not do like other developing countries are doing, go to other countries and borrow money in the same terms as other countries borrow. So, Mr. Speaker, I do not think actually that this question, whether we are really independent, refers, because, which country in Africa today is really economically independent

[The Assistant Minister for Lands and Settlement] so far that it does not borrow money from other developed countries? Egypt, to which the hon. Member was just referring, was in the Press the other day, borrowing money for various projects. This is exactly what we are doing. We are not doing anything unusual. For this reason, Mr. Speaker, I think it will be very unfair to try and obstruct a Bill like this, a Bill which is going to give us further facilities for developing our young country.

Therefore, Sir, I beg to support.

Mr. Kibunga: Mr. Speaker, Sir, the opponents to the Bill are trying to show that it is necessary to put all the money in Nairobi, but I think they fail to show the House one main reason why part of the money should be in London. While in London this money earns 5 per cent. They say the money should be in Nairobi. If it comes to Nairobi, what bank is ready to give 5 per cent? Who is individual is ready to give this amount? The hon. Member for Gichugu was talking of sending some of the money to Kirinyaga so that it could earn interest there. Is there such a bank there that would give 5 per cent? Does the hon. Member have such a bank? If so, then we can approach the Minister for Finance so that we can send that money to the hon. Member's bank.

The other reason the hon. opponents have shown is this. They say why spend this money, why keep this money in London, why not bring it to Nairobi and use it here for agricultural purposes? They say why not lend it to the farmers so that in no time the farmers will be able to repay this money and bring in a little bit more. Do we understand, Mr. Speaker, that if the Government borrows money for building a certain factory it can easily use this money for famine relief? If we borrow money for a certain purpose we can use it for any other purpose? If the hon. opponents of the Bill can show that if we borrow money for a particular purpose we are then free to use it for any other purpose, then there is no reason why this money should not come to Nairobi. However, once money is borrowed for a particular purpose, it is not used for any other purpose.

So, Mr. Speaker, Sir, without wasting much time of the House—I do not see any reason why we should waste so much time arguing about a particular clause—I would like to say that while the money is in London it is earning 5 per cent. If any one of the hon. Members can show where we can earn 5 per cent here in Nairobi, well and good. Let us have it. Thank you, Mr. Speaker.

Mr. Ngala-Abok: Mr. Speaker, Sir, I wish to point out one important thing, that the Government, and those who appear to be always supporting the Government, and do not wish to criticize, create an impression that those who criticize are either ignorant or are merely stubborn and want to obstruct Government machinery in this House. In fact, this is not so. This is the room in which we can expose the ignorance of a Member. If a Minister thinks that a Member is ignorant, let that Member show in which way he is ignorant and the Minister can correct him in reply. It is not necessary to label a Member as ignorant, a person who has no experience, without any good reason. It is not good to talk all this kind of rot. As a matter of fact, Mr. Speaker, if there is no Member who is supposed to raise queries on a Bill, then there is no point in bringing a Bill to the House. So, let us not have this impression. Let us not make it a practice that when a Member is discussing, he is just putting forward views for the sake of obstructing the Government. That is not so.

What I want to understand from the Minister is this. Is this normal practice or is this an unfit affair? Is it the Kenya Government which sees fit to keep money in England for the mere reason that it will earn 5 per cent there? Is it really politically necessary? Is it going to create a proper impression in Kenya so that the people think that instead of the money coming direct into Kenya the money is kept in England? How long will we continue to have these so-called good relations and understanding with the British Government, and England as a whole? We do not understand, Mr. Speaker, Sir, what matters very much is whether we will be gaining or not. In certain cases one does consider more the political question of the whole affair rather than going into the question of earning more or gaining more because some of these ideas are very false. Ministers are learning, and the consequences which may arise from such a Bill may not even be understood by the Minister concerned. Who knows what will happen tomorrow? Who knows what is actually behind this Bill? Merely reading the Memorandum does not show that this will work in the right manner. That is why we amend our regulations from time to time. We try to see which is the best way in which a Bill or a particular rule can operate.

So what I want to get from the Minister, whereas not having so much quarrel with this Bill, is whether this is the normal practice, that many African countries, and particularly the

[Mr. Malinda]

holding this money, so that it can be used by the High Commission? Why should it go from Kenya to London, when the money is already there?

So, Mr. Speaker, with these few remarks, I wish to support the Bill and I hope it will be passed without too much talk.

Mr. Oduya: Mr. Speaker, I also rise to make a few points on this issue. It is very clear that, because of this Bill, we now know where we stand in Kenya. We now know whether we are actually independent or half-way independent. A friend, a colleague, of mine here has tried to tell the speech given by my hon. friend from Kirinyaga when he said that it is very wrong for an independent nation like Kenya to keep money in London. My friend has tried to protect London by saying that it is a safe place in which to keep money. But I must say this. This money—we should not mislead ourselves or the country—is money we ask for as loans from all parts of the world, and once we are given this money we are given it for development. It is not for the Kenya Government to keep this money in London, only to be withdrawn when the need arises. Here there are already issues, crises, national demands which, of course, have enabled us to borrow this money from abroad; so the money should not be left in London. Once it is borrowed, from Russia or Washington or elsewhere, it must be directly brought to Nairobi; not taken to London. Once it is sent to Nairobi, it must come to a Nairobi bank; and then we can say, "All right, here is a problem in the Ministry of Education. We need so many secondary schools as part of our development." Now if the money is already kept in London because the Kenya Government would like to get some interest on it—for what reason this is done, I do not know, perhaps to make a profit. But the money is in London and already there are problems pressing the people. People are starting demonstrations here and there; and you send the police to suppress them, and you keep the money in London. What is the use of borrowing? What is the use of saying, "We are getting this aid for the development of Kenya?" There is no development at all. The money is actually to help the British Government to develop other projects. Possibly the British Government gives us some of our loans out of the interest it gets from our own loans from other countries. It is a clever way of doing it.

Why cannot Nairobi also behave like Accra which has the Ghanaian £1. It is also competing with Sterling in the international market because it can be valued through Sterling or through dollars. It can also get its own value.

An Hon. Member: You do not understand it.

Mr. Oduya: That is how I understand it. You understand in your own language, but that is how it works, because Accra does not go to London to be recognized. Mr. Speaker, the Egyptian £ is also in the market, so when you value it through London money, that is, Sterling and through the dollar, the Egyptian £ has its place. But have we any place for our Kenya money? That is why I say we should have our own bank, called either the Nairobi Bank or the Kenya Bank, which deals with all this foreign exchange, in order to reply to what my colleague was suggesting. We could have our own interest here, instead of going through London.

Now today the country is wondering whether we are actually developing or whether we are going to dance to the tune of London. In fact, my colleague here has specifically made it clear—

The Minister for Finance (Mr. Gichuru): On a point of correction, Mr. Speaker—

Mr. Oduya: No correction.

The Speaker (Mr. Slade): Order! Unless you have a proper point of order, you cannot interfere unless the hon. Member gives way.

Mr. Oduya: All right. Make your correction.

The Minister for Finance (Mr. Gichuru): Thank you very much. The point I wanted to correct, Mr. Speaker, is the wrong impression which has been created, that we keep all the money in London. It is wrong. We do not.

Mr. Muliro: On a point of order, Mr. Speaker, I think the Minister is wanting to explain; but he could reserve his fire for the time when he replies to the debate.

The Speaker (Mr. Slade): Never mind, the hon. Member has given way, so he can make his correction now.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, my point was made in order to avoid people getting confused. Money is not kept there; it is only kept there when we need to spend it so that it helps us not to transfer it to Kenya and back. That is all I wanted to explain.

The Speaker (Mr. Slade): I would like to say further, in reply to Mr. Muliro, that sometimes it is for the benefit of the House that the Mover, who has the right to reply, interrupts immediately to correct some misunderstanding which can use up a lot of time of the House, without waiting for his reply to do so.

Will you continue, Mr. Oduya.

Mr. Oduya: Mr. Speaker, this paper here says, most of the foreign financial aid. "Most" means two-thirds of it is kept in London. I have never been a Minister for Finance to deal with international implications of financial issues. However, as a representative of the people of Kenya, I have the right to point out mistakes which prevail. It is because of these mistakes that we are dancing to the tune of London when in actual fact Kenya is regarded as a complete, independent nation, with a Head of State. We require to have money here Ekyany other Government.

I want the Minister to explain to us—and the country is eager to know—what is the purpose of keeping our money in London. He has to make this point clear. Why cannot we have a bank in Nairobi? That is a question. I do not know whether the Minister is listening. I can see him looking on the other side of—The question I was putting before the Minister is—

Mr. Speaker, if the Minister could stop talking to his colleagues it would be better. I would like the Minister to answer to the country why it is necessary to keep our money in London, and why instead we should not have our money in Nairobi. Why should we not have a Kenya bank and have the money here in Nairobi? That is the question.

The Speaker (Mr. Slade): You are repeating yourself, Mr. Oduya.

Mr. Oduya: He was talking and that is why I had to say it again.

The Speaker (Mr. Slade): You have said it three times now. I do not think you can expect the Minister to listen to the same point all the time.

Mr. Oduya: The second issue is this. If London controls our funds, it is not actually the mistake of London. I think it is the mistake of Kenya.

Also, we want to hear when our bank, Kenya bank, is going to be set up in Nairobi. We should hear the Minister answer this point so that we can overcome some of the problems that face us by keeping our money in foreign countries. If we go to Washington, the Minister flies to Washington for us. Now, the money that London keeps for us, why cannot we have it here in our own bank? This is the question.

The Speaker (Mr. Slade): You have now asked that question five times, Mr. Oduya. Can you move on to something else?

Mr. Oduya: Mr. Speaker, we are told that we get the interest on this money in London. However, suppose this money could be brought here and given in short-term basis to our cotton and

maize growers, and so on, I am sure the Minister could get more than 5 per cent interest from our own people here. In fact, that would make the money circulate so that it would help solve the question of unemployment, and other things such as people lacking fees and money for paying taxes. Is it economic to have this 5 per cent from London when our people cannot manage to pay fees to send their children to school? If it is economic to do it this way, then we should be told so that we are in a position to explain this fact to the people and then we will not be burdened by their questions. We can then tell them that the Minister for Finance says that whatever we get for our development from abroad is kept in London. So, we can tell the people here that they should not bother us with such-and-such questions. We can tell them to remain as they are.

Mr. Speaker, there are other colleagues who are interested in pointing out a few mistakes in the Bill, and I hope the Minister will listen. I will now give way to other speakers. However, before I sit down I must say that the Minister should make corrections immediately; otherwise Nairobi will just be a baby of London.

Mr. Khasakhala: Mr. Speaker, Sir, this Bill is very simple and I think my hon. colleagues have not studied even the Memorandum to this Bill. They do not understand the Bill at all. In fact, the Memorandum does not alter the Bill as such. It only authorizes the Exchequer to transfer funds to Kenya without transferring the real money.

Those who have travelled a while, Mr. Speaker, know very well how difficult it is to change some Japanese money, or Chinese money, or, for that matter, Egyptian money in some countries. If we have the facilities in London whereby we could do this transfer easily and earn interest until such time the money is required here, I do not see the difficulties in this Bill at all. It is only to authorize the Exchequer, instead of showing in his account a deficit, to transfer the money which is required to be used by our Government. The money merely remains in London, earning interest, until we need it.

It makes it easy for our Government to have it readily available without incurring extra expenses. For example, when money is transferred, it is transferred in one block to our Government. We do not enter into other extra expenses, as Members are trying to argue and prove.

Sir, as far as I know, Kenya does not have business with the whole world. If you have business with the whole world whereby first of all the





Mr. Malinda: Mr. Speaker, Sir, arising from that reply, does the Assistant Minister imply that the political climate in the Nyanza Province is not level?

Mr. Bomett: Mr. Speaker, Sir, I did not imply that, but I hope that the things like land consolidation which would expand farm productivity, and therefore warrant the justification of Government spending money on this airport, and therefore bring more wealth into that area, which would be carried out without any squabbling in the area.

Mr. Ngala-Aboki: Mr. Speaker, is the Assistant Minister in order, when Parliament is listening to such an important question as bringing up to date the facilities of an airport, to bring in political questions, whereas in the district, people have accepted land consolidation, but Government, as usual, is treating that district with political backwardness?

The Speaker (Mr. Slade): I would not say the Assistant Minister was out of order just because you do not like it.

Mr. Ngala-Aboki: He was very much out of order.

The Speaker (Mr. Slade): I do not think so. I think we will go on to the next question.

#### Question No. 159

##### NEW HOTEL FOR KISUMU

Mr. Malinda, on behalf of Mr. Oselu Nyalick, asked the Minister for Natural Resources and Tourism if he could tell the House what arrangements there were for Kisumu, as the capital of Western Kenya, to have a modern hotel to attract tourists and industrialists.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, Sir, I beg to reply. The Government is aware that Kisumu is in a unique position for it serves the visitors arriving by steamer from Tanzania and Uganda and others arriving by air or road from all parts of Kenya. Water sports on the lake and its abundant bird life is a popular attraction to tourists. As a principal town in Western Kenya, it attracts a sizeable number of businessmen and industrialists.

Before a decision to build an hotel in Kisumu or anywhere else is reached, however, a careful feasibility survey must be done to prove whether or not the project is economically viable. As soon as the Tourist Development Corporation starts functioning, my Ministry will encourage the

corporation, in liaison with the Nyanza County Council and other interested bodies, to undertake such a study and publicize their findings on which any further actions will be based.

Mr. Ochwada: On a point of order, Mr. Speaker, Sir, in order to assist the Members of this House and also anybody who might be interested in this question, I am seeking your guidance, Sir, as to whether under the Constitution, there is a part of Kenya known as West Kenya, and whether there is a capital of that part of Kenya which is known as Kisumu?

The Speaker (Mr. Slade): Order! Yes, I am glad Mr. Ochwada has raised this, because if I had studied this question more closely before I passed it, I would have deleted those words, "being the capital for Western Kenya". Questions are not allowed in the form which makes a contentious statement of that kind, so I would ask hon. Members to ignore that particular part of this question.

Mr. Malinda: Mr. Speaker, Sir, arising out of the reply by the Assistant Minister, and in view of the experience that we have of long delays in some of these reports being issued, can the Assistant Minister tell this House what alternative action or alternative steps his Ministry is taking to alleviate the present difficulties that are experienced by tourists who come to Kisumu?

Mr. Mohamed: Mr. Speaker, Sir, I am not very much aware of what difficulties the tourists experience in Kisumu. We know in Kisumu that there is some hotel accommodation, the Kisumu Hotel offers services which, with a little push, could be made into satisfactory accommodation. In addition, there is the Embassy Hotel, the Rocco Hotel and other places providing board and lodgings.

The Speaker (Mr. Slade): Order! I think Members want to hear what the Minister says.

Mr. Mohamed: But, Mr. Speaker, Sir, since the question is what arrangement is being made, this refers to the Government, and before the Government can undertake any project of this nature, a feasibility study has to be carried out, and, as I have said, the Tourist Development Corporation, as soon as it comes into working, will carry out this feasibility study. But in the meanwhile, Mr. Speaker, Sir, if any private organization would like to put forward a proposition for putting up a hotel in Kisumu, we will certainly look into it, but if it is going to be a sponsored project by Government, then we are afraid that before the survey is made, the Government cannot start on a project of that nature.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that on most days you will find that the hotels which the Assistant Minister has mentioned in Kisumu are always full up. Would—

Mr. Khasakhala: Question, question?

Mr. Anyieni: Mr. Speaker, Sir, I do not know whether one could reply to such people as Khasakhala, when they are asking questions, especially when they are always sleeping.

Mr. Khasakhala: On a point of order, Mr. Speaker, Sir, is the hon. Member for Majengo-Busi in order to call me Khasakhala, when I am hon. Mr. Khasakhala?

The Speaker (Mr. Slade): Order! You continue with your question Mr. Anyieni, with an apology to Mr. Khasakhala.

Mr. Anyieni: I was, as a matter of fact, Mr. Speaker, Sir, trying to reply to the interjection by the hon. Mr. Edward Khasakhala. Now, Sir, let me come back to my question, and that is in view of the fact that most of these hotels which the Assistant Minister mentioned are normally full, because when I go there I find that these hotels are full. Therefore, Mr. Speaker, Sir, would the Government, instead of sending people to do a survey, find out from these hotels whether what I am saying is correct and then would the Government immediately embark on a project of building a new hotel?

Mr. Mohamed: Mr. Speaker, Sir, I do not agree with the hon. Member that the hotels are all full. On the contrary, I think that there are not enough people in the hotels which I have mentioned. Mr. Speaker, Sir, if I may be allowed to say why I am saying this, what is probably required in Kisumu is a way to improve the standard of the hotels so that more people will be able to go into them. We are aware of this, and for this reason, we have asked the Nyanza Subsidiary Hotel Authority and the Kisumu Chief Health Inspector to go into this problem, and see that the standard of hotel accommodation is improved. But, Sir, I am afraid I do not agree with the Member that all the hotels are always full and that there is justification for a new hotel.

Mr. Tanyi: On a point of order, Mr. Speaker, Sir, I wonder whether I would be in order to seek your guidance on the question and the replies that I have been given this afternoon, when you ruled that I went against the Minister by implying that I was defending an individual, when he was answering for the Government, when, Sir, we have seen on many occasions that the replies which I get from the same Minister, when we come from the same place, are not adequate. Would I be in order to seek your

ruling that whenever I ask a question to that Ministry, would it be possible for the Minister, himself, to answer me, then I may have a chance to pursue matters to do with my constituency, but not to have someone who I know personally, he has some interest—

The Speaker (Mr. Slade): I do not really understand your point, Mr. Tanyi, but the point I made, perhaps you did not understand. You sought to connect the responsibilities of Mr. Bomett, as a Minister, with something that he has said in a private capacity, when seeking election somewhere. I told you that you cannot connect those two things and I mean that. That is all.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, how did you know that when the hon. Member made such statements, he made them privately or as a Minister, since the hon. Member—

The Speaker (Mr. Slade): I can answer that, Mr. Anyieni, because Mr. Tanyi referred to something Mr. Bomett had said when seeking election; no one seeks election in his capacity as a Minister. No, we will leave this.

Next Order.

#### CONSIDERATION OF REPORTS AND THIRD READINGS

##### THE BETTING, LOTTERIES AND GAMING BILL

The Speaker (Mr. Slade): Hon. Members will recall that this Bill was reported from the Committee of the whole House as having been agreed with amendment; so consideration was deferred until today.

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of the whole House in the said Report.

The Minister for Finance (Mr. Gichuru) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Home Affairs (Mr. Nyagah): Mr. Speaker, Sir, I beg to move that the Betting, Lotteries and Gaming Bill be now read the Third Time.

The Minister for Finance (Mr. Gichuru) 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)

**Mr. Tzumi:** Mr. Speaker, Sir, in view of the fact that the hon. Assistant Minister who is answering recently contested a seat for the local authority in the area and promised people that this road had money allocated already and that he was going to see to it that it was constructed, can he tell us—

**The Speaker (Mr. Slade):** Order! Order! Hon. Members must not confuse the individual position of a Minister as a Member, a constituency Member, or as a candidate for membership here or elsewhere, with his responsibilities as a Minister speaking for Government; they are two completely different things.

**Mr. Anyien:** On a point of order, Mr. Speaker, if a Member of Parliament who is a Minister or an Assistant Minister, goes to the public and says that in his capacity as a Minister he is now seeking to be elected to this county council, I know that this has been done, and this, and this, do not the Members of this House have the right to ask him?

**The Speaker (Mr. Slade):** Of course, any Minister who does that and, in his capacity as Minister promises something, can be questioned about that promise. But this is something quite different.

**Mr. Shikuku:** Arising from the Assistant Minister's reply, Mr. Speaker, could he not tell the questioner to refer to the Constitution to find out whether this road is one of the major roads to be considered by the Central Government or the local authority, so as to save the time of this House?

**Mr. Bomett:** Mr. Speaker, Sir, that is precisely what I said yesterday. I mean, this road is actually a minor road, and until the county council applies to my Ministry for classification there is nothing we can do in this House.

**Mr. Speaker:** Sir, I would like to continue if you allow me. According to what has been stated before, Sir, this recent election which has been mentioned by Member, I was returned unopposed, I never promised anybody anything like what has been suggested here that I did.

**Mr. Ngala-Ahoki:** Mr. Speaker, Sir, I think this question needs your ruling. Taking into account the collective responsibilities and the necessity for proper consultation before a Minister comes to reply to a question; why is it necessary for the Minister to refer a Member to his county council rather than that the Minister should give information of the particular county council concerned? He should give the position of this particular county council concerned to the House. Will the

Assistant Minister, knowing his combined responsibility, tell the House exactly of his consultations with the local government concerned, and what the financial position is as far as building this road is concerned?

**Mr. Bomett:** Mr. Speaker, Sir, I beg to reply. The hon. Member for Baringo South is supposed to know whether a road is classified or not, because, after all, he knows that there are secondary roads, and if he does not know, the Ministry will always advise any Member, if he comes to my Ministry, and we shall tell him whether the road is classified or not.

#### Question No. 204

##### TARMAC FOR SOTIK-BOMET ROAD

**Mr. amp Sol:** asked the Minister for Works, Communications and Power if he would tell the House whether the tarmacking of the Sotik-Bomet Road had been included in the Road Development Scheme of 1964/70.

**The Assistant Minister for Works, Communications and Power (Mr. Bomett):** Mr. Speaker, Sir, I beg to reply. I regret to say, Sir, that the tarmacking of the Bomet-Sotik Road has not been included in the 1964/70 Development Scheme.

**Mr. amp Sol:** Mr. Speaker, Sir, would the Minister tell the House whether this is a Government road, and if it is a Government road, are they going to make it all-weather?

**Mr. Bomett:** Mr. Speaker, Sir, all are Government roads, and would the Member say exactly what sort of road he means because they are all Government.

**Mr. amp Sol:** That is what I meant.

**Mr. Bomett:** Mr. Speaker, Sir, we have several kinds of roads. That means, trunk roads, secondary roads and minor roads. But this one, as far as we are concerned in the Ministry, is a minor road.

**Mr. Nyaberi:** Mr. Speaker, Sir, there have been so many questions concerning road development within the Government Scheme, would it be good enough for the Minister to publish the roads which are within the Development Scheme so that many hon. Members, who have asked so many questions about roads, and communications, would have the details of the roads which are under the Government Plan?

**Mr. Bomett:** Mr. Speaker, Sir, I would not, of course, divulge what is in the Development Plan, but all that I am saying right now is that the classification of roads, or the priorities as far as

**(Mr. Bomett):** roads are concerned, which are spread all over the country and on which we would like to see finances, and justice done throughout the Kenya Republic, we are only tied to the priorities as given by the provinces. When the province put a road as priority number one, we always stick to that and, as far as the Roads Committee is concerned, then we stick to that. Therefore, we do not judge which roads should be promoted and which roads should be done as far as development is concerned, and whatever will appear in the Development Plan will be the recommendations of counties and provinces.

#### Question No. 186

##### JUDICIAL POST FOR FORMER TOWN CLERK

**Mr. Nülle:** asked the Attorney-General whether he would tell the House the reasons why Mr. Kimani Waiyaki, the former town clerk, had not been given a judicial post in the county.

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to reply. Mr. Kimani Waiyaki has not to date applied for a judicial post.

**Mr. Omar:** Mr. Speaker, Sir, arising from that reply, supposing Mr. Kimani Waiyaki applied for a job with the Judiciary, would he get it?

**Mr. Gichuru:** That would have to be considered by the Public Service Commission.

**Mr. Shikuku:** Arising from the Minister's reply, is he aware that we are in great need of lawyers in this country, and if we had any person with a judicial brain, or a legal qualification, he should automatically be taken on, in view of the need for Africanization, so that we can get rid of the expatriates?

**Mr. Gichuru:** Mr. Speaker, Sir, my original reply was that up to now Mr. Waiyaki has made no application.

**Mr. Shikuku:** Arising from that, Mr. Speaker, I do not disagree with the Minister's reply, but what I am asking is that in view of the fact that we have a great shortage of people with Mr. Waiyaki's qualifications, could the Minister assure this House that when such brains apply for such jobs, they be taken on automatically because we are short of these people?

**Mr. Gichuru:** Definitely not automatically, but they would be considered.

**Mr. Gichoya:** Arising from what the Minister says, that Mr. Waiyaki has never, so far, made an application for a judicial position, would the Minister assure this House that in view of the

fact that we are really faced with a situation whereby we need African senior magistrates, or resident magistrates, that the Government is going to approach Waiyaki with a view to giving him a position within the Judicial Department, as a magistrate?

**Mr. Gichuru:** No, Sir.

**The Speaker (Mr. Slade):** We will go back now to Mr. Nyalick's questions. Mr. Malinda.

#### Question No. 161

##### REINSTATING KISUMU AERODROME

**Mr. Malinda,** on behalf of Mr. Oselu-Nyalick, asked the Minister for Works, Communications and Power whether he was aware of the fact that the inhabitants of West Kenya would like Kisumu Aerodrome to be reinstated.

**The Assistant Minister for Works, Communications and Power (Mr. Bomett):** Mr. Speaker, Sir, I beg to reply. I do not understand what the hon. Member means. As far as I am aware, Kisumu Aerodrome has never ceased to be an airport, so the question of its reinstatement does not therefore arise.

**Mr. Ngala-Ahoki:** Mr. Speaker, Sir, will the Assistant Minister tell the House why his Ministry thinks that this aerodrome is working like other airports in comparison, what services are there to show that this airport is not working well, because as far as we are concerned in that part of the world there are so many services which we are short of, and we want all the services required for any airport, for a big province like Nyanza, to be brought up to the standard there. What are the services compared to Mombasa, for example?

**Mr. Bomett:** Mr. Speaker, Sir, during, and immediately after, the World War II, Kisumu was used as a staging and intermediate station for flying boats and that is when you saw a lot of aeroplanes touching down in Kisumu; that means from Europe. However, after the development of long-range aircraft, the VC10 and so on, Kisumu traffic was reduced to almost nil. Therefore, there was no need to improve the Kisumu Airport.

**Mr. Khanakhala:** Mr. Speaker, Sir, arising from that reply, could the Assistant Minister tell the House whether there are plans to develop this airport in future?

**Mr. Bomett:** Mr. Speaker, Sir, development of an aerodrome or airport and also the development of any other public utility depends on the availability of staff to be carried, after all it is dealing with communication. Secondly, it depends on the political healthiness of the place.

Mr. de Koochellah: Mr. Speaker, I am not aware of that. This is the first time I am hearing of this. I wonder why the Minister for Local Government refused this. We all know that some money from the Treasury goes to the Ministry of Local Government to help with primary education. I am not aware of what the Member has stated.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

#### UNSATISFACTORY REPLY TO QUESTION No. 156: INCREASED INTAKE INTO SECONDARY SCHOOLS

Mr. Godla: On a point of order, Mr. Speaker, in view of the unsatisfactory reply, I wish to raise this matter as a Motion on adjournment.

The Speaker (Mr. Slade): You will give notice in the ordinary way?

Mr. Godla: Yes, Sir, and I hope, Mr. Speaker, when I do so you will allow me to do it next week.

#### ORAL ANSWERS TO QUESTIONS

##### Question No. 142

#### TARMAC ROADS IN KISII DISTRICT

Mr. Anyienl asked the Minister for Works, Communications and Power:—

(a) Would the Minister tell the House the number of tarmacked miles of roads in Kisii District.

(b) How did this compare with other districts of comparative farm production.

(c) What improvements did the Government intend to make on roads in Kisii District.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Speaker, Sir, I beg to reply, in view of the fact that the question has three paragraphs—that is (a), (b) and (c)—and in view of the fact that the hon. Member would like to get a satisfactory answer, I would not like to bore the House and I would like to reply to this in writing.

#### CONSIDERED RULING

##### QUESTION FOR WRITTEN REPLY: REASON WHY

The Speaker (Mr. Slade): I think hon. Members are aware that Ministers are entitled to say that a question for oral reply is better answered in writing; if the answer will be very long or contain a great deal of detail which is too difficult to absorb by oral reply; and they have, in fact,

been encouraged to take that course in the best interest of the House. The only thing is that, if a Minister wishes to take that course, it is better that he says so before the question comes on the Order Paper; otherwise it may displace some other question which might have been put there. But, in view of what the Minister had said, this will receive a written reply.

Mr. Anyienl: On a point of order, Mr. Speaker, when a question like this comes on the Order Paper, the Member prepares to raise some supplementary questions, and the Minister should not come, without prior consultation with the Member, and say that he would like to give it in writing. In view of the fact that he did not do this, Mr. Speaker, would it not be in order for the Minister now to be asked to give the reply here, because, for example, on (a) he will only say there is six miles of tarmac in Kisii, and that is about one line. Then on (b) he will have to say, Kiambu has—

The Speaker (Mr. Slade): Order! Order! You must take the Minister's word that his reply is a long one. In fact, he has shown it to me and it is a long one. The reason for a written reply being preferable to an oral reply when it is as long as that is that it is in the best interest of the House to have something they can digest, and no one can digest a long oral reply with a lot of detailed facts and figures. So, in spite of the Minister having been to some extent out of order in waiting until this came on the Order Paper, we will still, as I say, adopt the procedure of accepting a written reply.

And I would ask hon. Members not to start jumping up on points of order until the Speaker has sat down.

Mr. Omvert: On a point of order, Mr. Speaker, Sir, I do not know whether I am in order to ask the House, but in previous times we have had long explanations, and it may be in our interest if we had this long reply now.

The Speaker (Mr. Slade): No, we are not pursuing this any further.

Next question. I think, Mr. Malinda, you are going to ask this for Mr. Oselu-Nyalick?

Mr. Malinda: Yes, Sir.

The Speaker (Mr. Slade): We will put it at the end, then.

Mr. Oduya: On a point of order, Mr. Speaker, are you not going to allow any supplementary question on what has just been said?

The Speaker (Mr. Slade): No, we are not following that; it is finished.

#### ORAL REPLIES TO QUESTIONS

##### Question No. 196

#### NEW POST OFFICES IN BARINGO DISTRICT

Mr. Tanni asked the Minister for Works, Communications and Power when his Ministry was going to open new post offices in the following places: Tenges, Emaining or Mogotio.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Speaker, Sir, I beg to reply, and I will satisfy the House by making it very short.

The hon. Member's suggestion for a post office at Tenges and Emaining or Mogotio, will be taken into consideration when the survey of Baringo District (to be undertaken shortly) for determining suitable sites for post offices, takes place.

Mr. Tanni: Mr. Speaker, Sir, can the Assistant Minister indicate to this House when this survey will take place? He said in his reply yesterday that it would be some time this year.

Mr. Bomett: Mr. Speaker, Sir, if the hon. Member learned his verbs in school, my reply was it will take place shortly.

Mr. Tanni: Mr. Speaker, Sir, can the Assistant Minister assure this House that when the assessor or surveyor comes to Rift Valley, these places will be visited without fail?

Mr. Bomett: Mr. Speaker, Sir, as these places are spots within Rift Valley, it goes without saying that they will be visited.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Assistant Minister's reply where he says it is going to be done very shortly, can he tell this House what will be the date?

The Speaker (Mr. Slade): I think he has been asked that. Have you anything to add to what you said, Mr. Bomett?

Mr. Bomett: No, Sir.

Mr. Towel: Mr. Speaker, Sir, since 1963, the replies to our questions are "Wait and see, it will be possible that it will be done in a very short time". When shall we in this House be told an exact date for something to be done?

Mr. Bomett: Mr. Speaker, Sir, the carrying out of a survey to determine whether a post office is feasible depends on expert advice and it is just like when somebody wants to build a permanent house. If he does not have enough money, or if he has more money tomorrow, he will have to carry it out correctly and this is

exactly what we want to do. We do not want to see that in future, after establishing a post office, there are only two letters going through the post office in a day.

Mr. urap Ety: Mr. Speaker, Sir, since the Assistant Minister comes from that area, why is he proposing that a team of surveyors should go there? Cannot he tell them straight away that those places wanted a post office?

Mr. Bomett: Mr. Speaker, Sir, I come from that area and I am not an expert on how we stamp the letters, whether we stamp left or right, but, on the other hand, Sir, I know that we want a post office in these areas, but it will depend on the expert advice, on whose employment we spend a lot of money and we must make use of them.

Mr. Ochwada: Mr. Speaker, Sir, could the Assistant Minister tell this House whether the proposed survey will be the first survey to be made in these areas, or was any other survey done before, and what were the results?

Mr. Bomett: Mr. Speaker, Sir, this is the first since we have had our independence and the Republic of Kenya as we know it today, but, of course, we have a post office at Eldama Ravine and this was surveyed by the Colonial Government.

##### Question No. 197

#### ROAD FROM ELIDAMA RAVINE TO TENGES

Mr. Tanni asked the Minister for Works, Communications and Power whether he could tell the House when the road leading from Eldama Ravine through Sigoro, Sirwa to Tenges would be constructed and made passable.

Mr. Tanni: Mr. Speaker, Sir, before the Assistant Minister answers I would like to make some corrections, Sir.

It is Sigoro, not Sigoro, Sirwa and Tenges, not Tenges.

The Assistant Minister for Works, Communications and Power (Mr. Bomett): Mr. Speaker, Sir, I know the areas very well, but, according to my maps in the Ministry I could not find a place called Tenges, and I am glad you have corrected it.

But, coming to the whole question, Mr. Speaker, my answer would reflect my answer yesterday, when I answered the Member for Bomet. That is, this is an area which is covered by the local authority, namely, the county council, and I would advise the Member to consult that body.

Mr. Mutiso: Mr. Speaker, I do not really understand what the hon. Member means by asking what part we are playing.

The Speaker (Mr. Slade): Order! I think Mr. Mutiso is going to try to answer what he does not understand!

Mr. Mutiso: Mr. Speaker, if I understood him to ask what the Ministry is doing to help in this matter, I can only say that I do not see what further action we could take, further than what we are doing at this moment. I have already said that the Ministry has plans to establish the Board of Adult Education and, after the board is established, we shall have an officer who will be full time and will represent the Ministry on this board. We shall be able to co-ordinate the activities of the adult education movement throughout the country.

Mr. Malsori-Itumbo: Mr. Speaker, arising from the Assistant Minister's reply, is he aware that the country has become very tired of these empty promises? When are these people going to bring a report, a statistical report, to show the country what they are planning to do about education?

Mr. Mutiso: Mr. Speaker, Sir, I am not aware that the country is tired of empty promises, of which I have not heard. If the country, Sir, has been given empty promises, I am sure they have not been given by my Ministry.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

##### UNSATISFACTORY REPLY TO QUESTION 139 ADMINISTRATION OF ADULT EDUCATION

Mr. Ngala-Abok: On a point of order, Mr. Speaker, in view of the fact that there are a lot of points which need to be clarified, and in view of the fact that the Ministry of Education is not qualified to run the services of this adult education—

The Speaker (Mr. Slade): Do you want to raise this matter on adjournment?

Mr. Ngala-Abok: I would like to raise this matter on adjournment.

The Speaker (Mr. Slade): Order! Now, Mr. Godia, you have the first right to do that, if you wish to.

Mr. Godia: I have no objections, Mr. Speaker.

The Speaker (Mr. Slade): You are content that Mr. Ngala-Abok should?

Mr. Godia: Yes.

### ORAL ANSWERS TO QUESTIONS

#### Question No. 156

##### INCREASED INTAKE INTO SECONDARY SCHOOLS

Mr. Godia asked the Minister for Education whether, in view of the fact that over 90 per cent of African children in Kenya failed to get admission into a secondary school and so were compelled to leave school at the early age of 13, the Ministry of Education would, in consultation with the Ministry of Economic Planning and Development, consider increasing the intake to secondary schools from 10 per cent to 60 per cent, and also to arrange for the other 40 per cent of the children remaining to be given some form of training which would enable them to leave school at the age of 18 after completing such a training.

The Assistant Minister for Education (Mr. ole Kionchellah): Mr. Speaker, Sir, I beg to reply. No, Sir, the excessive cost, in terms of buildings, equipment, recurrent expenditure and teacher supply, of raising the Form I intake to 60 per cent of all Kenya Preliminary Examination candidates, and of providing further training for the remaining 40 per cent, makes it out of the question to contemplate taking such steps at the present time or, indeed, in the foreseeable future.

Mr. Omweri: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that in certain areas this percentage is as low as 4 per cent intake in Form I and, therefore, he should do something now to alleviate this problem?

Mr. ole Kionchellah: I am sure this question did not deal with particular sections or areas in Kenya. It is a national issue.

Mr. Godia: Arising from the Assistant Minister's reply, where he says he does not consider it necessary to increase the intake in certain schools, does that not imply that the Ministry intends to let most of the African students become redundant and useless, running from place to place in the country, without any educational help?

Mr. ole Kionchellah: Mr. Speaker, Sir, I would suggest that before the hon. Member puts across such a question, he should first of all advise the House from where the funds should be obtained to carry out this plan.

In my original reply I said that it is going to be very costly to carry out this plan, and I would like to quote a few arrangements or estimates which have been put forward as necessary if we are to carry out such a big plan.

[Mr. ole Kionchellah]

To raise the Form I intake for 60 per cent of Kenya Preliminary Examination candidates, for instance in 1966, would require the establishment of 2,240 new Forms I; the buildings and equipment for the 2,240 new streams would cost £75 million. Over a period of four years, during which time the classes progress to Form IV, the annual recurrent costs would amount to £5 million in the first year, nearly £2 million by the fourth year. An additional 3,000 teachers would be required at once, and a further 3,000 in each of the next three years, making a total of 12,000 of whom 8,000 ought to be graduates.

Similarly, Mr. Speaker, to provide two years' further educational training for the remaining 40 per cent of Kenya Preliminary Examination candidates would require the establishment of some 1,050 new primary classes. The buildings and equipment might cost £17½ million over two years. The annual cost might amount to £2½ million in the first year, and £4½ million in the second year. 1,400 more teachers or instructors might be required at once, and a further 1,400 by the second year.

That is why, Mr. Speaker, Sir, in my original reply, I said that this plan is a very costly one. Unless the Members in this House discuss ways and means of getting the funds—because this is a very costly plan, the Ministry of Education will not be able to carry out this plan on its own—it will not be possible to carry out this plan at the present time.

Mr. Waruthi: Mr. Speaker, Sir, the question makes reference to "over 90 per cent" of children who at the age of thirteen are not able to go to secondary schools. This is causing concern throughout the country. What is the Ministry going to do? This is a national crisis and if we continue at this rate we will not be building a nation, we will be destroying it. People without education or careers—

The Speaker (Mr. Slade): That is all right, Mr. Waruthi, there is no need to make a speech. Put your question only.

Mr. ole Kionchellah: Mr. Speaker, Sir, I quite agree with the hon. Member that it is a national crisis. The only thing in the present circumstances is for the hon. Members to tell us from where we are to get the funds.

Mr. Ochwada: Mr. Speaker, Sir, could the Assistant Minister tell the House what plan, if any, his Ministry has to increase technical education in this country, because this would help to alleviate the problem that we are talking about?

Mr. ole Kionchellah: My Ministry, Sir, is ready to increase educational facilities if we could get the funds to carry out the plans.

Secondly, Sir, we have already mentioned this fact in this House many times. I also remember that in my last speech during the previous session last year, I mentioned that the hon. Members, during the recess of this Lower House, should try to educate the people in their constituencies, to see if they can raise a kind of educational rate, in order that every taxpayer should pay a certain amount of money which would enable us to give more facilities in the field of education.

Mr. Anyieni: On a point of order, Mr. Speaker, I do not know, Sir, if a Member can rise on a point of information to a Minister, when the Minister makes a statement and is completely ignorant of the facts? Is it possible to rise on a point of information to inform the Minister?

The Speaker (Mr. Slade): No, I am afraid not, Mr. Anyieni.

Mr. ole Tips: Mr. Speaker, Sir, may we know from the Assistant Minister: the percentage of the 90 per cent Kenya Preliminary Examination school-leavers who are absorbed in any technical training school?

Mr. ole Kionchellah: Mr. Speaker, Sir, although growing numbers of pupils take the Kenya Preliminary Examination at thirteen or fourteen years of age, the majority are still taking the examination at fifteen or sixteen years of age. This year, of nearly 150,000 entrants, some 14,000 are being admitted to maintained and assisted schools. Almost 1,000 students are going to trade schools, and I think this part replies to the question of the hon. Member. Up to 3,000 are in teacher-training centres. In addition, at least 7,500 are likely to attend self-help and other private schools. So, about 22,500 of the 150,000 will obtain some form of further education. The remaining scholars will receive no further full-time formal education due to lack of funds.

The Speaker (Mr. Slade): Mr. Anyieni, you can ask a question which might help to bring out a fact.

Mr. Anyieni: Mr. Speaker, arising from the Assistant Minister's reply, that he has urged Members of Parliament to go to their constituencies and ask their county councils to raise a special rate to cater for some of these educational problems, is the Assistant Minister aware that in Kisii District the county council did set aside some Sh. 60,000 which was going to be used for some of these secondary schools, but the Minister for Local Government refused to allow the county council to use this money for this purpose?

Mr. Anyieni: Mr. Speaker, how does the Minister reconcile his reply to what he said just now, when he states that the figures are not ready, then he says that relatively very little money is going overseas, when some information we have is that a lot of money is being invested overseas? If it is true that a lot of money is being invested overseas, because the Minister does not have the figure now, could he consider demolishing, or withdrawing the licences, of those companies who are not investing their insurance money in Kenya?

Mr. Gichuru: I should have added earlier on, Mr. Speaker, that from the general information that I have in the Treasury, that the value of investment by insurance companies in Kenya is greater than the value of the liabilities. It is interesting to note that the latest figures we have are those of 1963, by that year the investment of insurance companies in East Africa was £30.9 million. In Kenya, if we are to break that figure down, the investment in that year of insurance companies in Kenya was a little over £21 million, and this is why I have come to the conclusion that they have invested well. If they have taken their money out, then that money has gone in, to a very large extent, into our East African stocks, and, therefore, the money invested elsewhere cannot be very much.

Mr. Omweri: Mr. Speaker, Sir, of the eight or nine companies investing in Kenya, would the Minister tell us how many of those companies have their headquarters outside the country, and also how many have their directors or managers living outside the country?

The Speaker (Mr. Slade): I think that is too far removed; that is a different question.

Mr. Ochwada: Mr. Speaker, Sir, in view of the fact that two East African countries have decided to restrict some imports from Kenya to their countries, how does the Minister reconcile their restriction on our goods and does he not consider it necessary at the present moment to reconsider the position of the six insurance companies who have investment in the two other East African countries, and not in Kenya, but who operate in Kenya?

Mr. Gichuru: I am happy to be able to report that I was in Dar es Salaam the whole of Tuesday, on the commission which is trying to study and means of keeping the three territories together in matters of trade, in matters of this nature, and it would be very unwise of us here in Kenya, at this particular time, if we were to do anything that would work contrary to the

efforts of the commission, that has been chosen by the authority of the Common Services Organization, and not afford them the opportunity of going into all these problems. These problems are being discussed. The next meeting is coming within the next few weeks and the meeting we had in Dar es Salaam was very fruitful, and I am extremely hopeful that we shall be able, if we keep to that spirit, to find a formula of keeping ourselves together. It is not necessary that a company that invests money in Kenya must also invest in Uganda and Tanzania. It is not necessary. Therefore, I would ask the hon. Member not to forget this and be patient and wait for the outcome of the commission which is due to report on the 1st May this year.

Mr. Ngala-Abok: Mr. Speaker, Sir, in view of the fact that the Minister says that he is still investigating how much investment is made overseas by the insurance companies concerned, would the Minister tell the House how exchange control is affecting these particular insurance companies, and the actual effect on these insurance companies of exchange control, because this would have been understood long before exchange control was applied?

Mr. Gichuru: This is exactly why I said what I said, because since exchange control came in, you will find it very difficult to send any money out, insurance companies included.

#### Question No. 139

##### ADMINISTRATION OF ADULT EDUCATION

Mr. Godia asked the Minister for Education if his Ministry was satisfied that the present field staff of education officers had sufficient time to devote to the organization and administration of adult education in Kenya, because most education officers had failed to find time to devote to full supervision and inspection of the existing educational institutions, including Harambee secondary schools.

The Assistant Minister for Education (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply. My Ministry is aware that education officers and adult education officers in the field have a full time job organizing and supervising the schools for which they are responsible. Nevertheless, the provision of educational facilities for adults who have not been fortunate enough to get schooling in their youth is so important a national task that all who are able to assist are called upon to do so. Adult education is not conducted solely by officers of my Ministry but use is made of all who can help, including other Government officers, teachers and private

##### [The Assistant Minister for Education]

individuals, and this also applies to hon. Members of this House, who are willing to make efforts and sacrifices on behalf of their less fortunate brothers and sisters.

This voluntary aspect of adult education is very important and the whole purpose of the proposed Adult Education Board is to enlist and co-ordinate the services of all who can contribute. When it is established, the board will draft programmes of adult education which will depend for their implementation on the professional officers of government ministries and local authorities, on the Adult Literacy Centre, voluntary agencies including churches, the extra-mural department of the University and United Nations Educational, Scientific and Cultural Organization and other experts working in this field. It will be seen, therefore, that adult education will be a co-operative effort and not the exclusive responsibility of education officers.

Mr. Godia: Mr. Speaker, Sir, does the Assistant Minister not consider it necessary to appoint special officers within his Ministry in order to co-ordinate the efforts of adult education, instead of basing the work on existing education officers?

Mr. Mutiso: Mr. Speaker, if the hon. Member will recall when the Bill was brought to this House for consideration, and we considered the necessity of establishing a Board of Adult Education, I did, in fact, point out that when the board is established the Ministry will appoint an officer who will represent the Ministry on that board. This means that all the private agencies and bodies who are interested in adult education will have one central pool where the views of the country can be fully expressed. The Ministry will be represented there by this particular officer.

Mr. Godia: Mr. Speaker, can the Assistant Minister assure the House that he is going to get the machinery of adult education implemented this year?

Mr. Mutiso: The Bill, Sir, has passed through its various stages in this House, and, as soon as it has passed through the Senate and is law, then we will start working on it.

Mr. Mate: Mr. Speaker, with all due respect to adult education which will be put into effect after the passing of this Bill, is the Assistant Minister aware that the young are the old of tomorrow, and what are they doing about the young people? Adult education is for tomorrow; and the Ministry is trying to hide behind a bush.

Mr. Mutiso: Mr. Speaker, with all due respect to the hon. Member, I could hardly understand his question. But if it meant: what is the Ministry doing to help the less fortunate youngsters of this country in the way of educating them, I think there are enough primary schools for the present generation of children to go to.

Mr. Shikuku: Arising from the Assistant Minister's reply, Mr. Speaker, is he aware that there are many girls and boys who, through no fault of their own, passed the Kenya Preliminary Examination and yet had no schools to go to? Could he make use of these young men and women to try and teach the old ones and pay them a normal sum?

Mr. Mutiso: Mr. Speaker, the question of adult education, as I said earlier, is purely a voluntary activity; and I did point out that even the hon. Members of this House are required to teach or come voluntarily and teach those who did not have their chance.

Mr. Nyaga: Mr. Speaker, since the question deals with the supervision of adult education, and also that of Harambee and other secondary schools, will the Assistant Minister please tell us where we are heading to with these Harambee schools?

The Speaker (Mr. Slade): Order! That is outside the scope of this question, I am afraid.

Mr. Rurumban: Mr. Speaker, Sir, in view of the importance of adult education in Kenya today, due to the fact that it is in the soil of ignorance that poverty exists and diseases flourish, does the Minister not consider it necessary to create provision in his Estimates whereby teachers who would wholly devote their time to adult education could be employed?

Mr. Mutiso: Mr. Speaker, Sir, until the Board of Adult Education is fully in operation, we cannot very effectively control or even ask those who are at the moment engaged in the field of adult education fully to make use of the opportunities. But as soon as the board is established, we shall ask even the teachers in the countryside to give some of their valuable time outside school to teach. There is also a possibility of their being paid from the fees which the people who attend these classes will pay as a part of their education.

Mr. Tanni: Mr. Speaker, Sir, can the Assistant Minister tell us what part they are playing themselves, apart from providing one member for the board only to advise as far as adult education is concerned? What part are they playing themselves? What assistance are they giving apart from providing a single member to go to the board?

[Mr. Kase]

because in this case you do not know what he does later on. He then becomes full of anger. By making him keep quiet you make him bigger.

Mr. Speaker, I want to say two things to the Minister of State to the President's Office. If a man wants to speak, let him do so. Making him keep quiet makes him bigger and more dangerous. His anger increases. When President Kenyatta was imprisoned people said, "This is the right man, we must bring him back." If he had not been put into prison, Sir, nobody would have thought of him. The same thing applies to this man. Because we make him keep quiet, everybody says he must be a big and important man. They say, "He has been told not to talk to the public. He must know something." By doing all these things, we are making this man bigger than what he is now.

I feel that the Government is sitting under a very serious danger which one day will explode because we have seen what has happened in other countries. Fear does not help.

The Speaker (Mr. Slade): Mr. Shikuku, you have only two minutes in which to speak.

Mr. Shikuku: Mr. Speaker, Sir, during those two minutes I think I should say a word or two.

The Government is constantly getting very worried. So I would like to tell the Government in no uncertain terms that getting worried will not help. If it continues to worry it will find itself in the midst of chaos.

Today, Sir, we have not only freedom of speech being restricted, but we have gone back to the old imperialist way of issuing licences. If I do not happen to be on the list, I will never get a chance to speak. This is very wrong and I would like the Government of this country to realize that we are now independent and are not going to follow these things.

One day the Member for Nyandarua, who I suppose is faithful to the Government, was not allowed to speak because he was not trusted. Do you not trust the Member for Nyandarua?

The whole trouble, Mr. Speaker, with our Government is that we have to hit you hard before you—

The Speaker (Mr. Slade): Order! Order! Twice, now, Mr. Shikuku, you have failed to address the Chair.

Mr. Shikuku: I am sorry, Sir.

Mr. Speaker, Sir, the Government is only interested in those who praise it. It wants to be led by praises, flattery, words to say how great and how sweet the Government is. If it continues to live by these things, then the Government will find itself in trouble. The Government only wants people who will give sweet words. If we build our nation on flattery, Mr. Speaker, we are bound to fail.

I say that this Government must not continue to be worried. It should allow us to speak our minds. Whenever we can do so we should be allowed to speak whatever we want. If what we say is against the law, then we should be sued, sent to court and then sent to prison immediately. If, however, we are not going to be allowed to speak our minds, Sir, it is very dangerous.

Lastly, Mr. Speaker, I call upon the Government to do away with this restriction on freedom of speech, including the issue of licences, so that we can have freedom of speech anywhere in the country.

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

#### ADJOURNMENT

The Speaker (Mr. Slade): That is the end of our half-hour. The House now stands adjourned until tomorrow, Thursday, 27th January 1966, at 2.30 p.m.

*The House rose at Seven o'clock.*

Thursday, 27th January 1966

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:—  
Annual Report and Accounts of the European Hospital Treatment Relief Fund for the year ended 31st December 1964.

(By the Minister for Finance (Mr. Gichuru) on behalf of the Minister for Health (Mr. Otieno))

Report No. 8: To the National Assembly as required by Article 5 of the External Loans (General) Act No. 43 of 1963. Standard Bank Ltd. in New York, U.S.A., Loan for the purchase of a residence for the Kenya Representative to the United Nations.

Report No. 9: To the National Assembly as required by Article 5 of the External Loans (General) Act No. 43 of 1963. United Kingdom—Kenya Credit Agreements. Report No. 10 to the National Assembly as required by Article 5 of the External Loans (General) Act No. 43 of 1963. United Kingdom Commonwealth Assistance Loan for General Development.

(By the Minister for Finance (Mr. Gichuru))

#### POINT OF ORDER

NOTICES OF PRIVATE MEMBERS' MOTIONS—  
RULING

Mr. Anyieni: On a point of order, Mr. Speaker, why is it that these days we do not have Notices of Motions despite the fact that you said that Motions will be picked, then they are given in this House. Does it mean that no Motion has been picked at all?

The Speaker (Mr. Slade): I think you must have been absent at Notice of Motion time during the last two days. Mr. Anyieni, as we have actually had Notices of Motion on both of those days. The position is explained to hon. Members with regard to Private Members' Notices of Motion in a circular that went out from the Clerk a day or two ago, but I will repeat the explanation. By recent amendment of Standing Orders passed by this House, the procedure in regard to Private Members' Notices of Motion has altered, and they are not given now in this House until, as Mr. Anyieni says, they have been selected by the Select Committee for debate. Then, before they

are actually put on the Order Paper for debate, the Member concerned is required to give notice in this House, as warning to the House of a debate immediately pending. We have actually had notice of five Motions, I think, in that way during the last two days, and those are the ones that will appear on the Order Paper tomorrow.

Mr. Mbogoh: Mr. Speaker, on a point of order, the Order Paper today is very confusing, because when I see Wednesday the 26th I do not know whether we are going back or we are going forward.

The Speaker (Mr. Slade): No, I am sorry, Mr. Mbogoh, you are meant to be going forward. It was a little slip of the pen. I apologize for that.

#### ORAL ANSWERS TO QUESTIONS

Question No. 148

##### LOCAL INVESTMENT BY INSURANCE COMPANIES

Mr. Anyieni asked the Minister for Finance how many insurance companies were investing their money in Kenya and how many were taking money from Kenya to invest overseas.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply: There are ninety-six insurance companies operating in Kenya of which eleven write life policies only, seventy-two are concerned merely with non-life business while thirteen are composite companies. All companies concerned with life policies invest in Kenya while only six non-life companies have no investments in East Africa at all. There is also one non-life company which has invested in Tanzania and Uganda but not in Kenya. There are, therefore eighty-nine insurance companies investing in Kenya.

In 1963, which is the last year for which complete returns are available, there were fifteen companies which operated in Kenya that had some investments overseas.

Mr. Anyieni: Mr. Speaker, could the Minister inform the House how much money is transferred or is invested overseas by the seventy companies, and how much money is invested in Kenya by these insurance companies?

Mr. Gichuru: Mr. Speaker, the information on this particular point is incomplete, and we are making investigations to ensure the exact position as of today, but it is—however, clear, except insofar as they invest on the London market in East African stocks, that relatively little money is taken out of Kenya for investment overseas.

[Mr. Gichoya]

other than sympathy, which has not changed in terms of outlook, but it has changed in principle it is equal to their own Government.

I would regret it very much, Mr. Speaker, Sir, if a voter, a man who feels that this is his own Government should have that feeling in his heart, and should therefore have that feeling in the future.

Mr. Speaker, Sir, I want to warn the Ministers and Assistant Ministers that the Government of Kenya is not a Government of Ministers. It is not a Government of the Assistant Ministers only and it is not a Government of civil servants only. It is the Government of the public, and we are just mere tools to further the interests of the public, and the party workers are the key to the success of the policy of the Government, and therefore, if a party leader is silenced, then I assure you that that particular district is going to collapse. I would like to hear from the Minister whether they have appointed another Secretary-General of the Nyeri Kanu Branch.

The Speaker (Mr. Slade): Order! That light was premature. You have finished though, have you not, Mr. Gichoya?

Mr. Gichoya: Yes, Mr. Speaker, Sir, I just said that I would like to hear from the Minister what step the Government has taken to see to it that the people in Nyeri District have been given a new secretary-general who can work for them instead of Kingori, if Kingori is not supposed to speak.

The Minister of State, President's Office (Mr. Nyamwaya): Mr. Speaker, Sir, I want to make it quite clear from the beginning that it is not the intention of the Government to suppress the freedom of expression. Mr. Speaker, Sir, the hon. learned Member from Othaya-South Teju, has referred to the Constitution, but I would also like to say one thing in reply to his reference of the Constitution that freedom, under the Constitution, is not unlimited. It is qualified, as he rightly remembered, under the law of sedition, under the law of conspiracy, and other similar Acts which are intended to undermine constitutional authority as by law provided.

Mr. Speaker, Sir, as to what the hon. Member for Gichugu has said, I do not really know whether it is for the interest of Central Province and the leaders of Central Province and the past animosities. We know that a lot of bad things were done during the Emergency, but, Sir, if we are going to try and get revenge and whip this particular spirit, then we will do untold harm and damage to the country and to the

nation as a whole. I suggest that this be the period for reconstruction. A period for looking forward rather than looking back into the past.

Now, Sir, coming to the point of the Secretary-General of the Nyeri Kanu Branch, I will try to point out just a few things which led to the cancellation, or the denial, to the permit for this particular gentleman to address public meetings in Nyeri. Mr. Speaker, Sir, the little I know of this gentleman leaves me with nothing but admiration of his fervent nationalism. He is, according to my judgment, a very good young man who can use his energy, his knowledge for the development of this country rather than regarding the progress in that particular district. We have a lot in common with the Secretary-General of the Nyeri Kanu Branch. He supports the policy of Kanu just as we do. He supports the Sessional Paper No. 10, just as we do also, but the only thing, Mr. Speaker, Sir, where some of us differ with him is the method of achieving these objectives which are laid down in the Sessional Paper No. 10.

However, Mr. Speaker, Sir, it is known, and perhaps I may start from January, last year. It is known that Mr. Kenneth Kingori Wamburi has persistently attacked the police, the Administration and the Government in his public speeches. In March, 1965, he addressed a meeting somewhere in Nyeri where he described the present Government as bitter, corrupt, imperialistic and also led by a tribal leader. On March 23rd 1965, Mr. Speaker, Sir, this respectable gentleman who is being misled by a few individuals was summoned to the office of the provincial police officer in connexion with his past speeches, that they were actually passing the degree of decent fair comment. Also, they were dangerously coming within the realm which, if the police wanted, they could prosecute him. However, maybe this particular warning, and the line the Government has been taking has been a sign of weakness. Therefore, this sort of situation has developed.

Nevertheless, however, he continued to undermine the Government and encourage people to go back to the forest. On the 1st May 1965, Mr. Speaker, it is on the record that he convened a meeting at Ruringu Stadium where he agitated for a series of matters which, as I have said, from the tone of his speech, exceeded far beyond the degree of fair comment with regard to Government policy.

Sir, in July, it is alleged that he was involved in the formation of a party which did not materialize after the incident which took place at the Kanu headquarters.

[Minister of State, President's Office]

In June, 1965, he is said to have caused a split within the Kanu ranks in Nyeri.

Mr. Speaker, Sir, I can go through the list of the things which—

Hon. Members: Let us have them.

The Minister of State, President's Office (Mr. Nyamwaya): All right, I am coming to that.

Mr. Speaker, Sir, it is said that he continued to undermine the administration in order to revive what is known as Kikuyu Independence Schools Association to become the national, religious and education institution, to condemn some of the leading citizens of this country as being, and describing them as, public enemies— or enemies No. 1—and black Imperialists.

In August, he embarked on a series of public meetings which, as the Mover of the Motion has rightly said, amounted to about thirty meetings. He was given permission to do this but, as it was said, the licence had to be withdrawn because at some of the meetings he called upon his supporters and henchmen to sharpen their *sinis* to revenge themselves against former loyalists. At this point, I think it was the duty of the Government to protect people against any outbreak of violence in Nyeri.

In September, it was alleged he was engaged in a series of secret meetings intended to discredit the administration, including the sitting Member of the area who, of course, he has a right to oust if he so wants to.

On the 25th October, Mr. Speaker, a meeting was held in a house of one of the leading citizens of Nyeri—

Mr. Gichoya: On a point of order, Mr. Speaker, when the Minister alleges that a sitting Member was being ousted, can we not be told—

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

The Minister of State, President's Office (Mr. Nyamwaya): On the 25th October 1965, a meeting was held in the house of one of the leading citizens of Nyeri, where a number of political plans and methods of execution were discussed. They included getting a Parliamentary probe or explanation on the ban on Mr. Kingori, which I take is this one.

In November, Mr. Speaker, Sir, he had caused considerable damage to the morale of the chiefs and the administration in the area for having spread the belief among the chiefs that Kanu was going to replace the chiefs as soon as possible.

In October, 1965, it is alleged that he led the boycott of the celebrations of Kenyatta Day in Nyeri because he was not given prior consultation.

He is reported of having been in the hands of some wealthy politicians who are trying to mislead him.

Now, with all this, Mr. Speaker, it is up to the House to judge whether a Government, if it deserves the name of the Government, should have failed to act under the circumstances. My only plea to Mr. Kenneth Kingori Wamburi is that he should go along with the lawful forces of the country to reconstruct the country and develop the district of Nyeri with other people.

Thank you, Mr. Speaker.

Mr. Kase: Mr. Speaker, Sir, the hon. Minister of State to the President's Office has quoted a number of instances which appear to be bad, but he never told us that he took this man to a court of law and proved him wrong. He said that this gentleman has accused Government of being corrupt. Now, this is a very serious allegation and if Government was dissatisfied by that statement, why did it not take this man to a court of law to prove that the things the man has said were wrong? I do not want to say this, but perhaps the gentleman has a right to say that the Government has no policy, which is true. I agree with that gentleman there. Mr. Speaker, Sir, the gentleman is right and if Government thinks, at any time, that he is wrong why not take him to court and prove that he is wrong? Why does the Government not shut him up?

Mr. Speaker, some hon. Members of this House have been stopped from speaking at public meetings without being told why. We want to be told. Mr. Speaker, acting under fear does not help. I can arrange meetings in my own house. I and some other people know the members of the Criminal Investigation Department. So, we know whom we are talking to. We know whether they are people working underneath or not. No Government will prosper if it works with fear.

Now, if this Government is working under fear of these statements because of its own weakness, if this Government has failed to appoint chiefs for two years, why should Mr. Kingori not say that we should appoint our own chiefs? This is something that points to the inefficiency of Government. So, this man has a right to say what he did say.

With all sincerity I want the Government to let this man speak his mind. It is more dangerous to make a man keep quiet at public meetings

[Mr. Waritibi]

The question was in connexion with Mr. Kenneth King'ori, Secretary-General of Kanu in the Nyeri District who was not allowed to address public meetings in the month of September last year.

To start with, Mr. Speaker, Mr. King'ori has been an officer of Kanu Nyeri Branch since 1960, that is, since the party was started, and last year, between the 18th July and the 10th August, he was authorized by the governing council of Kanu to organize public meetings throughout the district, and in all he applied for licences for thirty-two meetings to cover the whole district. All these meetings were licensed and, in many cases, when he went to address the meetings, he was accompanied by the chairman of the branch, who is my colleague, the hon. Mr. Wamuthenya. Now the purpose of the meetings was to inform the people and the Kanu followers how the party was to be reorganized, and also to inform the people of the resolution passed by the governing council of the branch.

Now, on the 10th August 1965, when there was only one meeting left to be addressed, he was informed by the District Commissioner, who is the licensing officer, Nyeri, that he was not allowed to continue with that meeting and he could not address any other meeting. The reason given was that these were instructions issued from Nairobi.

Now, under these circumstances, Mr. Speaker, I raised this matter as a question, and the answers given by the Assistant Minister who was answering for the President were that Mr. King'ori had made statements which were supposed to have been inflammatory, and because they were inflammatory and were a threat to security it was felt necessary that he should not be allowed to continue to address any more meetings. When the Minister was further questioned and asked to tell the House the substance of these speeches which were said to have amounted to inflammatory speeches, he was not able to say. He went further, to say that if any person attacked the Kanu Government it would not be considered to be in the public interests. Further, when questioned and asked to say what type of attacks these were, he was not able to say anything.

Now, Mr. Speaker, in the course of the answer given by the Assistant Minister he did actually say that in some places, when this particular party official addressed public meetings, there are disturbances thereafter. He was asked where these meetings were, where they were held, the dates,

and—similarly—the Assistant Minister was not able to say where these meetings were held. Then, he said that this particular party officer made specious attacks on the Government, and, similarly, Mr. Speaker, there was a request by Members of this House that we should be told the type of attacks which this particular party officer had made in the course of his speeches.

Mr. Speaker, I would like to say that freedom of speech, which comes under Cap. 2 of our Constitution, deals with the protection of fundamental rights and freedom of the individual, covers freedom of expression, assembly and association, and I feel very strongly that this is one of the fundamental rights which should be very well guarded. When you have our Government giving the right to what they call the eye of the Government—by this I mean the district commissioner, the special branch people, the Criminal Investigation Department—to cover people's meetings and then report the matter to the licensing officer and that person, by himself, has the authority to deny the right to give their views and to let the people know what should be done, I feel that Government is going too far, particularly when we realize that this particular person has been leading the party since 1960. The people who he was working against—let us say, during the period before we became independent—are the people who are now supposed to judge whether his speeches are inflammatory, or whether they are against the Government. I think it is going a bit too far. It appears that if anybody speaks against the Government, that person is to be denied the right to express himself. I do not think we are meant—not only in this House, but even outside—to be saying all the time that the Government is very good, it is doing wonderful things. I think it is our duty to criticize and show where the Government has gone wrong. If it is the intention to give the powers to administrative officers, or even district commissioners, some of whose record is known to us too well, the authority to silence any particular person, that may amount to silencing the opinion of a certain particular section of the people in this country.

I believe very strongly that it is our duty to criticize and say where the Government has gone wrong, and even suggest what we feel should be done.

This particular officer was only explaining to the people what had been passed by the governing council of Kanu, and—not only that—he had been an officer for the best part of these last six years. How is it that only in this particular instance it was felt that he was making speeches

[Mr. Waritibi]

against the Government? Not only that, when we ask the substance of these speeches, why are we not told? If there were any disturbances, how many people were arrested, how many people were taken to the court? We know very well, Mr. Speaker, that our law provides—the law of sedition—that if any person in this country makes a speech which is against the Government, against His Excellency the President, why is he not taken to the court of law so that it can be proved that he has committed an offence of sedition? Why do we have that law? We have cases of even Members, in this particular House, who are not allowed to address meetings in their own areas. When you ask why you are told that it is because of security and the maintenance of public order. Now, why is not such a person taken to a court of law? He should be prosecuted and then, if there is sufficient evidence, he could be committed to prison. But, under the cover of inflammatory speeches, the maintenance of law and order, you can silence a particular person with whom you may even have a personal difference.

For this reason, Mr. Speaker, I would like the Government to make it quite categorical that it is not the intention of the Government to deny citizens of this country the right to express their views, the right to challenge and criticize the Government, and even say what they think should be done.

With these few words, Mr. Speaker, I beg to move. Mr. Gichoya is the seconder.

Mr. Gichoya: It is very unfortunate that in the areas where our Government actually has a strong hold, right from the beginning to this moment, are the areas where the very leaders who made what we have as a Government are becoming victims of the administrative machinery.

Mr. Speaker, Sir, there is no other part of Kenya which has played such a prominent role in bringing about the new era which we are enjoying today, other than the Central Province, and for that matter, Mr. Speaker, Sir, the district of Nyeri has a place in the history of this country. Mr. Speaker, Sir, I have just used those words in order to make the Member realize the feelings of the people of the Central Province, especially when they hear that their party leaders have not even been paid a cent. Mr. Speaker, Sir, people who have volunteered to work freely, unemployed people on a democratic principle in order to sustain the existing machinery of the Government, and now I am being told that they are the plotters who are trying to overthrow the

Government. When I say the plotters who are trying to overthrow the Government, I mean, Mr. Speaker, Sir, that if they are told that they are working against the Government, and the Government of the country, Sir, names the child of the party, and the child of the party can never be stronger, or greater than the mother or father of that child. This question, in this respect, Mr. Speaker, Sir, the party is more important than even the Government, because the Government can be changed today. The party can form another Government, but the Government cannot form another party. If a man has worked for a number of years for the good of the Kanu Government, and then he is told that he is working against the Government, it shows, Mr. Speaker, Sir, that there are people who are ready to destroy the party leaders, destroy the young politicians who may not have a good substantial standing. That, Mr. Speaker, Sir, is one point which I wanted to make.

The other point, Sir, which I wanted to make is this. It has been agreed that the chiefs and subchiefs who have served during the colonial period as home guards, in particular, should be changed. It is the duty of the party leaders, and for that matter, Mr. Speaker, Sir, Members of this National Assembly to tell the people that we have been allowed to make amendments in the terms of service and status of chiefs, in terms of practical realities in our villages, and this amendment means the replacement of these chiefs who had beaten us in the past when we said, "We want Uhuru, we want Kenyatta", and they turned round and said, "Kenyatta will never come here you fools, Uhuru will never come you fools". When we achieved Uhuru, the Africans then said, "Young man, if you want to change a chief or a headman, then you have to find out the opinion of the public". Now, Sir, how will we ever be in a position to assess the opinion of the public, unless we hold public meetings? In this respect, Mr. Speaker, the hon. secretary—I call him honourable, because he is honorary— but he was trying to find out what the feeling of the people was so far as certain subchiefs were concerned, and so far as certain chiefs were concerned, and by so doing these former colleagues of these subchiefs and chiefs who were raised to the status of a district commissioner and the status of a district officer, the former home guards, with all due respect to the job they are performing, but they should go and put the record before our honourable Government and tell them that such and such a man is working against the Government. If this is allowed we will find that the public will be frustrated, and, in the final analysis, they will say that this Government of ours does not give us very much.



[Mr. Gichoya]

when the time comes that we require making use of that money, the profit should remain with Britain and—

The Minister for Finance (Mr. Gichuru): That remains our property. The interest remains our property. The money remains ours until we spend it.

Mr. Gichoya: Thank you very much indeed. The profit, Mr. Deputy Speaker, Sir, comes to us in the final analysis, but for the immediate benefits the money must be made use of by the local people in that area by trading, with interest, of course, rather than come to Kenya where we could also use that money for trading purposes, in the form of loans to traders, etc., but the Government of Kenya requires that amount for the purchase of goods from the United Kingdom. That is the condition which we have been given by the Minister and I feel that the Minister ought to have thought of a better method of getting money here straight away, in this area, and when it is here, because it is a loan, payable some time under certain terms, it could, in one way or the other, Mr. Deputy Speaker, Sir, be repaid by international trading agreements; that is, we sell things to Britain and they sell those goods from Kenya. The money could be used to repay the loans in Britain. The money we have in the form of liquid money should be used for our own development.

Mr. Deputy Speaker, Sir, a Member asks, "What is the difference between keeping the money in England and bringing the same amount to Kenya, using it for our own development, and keeping it there pending only the time it will be required to buy goods from Britain?" One thing, Mr. Deputy Speaker, is that if we have money in Kenya, money in liquid form, we are in a position to buy goods from Tanzania or Uganda, and when the market may be favourable on our side. But when, Mr. Deputy Speaker, we say that this money must be kept in England, it means we have accepted one condition: that the loan given to us by Great Britain must buy things manufactured in Britain, whether they are of the standard quality, internationally accepted, or poor quality, or even, for that matter, higher in terms of standards. But it makes us a slave completely, that unless we use this money—

The Deputy Speaker (Dr. De Souza): No, Mr. Gichoya, I am afraid you are going outside the terms of this Bill. The Bill does not say that this money must be spent in England, it merely says the money may be kept in England.

Mr. Gichoya: If that is the case, Mr. Deputy Speaker, that we are not tied up with buying goods from Britain. I do not see the need of

keeping that money in Britain instead of bringing it here and generating our own economic development with the money that has been borrowed. But keeping it there, lying idle, until the time comes that we can buy things from Britain or perhaps from the nearest countries in Europe, that means exactly that we have accepted one thing: the money given to us must be utilized in the United Kingdom only or, for that matter, in Europe. What is the difference? If we are buying goods from Tanzania or Uganda, then we say that because we have a loan we are capable of buying goods from Tanzania or Uganda, we must get that money from London, send it to Kampala or Dar es Salaam. Is there any difference between doing so and having the money in Nairobi, sending it to London because of purchasing goods from London? I do not see any difference. Mr. Deputy Speaker.

So, if there is no difference, as I say, I would like to see that money being kept in our own bank in Nairobi and our Minister, when he requires any purchases, either from Britain or from any other country, is able to make use of that loan. This is my own feeling, that the loaned amount must be kept in Kenya and become our own property. What is the fear of the British Government? If we look at this, the condition is that the money must be there. It presupposes one thing: that the British Government fears that a situation might arise in which this loan may not be recoverable—

Mr. Malinda: On a point of order, Mr. Deputy Speaker, is that not imputing improper motives behind this Bill?

The Deputy Speaker (Dr. De Souza): I do not think it is improper motive to say that some Government may be afraid, but I think, Mr. Gichoya, you are going outside the terms of the Bill. The Bill does not say that the British Government is asking that the money should be kept in England, the Bill merely says that the Government of Kenya may keep the money, if it so wishes, in England. You are, in fact, going far outside the scope of this Bill in imagining situations and conditions which do not exist or are not stated to exist.

Mr. Gichoya: Mr. Deputy Speaker, Sir, my problem is this. I am trying to question myself. Why should we not keep this money here instead of keeping it in London? Then I say there could be some feelings in certain quarters that if this money stays because it is borrowed from Britain— Mr. Deputy Speaker, it looks like this. I marry a wife—

The Deputy Speaker (Dr. De Souza): Order! Mr. Gichoya. I have made a ruling on this point quite clearly, and I think you must abide by the ruling. I said this quite clearly, that the Bill does not say—you might imagine it, but it does not—that the British Government or anybody else insists that this money must be kept in England. We in Kenya are passing a law to authorize the Minister for Finance, if he so wishes, to keep money, which has been given on loan, in the country in which it is given, to earn 5½ per cent interest. I certainly would not allow you, in the course of this debate, to imagine on a hypothesis certain suppositions which have nothing to do with this Bill.

Mr. Gichoya: Mr. Deputy Speaker, Sir, if that is the case, I will be left in a situation whereby I will say that this Bill, even if it goes through, will still—

Mr. Maitori-Itumbo: On a point of order, Mr. Deputy Speaker, in view of the fact that the hon. speaker is now repeating himself and in view of the fact that he said that he was questioning himself, I wonder whether it is in order now for the question to be put?

The Deputy Speaker (Dr. De Souza): Considering that he is the first speaker, I think it is a bit early. Let us just wait.

Mr. Gichoya: Mr. Deputy Speaker, I am now complaining to you that I have had so many interruptions that even the theme of my argument is more or less getting—

The Deputy Speaker (Dr. De Souza): I am afraid, Mr. Gichoya, that those interruptions were caused by you.

Mr. Gichoya: Mr. Deputy Speaker, I want to make it clear to the hon. Member who does not question his mind first before he debates Bills that I think he should take himself as a man who will be involved in this Bill and its implications and should understand it. That is why, Mr. Deputy Speaker, I am taking it very seriously and, as I said, it will be a funny thing if I am told that after marrying Miss So-and-so she must stay with her parents; that makes me a slave. Then I stay in my own house.

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

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

Mr. Speaker, Sir, now the situation being this, that we want to earn something from Great Britain, I still request the Minister that that money should come to Kenya and, if our banks can guarantee the same rate of interest, we should have it here and trade with the loan given, rather

than keeping it for the same man who loaned us that amount to be making money out of it by trading. The money is being kept in London, with an interest. If it comes to Nairobi, Mr. Speaker, Sir, it is earning interest, an equal amount of interest, perhaps twice as much, because our banks pay a higher rate of interest here.

Mr. Speaker, Sir, the Minister asks where, and I am trying to tell him where. In the first place, when we go to the bank to borrow money for trading purposes, money which has already been sent there for security reasons as savings, that money is traded in again to make more money by the bank. What you are paid by the bank is less than what the bank can get by trading with that money which is yours. Consequently, that money makes money. Now, putting it nicely, that the Kenya Government can also loan money to the banks, so that they can also make money, the Kenya Government will also be able to make money higher than what you get if you put it for just security reasons, you get less amount than when you put it as a trading—

Now, in this respect, Mr. Speaker, Sir—

The Speaker (Mr. Slade): Have you much more to say, Mr. Gichoya, because it is time for the interruption of business?

Mr. Gichoya: Yes. What I am trying to say is this—

The Speaker (Mr. Slade): Well, have you much more to say, that is what I want to know?

Mr. Gichoya: Yes.

#### MOTION FOR THE ADJOURNMENT

##### PUBLIC MEETINGS IN NYERI

The Speaker (Mr. Slade): I will now call on a Minister to move that the House do now adjourn, as there is a matter to be raised on the adjournment.

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Information and Broadcasting (Mr. Achieng-Onoko) seconded.

(Question proposed)

Mr. Warilithi: Mr. Speaker, Sir, I would like to say at the outset that I am raising this matter on the adjournment in connexion with question No. 94 which I considered was not replied to properly.

[Mr. Shikuku]

he will not even bring the question to the House, therefore, he will go ahead and some people can go on trading. Since he has given an assurance in this House that he will have no extension of time until the House is consulted, I do not think that he will consult at the time if he has the powers from paragraph (b). Therefore, Mr. Chairman, having passed paragraph (a), I do not think that even the amendment in paragraph (b) is necessary. It should be deleted completely. It is not necessary.

With these few words, Mr. Chairman, I beg to oppose paragraph (b).

Mr. Warlith: Mr. Chairman, I am sorry to say that paragraph (b) is completely unacceptable. The reasons, I do not want to repeat what my hon. friend, Mr. Shikuku, has said, but here the Minister, I think, is trying to defeat the purpose of the Bill. Under (a) we have allowed a twelve-month period, as it will take the shopkeepers quite a time for them to be able to dispose of the goods. Under paragraph (b) the Minister wants power to be able to extend time beyond twelve months. Some of us felt that six months would be sufficient, but after giving us a guarantee that he will not come to this House again, we are quite happy to let him have twelve months.

Now, here, under a separate cover, he comes and says he wants power to extend the time to any unspecified time. Mr. Chairman, Sir, I think we feel very strongly that this amendment cannot go through and I oppose it very strongly.

Mr. Gatuguta: Mr. Chairman, Sir, I would like to associate myself with the two previous speakers in opposing this particular clause. It is quite all right for a very good Minister who feels the spirit of this House, and who may be prepared to extend the time beyond twelve months. But we know that if tomorrow another Minister comes in he has been given powers by this House to extend the time to any limit and what he will be faced with is a situation where we shall never be able to eliminate foreign prohibited goods in this country, because on many occasions he will be approached by traders and the general community, and he can go on extending this time as much as he wants. In any case, if it is a question of giving the Minister power to limit the time himself there was no need for us to pass clause (a). It is no good, Mr. Chairman, repeating ourselves in law, we do not want to repeat that. I think if we make it twelve months or we do not make it twelve

months and we leave the power to the Minister himself, we cannot have both because it is unnecessary and a waste of time.

Mr. Chairman, I wish to oppose this one very strongly indeed.

Mr. Mwendwa: Mr. Chairman, I do not think it will be sensible by wasting time. I have been thinking very deeply about this and if it were myself who continued to be the Minister for Commerce and Industry for ever, I could tell the Members quite safely that I could use this power quite reasonably. But one never knows, therefore, there is a loophole here to make one corrupt, if he means to, and, therefore, Mr. Speaker, I think I better withdraw this. I think I will be quite satisfied with (a). If there is any reason for me to come to Parliament I will come, Mr. Chairman.

The Chairman (Dr. De Souza): I can see that the Committee has given the Minister leave to withdraw his second amendment.

*(The second amendment that the words to be inserted be inserted was by leave of the Committee withdrawn)*

*(Clause 3 as amended by the first amendment agreed to)*

*(Clauses 4, 5 and 6 agreed to)*

*(Clauses 7, 8, 9, 10 and 11 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

The Minister for Housing and Social Services (Mr. Ngei): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration and approval without amendment of the Eviction of Tenants (Control) (Mombasa) (Amendment) Bill and, with amendment, the Betting, Lotteries and Gaming Bill and the Trading in Prohibited Goods Bill.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*(The Speaker (Mr. Slade) in the Chair)*

#### REPORT AND THIRD READING

THE EVICTION OF TENANTS (CONTROL) (MOMBASA) (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Eviction of Tenants (Control) (Mombasa) (Amendment) Bill and approved the same without amendment.

The Minister for Housing and Social Services (Mr. Ngei): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee of the whole House in the said Report. Now, Mr. Speaker, Sir, I beg to move that the Eviction of—

The Speaker (Mr. Slade): No, we take that question first, Mr. Ngei, then the Third Reading afterwards.

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

The Minister for Finance (Mr. Gichuru) seconded.

*(Question proposed)*

*(Question put and agreed to)*

The Minister for Housing and Social Services (Mr. Ngei): Mr. Speaker, Sir, I beg to move that the Eviction of Tenants (Control) (Mombasa) (Amendment) Bill be now read the Third Time.

The Minister for Finance (Mr. Gichuru) 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)*

#### REPORTS

THE BETTING, LOTTERIES AND GAMING BILL

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

*(Consideration of Report of Bill ordered for tomorrow)*

#### BILL

*Second Reading*

THE EXCHEQUER AND AUDIT (AMENDMENT) BILL

The Minister for Finance (Mr. Gichuru): Mr. Speaker, Sir, the whole purpose of this amendment is explained in the Objects and Reasons. Most of the foreign financial aid that we get is received in London and it is felt that

*(The Speaker (Mr. Slade) left the Chair)*  
*(The Deputy Speaker (Dr. De Souza) took the Chair)*

perhaps it would be better if they do not have to transfer the money here and they have to return it back to London to pay for the goods that we buy from Britain. If we keep the money before we pay for the goods that we may buy, we have the opportunity of getting fairly lucrative interest on it at the rate of 5½ per cent. This money is not permanently placed there, it is on call and it is, therefore, wise to leave this money there. On the other hand, we cannot leave the Paymaster-General in deficit and, therefore, to enable him to have money, it is necessary that this Bill be amended so that he can be advanced some money to be able to fulfil his obligations without having to transfer money from London to Kenya and so on. As the first note says, there will be no additional expenditure of public monies incurred by reason of enactment of this Bill. So it is an enabling Bill, to ensure that the Postmaster-General does not go bankrupt, does not run into deficit and that we do not have to transfer our money from London which will enable us to earn a good interest.

Mr. Deputy Speaker, Sir, I beg to move.

The Minister of State, President's Office (Mr. Nyamweya) seconded.

*(Question proposed)*

Mr. Gichoya: Mr. Deputy Speaker, the explanation given by the Minister for Finance has more or less confused my mind. The reason for that, Mr. Deputy Speaker, is this. The Minister says that the intention of this Bill is to make it possible that we do not transfer our money from London to this country.

This is the way I understood it and if I am wrong, I am ready for correction from the Minister. If that is the case, Mr. Deputy Speaker, Sir—

The Minister for Finance (Mr. Gichuru): May I make a correction, Mr. Deputy Speaker, before he goes any further?

I have just signed a loan with Britain worth £375,000. With that money we are going to buy a lot of British goods. Therefore, if we were to transfer that money here, only to transfer it back to London, we would waste money in exchange. On the other hand, if we leave it there until we need it, it shall earn interest of 5 per cent.

Mr. Gichoya: Mr. Deputy Speaker, Sir, now I have it. It is a loan you have borrowed from the United Kingdom and you are saying that money should not come to Kenya but should remain in London, where we obtained it from, and be used for trading purposes by the British people, and

(Mr. Mwendwa) law for Japan, or for any other country, it is a general law, and it is no good, Mr. Deputy Chairman, if we make a law only to find in six months' time that we have to amend that law. Laws are made to stay and to benefit everyone. Mr. Deputy Chairman, this Bill does not cover small commodities only. Here is a list of some of the goods which perhaps will be affected by this law. Of beans, fish, little things in the shops. This is very short-sighted thinking. Mr. Deputy Chairman, within a year or so we are going to have Africans buying big commodities like motor-cars, tractors, dealing with the very large machinery, which perhaps will be imported from different countries. Mr. Deputy Chairman, some of these will be worth millions of pounds. One year is not enough to dispose of twelve tractors, or even twenty motor-cars. Supposing we ban a certain type of tractor, we say we are not going to allow the sale of certain motor-cars here in Kenya. It will need at least a year before these vehicles are sold.

Mr. Gichoya: On a point of order, Mr. Deputy Chairman, do you not think that the Minister is trying to divert the attention of the Members when we are dealing with prohibited goods and now he is telling us of the goods which ought to be here which will last for a long time. Could he not—

The Deputy Chairman (Mr. Slade): I cannot see that the Minister is either misleading hon. Members or misrepresenting their arguments or being irrelevant.

Mr. Mwendwa: Mr. Deputy Chairman, all I am saying is that once this machinery is imported and it is in the country, supposing now the Government decides to restrict, to say no more goods from Japan, or maybe Britain for that matter, and these goods are already in the country and are worth millions of pounds, surely all our people regardless of race, I do not mind, maybe Africans maybe Asians, surely they will face the Government and say, "Look, through no fault of ours we ordered these goods in good faith, they are worth millions of pounds, please give us time to dispose of them." First of all we must attract the retailers who come to buy one item. Secondly it must attract the wholesalers who have these goods, otherwise—as I said before, these people will be entitled to even sue the Government and say, "All right, you have given us six months, and six months is not long enough to dispose of these goods which we ordered in good faith, because we had not then restricted the goods." What do we do? We are faced with a very serious problem. We will have to call for the Minister of Commerce

to come to this House and say here we are faced with a very critical position. All that I am saying, Mr. Deputy Chairman, is that we should give ourselves enough time so that the trader will have ample time to dispose of any goods. Not only that, Mr. Deputy Chairman, we must know that we can also restrict goods that are made in Kenya. If, for example, the standard of the goods is detrimental, then, for one reason or the other, a certain firm manufactured goods which we did not like, which we do not want sold to people, and then we find that, unfortunately, this firm has sold a lot of goods to people here, then we decide to ban these goods. Surely, we must give the local people who have bought these goods ample time to dispose of them. It is only fair, Mr. Deputy Chairman, and I think the hon. Members will agree with me that we, as a Government, must act reasonably in passing a law here. This amendment, for the information of the Members, has already been cleared with the Attorney-General's Chambers, and they say they believe that the amendment is quite suitable and sensible—

Mr. Godia: Mr. Deputy Chairman, I think we should congratulate the Minister for Commerce, Industry and Co-operative Development for this amendment, because he must have taken many things into consideration. He must have taken into account the number of goods which are at the present time counted as prohibited goods in this country, and he must have known the number of shops, and he must have assessed what time it would take for such goods to be disposed of. That being the case, Mr. Deputy Chairman, I do not think we are going to help the country by trying to turn down this proposal. As the Minister said, it may be necessary for us again to sit after a few months to consider extending the date for disposing of such goods, therefore, Mr. Deputy Chairman, I think that this House should agree with me in getting the amendment through in order to make work for the Government and the Ministry easy. I do not think, Mr. Deputy Chairman, that I should labour much on this very simple matter, what we need is the Minister—and his department have done well in trying to find out what to do in order to make this legislation effective and his proposals should be adopted in order to make the work easy not only for his Ministry but for the country. Mr. Deputy Chairman, I think that we should accept the amendment.

Mr. Gatiguta: Mr. Deputy Chairman, Sir, I do not wish to speak very much on this amendment because many people have spoken on it. I would like to say, first of all, that I support the amendment, but I would like to have an assurance

(Mr. Gatiguta) from the Minister that after the twelve-month period is up he will not come to this House again to ask us to extend the time because prohibited goods have not been sold, because I know the problems of the traders, they will always support the Minister with the excuse that we have imported so many goods that they have not been given enough time to dispose of them and can they be given more time. I would not like to see the Minister coming to Parliament to ask for more time. If the Minister can assure me of this, I will certainly support his amendment.

The Deputy Chairman (Mr. Slade): I think I should explain that the terms of the question as I have now proposed it to the House, which is both amendments together (a) and (b), definitely gives the Minister power, on his own initiative, to extend the time. If there is any question about that, I think it would be better for us to continue the discussion on the two questions separately. So let us say that the question now before the House is simply that the words "six months" be deleted and replaced by the words "twelve months". If that is agreed, we will go on to consider whether the other words in brackets, giving the Minister further discretion, are accepted or not by the House. The question now is, substitution of "twelve" for "six".

(Question of the first part of the first amendment proposed)

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

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

Mr. Malinda: On a point of order, Mr. Chairman, as the Deputy Chairman has put the explanation quite clearly, may I be allowed to propose that the question be now put on the first part of the first amendment?

The Chairman (Dr. De Souza): Well, there seems to be no further speaker anyway, so I will put the question of the first part of the first amendment.

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

(Question of the second part of the first amendment that the words to be inserted in place thereof be inserted put and agreed to)

Mr. Malinda: On a point of order, Mr. Chairman, I think the way this question was proposed was not strictly correct. Is it not in order that the Chairman says that the words that are to be left out, be left out, and the words to be

substituted, be substituted? Is that not the procedure, because there must have been misunderstanding, Mr. Chairman?

The Chairman (Dr. De Souza): I think the Members can understand English, and I think it was quite clear that what has in fact occurred is that we have merely substituted one word with another. I think it is quite clear. I have no doubt whatsoever in my mind.

Mr. Gichoya: On a point of order, Mr. Chairman, what we have accepted as a kind of practice, it is a practice we have been accustomed to one thing. Deleting certain facts, that is one stage. Substituting the deleted ones with another group of words, has been the practice, and the confusion, Mr. Chairman—

The Chairman (Dr. De Souza): I think it is quite clear.

If there was any doubt in my mind, as to the outcome of the vote, I might have put it again, but there has been no doubt at all. The majority of the voices seemed so preponderantly in favour of the amendment that I have no doubt at all.

I will now propose the second amendment.

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

Mr. Shikuku: Mr. Chairman, I am of the opinion that as the explanation has been made quite clear in this House on Item (a), I think we shall be contradicting what we have passed in Item (a) on the period of twelve months if you can give the Minister, paragraph (b), a greater period as the Minister in any particular place may specify. Mr. Chairman, if we are going to allow, as you have already allowed, the Minister to get away with the question of twelve months' extension—

The Chairman (Dr. De Souza): Mr. Shikuku, that is wrong. I have not allowed anybody to get away with anything.

Mr. Shikuku: No, I meant, we have allowed him to get away with that. But I do not think, Mr. Chairman, that we are going to allow him to get away with clause (b) because, if we allow him to get away with that, then he could use clause (b) for extension without coming to this House, because here it is stated and, if my English is all right—I think I know a bit of English, Mr. Chairman—it says, "Inserting immediately after the word 'period' the following words in parenthesis (or such greater period as the Minister in any particular place may specify)". Now, if the Minister is going to have the power, and in his opinion if he thinks that in a particular case this requires an extension of time,

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Chairman, there is another point that I would like my colleague to understand. He has asked me to assure him that as soon as this Bill is accepted in this House, no more goods will come into Kenya. Now, I want to assure him this. This has been not only from now. The moment this announcement was made, that no more goods from South Africa will come into Kenya, that very moment no further goods were allowed to come into our Port at Mombasa, because we have the Customs Management Act.

Now, as to the extension of time, surely you do not need to ask me for this guarantee. You know that by passing this in this House it becomes law. Nobody except you, as Members of this House, of this Parliament, will be in a position to extend this time. If I need any further extension I will have to come here and seek an amendment. So, it becomes law as from today. So, anybody, maybe my friend, any person, is affected by this as from today, when it becomes law. This is an assurance which I give freely.

Mr. Chairman, let us not look at this picture from one side only. There is also a very dangerous side to this whole issue which I did not want to disclose to the Members. However, now that they are co-operative I will disclose it to them. Once you give the business men a short time to dispose of a commodity, for example, copper—we know now that copper does not come any more into Kenya but there are a lot of goods that are made of copper here in Kenya. Therefore there are a lot of traders who are taking advantage of the situation. What they are doing is this. They tell me, "We are going to sell our goods at the price we want, because copper no more comes into Kenya." They were getting this copper from Southern Rhodesia. I have told them, "Please do not penalize the consumer. Sell your goods at reasonable prices." They want to double the prices, Mr. Chairman, because they know that no more goods of this nature will come into the country. They know that no more copper will come here.

Therefore, by giving them a little more time I am also watching to see that the copper goods are sold at a reasonable price.

Mr. Chairman, I have disclosed this point because my friends are co-operative.

Mr. Malinda: On a point of order, Mr. Chairman, I thought we were talking about goods such as those which come from Japan.

The Deputy Chairman (Mr. Slade): We seem to have wandered away from the amendment for a moment. Some hon. Members are interested in the clause as a whole, but we must remember that the amendment is, as you say, limited to that country.

Mr. Malinda: Speaking of the amendment, Mr. Chairman, I am not convinced that six months is not adequate, because the moment you give a trader latitude, he will never get out of your door until you give him that extension. We have seen—and I hope I will be able to refer to South African goods—we have the experience of South African goods. It was only a few months ago, the Permanent Secretary to the Ministry of Commerce and Industry had to go to the shops himself and take out goods which had been imported from South Africa. Although the law had been there, the shopkeepers kept on saying, "No, we have not been able to dispose of these goods."

Mr. Mwendwa: On a point of order, Mr. Chairman, if the hon. Member would give way. There seems to be confusion in the mind of my hon. colleague. The reason why we are moving this Bill is because up to this day there has not been any law at all to enable us to sue any person who is selling South African goods. We could restrict goods from getting into Kenya, but once they entered the country there was no law to do anything else.

So I am seeking permission in order that tomorrow the whole of my Ministry can now sue anybody who has, in his shop, goods which have come from South Africa. This, Mr. Chairman, is what I am asking for.

Mr. Malinda: So much the better, Mr. Chairman, because the more precise and the faster the law can take its course, the better. You do not need twelve months to institute legal proceedings against any person who has goods in this country which we do not want.

Mr. Chairman, talking about goods from Japan, one of the reasons why goods from Japan are so popular is because they sell very fast. They sell fast because they are cheap, and, therefore, it will be idle argument by any trader to say that the goods which he brought into the country six months ago are still in his store. Here, in the clause which the Minister wants to amend, it says that the Director of Trade and Supplies will certify that those goods which are now in the store have been there, according to his licence, which he issued, for at least six months. Mr. Speaker, I think six months is adequate time and it will give the Minister

[Mr. Malinda] quicker time to act. We do not want to be left lingering on for twelve months or so. Sir, although the importation may be banned, but the Minister has just agreed that although we ban goods from South Africa, there are goods in this country which have come from South Africa. They come. How did they come? He cannot be held responsible to check and find which way they come in.

So, by banning this, we shall still be faced with the goods from Japan or from any other country which we want to restrict trade with being smuggled into Kenya. Therefore, I say that six months is ample time for anybody to dispose of the goods which he brought in, unless he, through back-door channels, adds to his stocks which we want to stop. If he keeps on adding goods through back-door methods to his store, it will be only himself that will be blamed if he is caught with goods after six months.

For this reason I think six months is adequate for the Minister to put into practice the requirements of the law.

Mr. Gichoya: Mr. Speaker, Sir, actually I do not understand why the Minister should feel that twelve months are necessary. In the first place, the period of six months is set here so that it is understood that any goods that have been sent to Kenya had the authority of the Director of Trade and Supplies. Clearly, it is shown that it is within a six months' period that this licence ought to have been rescinded by the Director of Supplies.

One thing which ought to be understood, Mr. Speaker, is this. When we put an imposition for restriction of goods from other countries, we put those restrictions on certain sound grounds. One is that if a country becomes our enemy, then we can have no trade connexions. That does not require any time within which we are to sever trade connexions with such country or countries. Rhodesia, Mr. Speaker, is an example. Whether it is bicycles or motor cars from Rhodesia, we are prepared to do without them if we have no friendly relations with that country.

Also, South Africa has been manufacturing goods. We have been receiving foodstuffs from South Africa. We have already stated that we do not mind living without food which comes from this country so long as South Africa has been proved to be an enemy of Kenya.

The other thing is when we cite, say, Japan, we say our trade with Japan has been very unfavourable. Consequently, we say, no matter how much it costs us in terms of paying more for our

goods, we would not like to have anything from those countries whereby we do not benefit. Therefore, Mr. Deputy Chairman, Sir, here unless the Minister gives us adequate reasons, six months time, it is a good period for any sensible businessman to have goods that can be disposed of within that time. If we are told that we have to wait for one year, what we are trying to encourage, Mr. Deputy Chairman, is illegal selling of prohibited goods in Kenya under the coverage of adequate time given by this Parliament. I think we must have very active officers, not those who are waiting for twelve months to come so that they can take action, or somebody can go to a court of law and say, "Well, I have got twelve months' grace." In order to avoid this I thought even the Minister, Mr. Deputy Chairman, was aiming at reducing six months to three months. Again three months would not be adequate, either for Government officials to go into records of goods that have been ordered, or the goods which are being sold illegally within the country. Mr. Deputy Chairman, I think that the Minister should agree that six months is an ample enough period to allow any sensible tradesman, or businessman, to dispose of his wares if he was considerate enough to think of what he ought to order from outside, because any businessman makes an order with the good intention of making a profit as soon as possible. Perhaps within a day or within a month or within a week. If the Minister tells us that we must have twelve months, I feel that the Minister may be thinking of certain categories of people who may have ordered goods from other countries, and he may feel that these goods could not have been disposed of within six months. That again, Mr. Deputy Chairman, it would be wrong on the part of the Members of this House to make a law aimed at helping Mr. X or Mr. Y, and there ought to be a general law covering everyone.

With that, Mr. Deputy Chairman, I am casting my own opinion over the Minister as a person, and putting it as a general case. Mr. Deputy Chairman, Sir, I feel certain that six months is adequate and does not need any changes at all.

Mr. Mwendwa: Mr. Deputy Chairman, before the hon. Member goes on, I think I had better emphasize again the purpose of the amendment.

The hon. Member who has just spoken is very right when he says that the purpose of making a law is for a general purpose. A law cannot be made in this House for a particular case, because if that is done it is not a law. Neither can we make a law here to protect a certain person, or a certain country alone. We are not making this

**[The Deputy Chairman]**

simply for the protection of local products by control of imports, and not related to the countries to which you have referred.

Now, Mr. Mwendwa is not proposing to amend subclause (1), dealing with the countries to which you refer, but he is proposing to amend subclause (2) which deals with control of imports for the protection of local products.

Mr. Malinda: If that is the case, Mr. Chairman, then if a country with whom we have traded, and whose imports we want to reduce, cannot equalize the balance of trade, if that is the main purpose

—For instance, the Minister referred to Japan. If Japan cannot equalize or if they cannot bring their balance of trade with us into parity, or whatever the Minister wants them to achieve, if they cannot do that in six months, they will never do it in twelve or even in twenty months. Therefore, they should not be given the latitude to keep on importing things into the country.

For instance, Mr. Chairman, if the Minister has put a partial ban on Japanese goods for six months, then the Japanese Government should, during that period, make arrangements to satisfy the Minister's requirements. If they do not do it, then a complete ban should be effected. Otherwise, we shall be faced with the continuous importation into the country of goods under this kind of pretext: "Well, we have twelve months and maybe if we go to the Minister and talk nicely to him he will extend the period for another three months."

For that reason, Mr. Chairman, I still think that it is not necessary to amend this clause, and I still oppose the amendment.

Mr. Mwendwa: Mr. Chairman, I am very pleased that I am talking to a man who knows business; and, in fact, I would not have expected the hon. Mr. Malinda to speak a different language because he has been trading and he knows something about trade.

In fact, this clause does not affect or, in any case, affect Japan as such or indeed any other country. The extension of time is intended to benefit the people who are inside Kenya. For example, once we announce that we are not going to trade with a particular country, once we announce that, then the Customs Management Act starts to act on that hour, on that day. No more goods from that particular country can be imported or brought in. This is not the argument; the argument now is—and I hope the hon. Mr. Malinda will understand me now—that, through no fault of theirs, there will be traders now inside Kenya who unfortunately have goods in their

shops, who have brought goods here in good faith, because up to this time we have allowed them to import these goods, before there was a ban. Now these goods perhaps will be worth maybe thousands of pounds or millions, inside the shops and stores. They can easily, if they choose, sue the Government and get them to pay for the goods they cannot sell. This can easily be done—and the lawyers here can advise me—through the legal machinery; they can easily sue the Government, because they have already bought the goods.

Now, Mr. Chairman, at first, we said we were going to give these people only six months to dispose of goods which are already in the shops but, through experience, after listening to delegations from our people who are trading, we have been advised that six months is not enough, for one simple reason: the customers who come to buy goods from the wholesalers will normally say, "This is not enough, six months is not enough to retail our goods. Therefore, although we agree with the Government that we should dispose of these goods immediately, please give us time." Because it is not their fault that we have banned South African goods or Japanese goods, for that matter, then we thought of giving them more time.

Let me say here again, Mr. Chairman, that this extension does not affect—does not—affect South African goods, which we have already banned. This is the finish. If we see anybody today in possession of South African goods, we will arrest him. This clause affects those people on whom we have only placed a partial restriction. For example, we are trading with Japan. We have not placed a complete ban on Japanese goods, but we have actually placed a partial restriction to protect goods which are locally made. I could quote examples; it might be shirts, it might be batteries. These goods are locally made here and, in order to protect those goods which are locally made, we have to say to whichever country from whom we have imported these goods, "Send no more to us. We don't want these goods."

Unfortunately you will find that people have these goods in their shops and stores. Naturally, they are going to ask us to give them enough time to dispose of these goods. Immediately we say, "No more, traders, retailers, like Malinda or anyone else, will not be willing to buy these goods because the Government has completely banned the import of them; and this is not fair on an innocent man who imported goods from Japan or America or wherever it may be in good faith.

**[Mr. Mwendwa]**

Therefore the time which I request now is to give our retailers and wholesalers time to dispose of their goods so that they do not sue the very Government which you like and support.

Mr. Shikuku: Mr. Chairman, while partly agreeing with the views expressed by the Minister, I think the period of twelve months is not such a guarantee that they will have by then disposed of all these goods. In addition to that, Mr. Chairman, there is no guarantee to the effect that no more of the goods so far which we are banning will not be entering the country. I am of the opinion, Sir, that the amendment is not necessary and that six months is enough time in which to get rid of all the stuff these traders have. If it is a question of time being short, they could as well say after twelve months, "My dear Minister, we've tried our best, could we have another six months?" I think we have to be decisive and stipulate that six months is enough, and having nothing to do with the amendment.

With this, I oppose the amendment.

The Assistant Minister for Education (Mr. Mutiso): Mr. Chairman, Sir, I think that in all fairness there is one thing which the hon. Members are perhaps not looking at very carefully or are overlooking. If we take an example of the goods which are involved, we will see that some of them are Japanese. This Government established good relations with Japan and allowed the traders, the big businessmen in this country, to import goods from Japan, say, worth a million shillings. Some of these goods are still in their godowns, in their big stores; and the traders are waiting to sell them to the retailers for onward transmission. Perhaps at this very moment these goods have not been taken out of the boxes which brought them from Japan.

Now, as I understand it, Sir, the moment the Government announces that there will be no more importation of these goods, the traders will completely cease to sell them because they would be selling them illegally and the Government can sue them for that. What is going to happen is that these people who imported these goods into this country, in good faith and licensed by the Government, will turn and sue the Government for the loss of property, because the Government had allowed them to get as far as importing these goods.

I think what the Minister here is asking is adequate time whereby no businessman will have the excuse to come to the Government and say, "You gave us too little time in which to dispose

of the goods we had in our store." I think twelve months is quite reasonable and quite adequate for any businessman who has these things in his store to dispose of them, because they will already know that the Government intends to put a total ban on these goods. So if they come later on, at the end of twelve months, with the cry, "Give us more time", I am sure the Government will turn a deaf ear to them. I think if we want to be reasonable with the businessmen of this country, then the extension of twelve months is quite adequate.

The hon. Mr. Shikuku has said that this is not a guarantee that these people will not come back and ask for another three or six months. I am sure the Minister is taking a note of this; and the moment this period expires, I am sure this House will be listening to the Minister while he asks for the decision of the House to put a ban into full effect, to impose a total ban on these goods. And even if there remains a businessman who comes forward and asks for an extension, I do not think the Minister will listen to him.

The Minister for Housing and Social Services (Mr. Ngei): Mr. Chairman, there are two aspects to support my colleague's argument with regard to the extension of time. One is the psychological factor that has affected the consumers in this country, that the Government is banning South African, Portuguese and Rhodesian goods. Therefore, consumption rate is bound to go down. For this reason, it supports the hon. Mwendwa's argument of wanting a longer time. I think we should be reasonable here.

The other point is this, Mr. Chairman. We are not punishing the traders and the consumers in this country. We are only punishing those countries which we think do not have friendly relations with our country. Therefore, the traders who already have goods imported from Portugal, Rhodesia or South Africa are not the ones we are going to punish. They brought these goods in good faith. They were good commodities, but because of political reasons it was decided that we should ban the importation of these goods. Therefore I am saying that the traders in this country who ordered these goods did so in good faith and they should not be punished. We do not want to penalize them.

Taking into consideration the point I made that the rate of consumption is very low due to psychological reasons, and also the point I have just dealt with, I think the issue raised by my colleague, the hon. Mwendwa, is good and sound.

The Deputy Chairman (Mr. Slade): No.

Mr. Shikuku: If this is so, what can we do?

The Deputy Chairman (Mr. Slade): Ask the Press to note it.

Hon. Members: He will be evicted.

(Clauses 2 and 3 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE BETTING, LOTTERIES AND GAMING BILL

(Clauses 2, 3, 4, 5, 6 and 7 agreed to)

(Clauses 8, 9, 10, 11, 12 and 13 agreed to)

(Clauses 14, 15, 16, 17, 18, 19 and 20 agreed to)

(Clauses 21, 22, 23, 24, 25, 26 and 27 agreed to)

(Clauses 28, 29 and 30 agreed to)

Clause 31

The Deputy Chairman (Mr. Slade): The Minister wished to move an amendment on this clause. Would some other Minister come to the assistance possibly? It is noted on the Order Paper, the amendment proposed by the Government of clause 31 (1) (a).

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Chairman, I beg to move that clause 31 (1) (a) of the Bill be amended by deleting the words "not exceeding" where they appear in subparagraphs (i) and (ii) thereof and by inserting in place thereof, in each case, the words "equal to".

(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 31 as amended agreed to)

(Clauses 32, 33, 34 and 35 agreed to)

(Clauses 36, 37, 38 and 39 agreed to)

(Clauses 40, 41, 42, 43 and 44 agreed to)

(Clauses 45, 46, 47 and 48 agreed to)

Clause 49

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Chairman, Sir, I beg to move that clause 49 of the Bill be amended:—

(1) In subsection (1) thereof, by deleting paragraph (a) and inserting in place thereof the following paragraph—

(a) ensure that, in respect of any money or money's worth which any of the players puts down as stakes, or pays by way

of losses, or exchanges for tokens used in playing the game—

(i) an amount equal to ten per centum of that money or money's worth is deducted as his commission;

(ii) a tax of an amount equal to five per centum of his commission is deducted from that commission and paid to the Permanent Secretary;

(iii) such money's worth after deducting his commission is not disposed of otherwise than by payment to a player as winnings.

(2) In subsection (3) thereof, by deleting paragraphs (a) and (b) and by inserting in place thereof the following paragraphs—

(a) contravenes or fails to comply with subsection (1) (a) (iii) of this section; or

(b) makes default in transmitting any statement required to be transmitted under subsection (1) (b) of this section within the time prescribed or transmits any such statement which he knows or maybe reasonably considered to know to be false in any material particular; or.

The Deputy Chairman (Mr. Slade): I think that those two amendments really go together, so I will propose the question as one.

(Question of the amendment proposed)

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

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

(Clause 49 as amended agreed to)

(Clauses 50, 51, 52, 53, 54 and 55 agreed to)

(Clauses 56, 57, 58, 59, 60 and 61 agreed to)

(Clauses 62, 63, 64, 65 and 66 agreed to)

(Clauses 67, 68, 69, 70 and 71 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE TRADING IN PROHIBITED GOODS BILL

(Clause 2 agreed to)

Clause 3

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to move an amendment to clause 3 (1) and (2) of the Bill, but before I move this amendment, Mr. Chairman, Sir, I would like to clear up a small point which was raised yesterday by an hon. Member about this amendment.

Mr. Malinda: On a point of order, Mr. Speaker, Sir, on the Order Paper there is an intention of amending clause 3 (2). Is the Minister in order to say that he is amending clause 3 (1) and (2), without it being shown?

The Deputy Chairman (Mr. Slade): I think either it was a slip of the tongue, or you misheard him, Mr. Malinda. I think he is referring to subclause (2) only.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, the clause I am referring to is clause 3 (2), and there are two sections to this clause, sections (a) and (b). There are two amendments.

Mr. Speaker, Sir, it was actually reported today in the Press that I did say something yesterday, but I think that there is confusion somewhere. The proposed Bill relates to two types of goods. One, goods banned under the Customs Management Act which means goods from South Africa, Portuguese East Africa and Rhodesia. Two, goods banned under the Imports, Exports and Essential Supplies Act which are goods mainly subject to import licensing restriction, including a partial ban on Japan. We wish to amend clause 3 (2) which relates only to those goods mentioned in clause 2 above, Mr. Chairman, and that means goods which are under the Imports, Exports Licensing Act. Now, this is for the clarification of the Members. All the goods which come from South Africa or Rhodesia or Portuguese East Africa are not affected by these amendments. Anybody, seen-at the moment, selling South African goods or Portuguese East Africa goods will be dealt with.

Sir, the amendment only concerns part 2. Now, if I may say so that with regard to South African and Portuguese East Africa goods, the effect of this Bill will be such that immediately it becomes law no one will be able to trade in South African or Portuguese goods, because the six months' period, since the ban was introduced, has expired. With regard to Rhodesian goods the six months' period will take effect from the date of our trade ban which was imposed in December. This means that by May, this year, everyone should have disposed of Rhodesian goods which they have in stock at present. I hope that the above clarification has been understood by the Members.

Therefore, Mr. Chairman, Sir, I beg to move the amendment:—

THAT the proviso to clause 3 (2) of the Bill be amended by—

(a) deleting the words—"six months' period" and inserting in their place "twelve months' period"; and

(b) inserting immediately after the word "period" the following words in parentheses "(for such greater period as the Minister in any particular place may specify)".

The Deputy Chairman (Mr. Slade): Here again these two amendments are related to each other and so I will propose the question as one.

(Question of the amendments proposed)

Mr. Malinda: Mr. Chairman, the Minister, far from having clarified the position, has, I think, made it worse, because, first of all, we must understand why we want to ban any goods coming into Kenya. If we do so, then we must make up our minds as to how long we are going to allow a moratorium to the people who have imported those goods into this country, allow a period of time during which they can get rid of them. If this clause here is amended as proposed, I cannot see how it fits in with clause 3 (1), the proviso in clause 3 (1), because here we have six months laid down which should be allowed to elapse before any action can be taken against a person who has imported goods into this country from the time of the enactment of this Bill. Now if we pass that one as it is, then it makes for complete confusion when you say that people can hold on to these goods for longer than six months, twelve months, say, or even longer, according to the Minister. He could probably go on and say, "All right, instead of twelve months, you can go on for eighteen months." What is the purpose of the Bill? Is the purpose, Mr. Chairman, not to safeguard the country? If that is the case, Sir, then I fail to see the necessity or, the need for twelve months instead of six months.

In fact, I have written here in my notes that I was going to oppose the six months; I was going to say that it should be even less. After all, if this goes on like this, it will amount to a perpetuation of the trading with a country with whom we do not want to trade for some reason or other.

So, Sir, unless the Minister can clarify matters more than he has done, I oppose the amendment.

The Deputy Chairman (Mr. Slade): I think, Mr. Malinda, you are still confused as to the relative effect of subclause (1) and subclause (2). Subclause (1) deals with prohibition under one kind of law, that is, an order made under the East African Customs Management Act, which is the law used for the kind of countries to which you refer. Subclause (2) deals with a completely different law, which is prohibition under the Imports, Exports and Essential Supplies Act, which is a law made

The Speaker (Mr. Slade): I understand this discussion of the adjournment of this debate has continued for a little time. The House can now consider whether or not they wish to go on any further with the discussion. So I will put the question.

(Question, that the question be now put, put and agreed to)

(Question put and agreed to)

#### POINT OF ORDER

#### NO AMENDMENT TO MOTION FOR ADJOURNMENT OF DEBATE

Mr. Shikuku: On a point of order, Mr. Speaker, I am seeking your ruling on this. I think the Members have been slightly confused because the debate—as you were outside—was as to whether it should be withdrawn or—

The Speaker (Mr. Slade): Order! Order! No, quite definitely the question before the House was that "this debate be now adjourned"; that is the only question. Hon. Members can say "yes" or "no". I think the majority have said "aye"; if hon. Members doubt it at all, we can have a division.

Mr. Anyieni: On a point of order, Mr. Speaker, when this question of withdrawing was posed by the Assistant Minister of the Ministry of Agriculture and then seconded by someone else who did not speak—

The Speaker (Mr. Slade): The question of adjournment you mean?

Mr. Anyieni: Yes, Mr. Speaker. I stood up to put an amendment to this proposal and I proposed that instead of us adjourning this Bill, this Bill should be withdrawn. I thought that because the other hon. Member did not have to write a formal paper to the Speaker, to propose the adjournment, I also did not have to write a formal application to the Speaker to put my amendment. When you were doing this, I thought, Mr. Speaker, that even the question of withdrawing was also going to be considered. Now, Mr. Speaker, it seems as if my amendment was not taken into account and if it is because, maybe, I did not know the way to put it, I would like to put it so that we know as to whether Members favour the idea of withdrawing because I think this confused—

The Speaker (Mr. Slade): Order! Order! Certainly your suggestion of withdrawal of the Bill was not taken into account because it could not be taken into account. On a Motion for adjournment of a debate, there cannot be any amendment proposed, either withdrawal of the

Bill or anything else. Hon. Members in the course of arguing against the adjournment can say that they would rather see the Bill withdrawn and, therefore, they do not want to agree to the adjournment, but there is no question of such an amendment as Mr. Anyieni suggests being put forward as an amendment of the Motion for adjournment of debate. In fact, as hon. Members know, it was not proposed by the Deputy Speaker as a question to the House because he knew better. As I say, the House has now decided by a majority, as I hear it, that the debate be now adjourned; and so it is, unless some hon. Member seeks a division.

Next order.

#### CONSIDERATION OF REPORTS AND THIRD READINGS

##### THE IRRIGATION BILL

The Speaker (Mr. Slade): Hon. Members will recall that this Bill was reported back from the Committee to the House yesterday as having been approved with amendment, and so consideration of the Report was deferred until today.

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the House do now consider the consideration of the Committee of the whole House on the Irrigation Bill.

The Speaker (Mr. Slade): The question you want to move is that the House doth agree with the Committee in the said Report.

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.

#### POINT OF ORDER

##### AT WHAT STAGES A BILL MAY BE DEBATED

Mr. Anyieni: On a point of order, Mr. Speaker, I do not know exactly where we are. Are we now in a stage where we only have to say "yes" or "no", or are we in a stage where we can ask questions or where we can speak, because the way it is moving I do not understand. I do not think even the Assistant Minister did understand. So it might be proper, Mr. Speaker, if you give some direction or some advice.

The Speaker (Mr. Slade): Perhaps I should refer hon. Members to Standing Orders on this. Hon. Members are aware that when a Bill has been considered by the House in Committee, it is then reported by the Chairman of the Committee to the House as having been agreed with or

[The Speaker] without amendment, and Standing Order 99 provides at that point: "When a Bill has been reported from a Committee of the whole House on committee the House shall consider the Bill as so reported upon a Motion 'that the House doth agree with the Committee in the said Report.'" That is the Motion that is being moved now: "That the House doth agree with the Committee in the said report".

["(2) The question of any Motion moved under paragraph (1) of this Standing Order"—that is, that particular question—"shall be put forthwith, no amendment, adjournment or debate being allowed, unless any Member desires to delete or amend any provision contained in a Bill, or to introduce any new provision therein, in which case he may propose an amendment to add, at the end of the Motion, the words 'subject to the recommitment of the Bill, in respect of some specified part or proposed clause, to a Committee of the whole House.'"

So this particular Motion—that the House doth agree with the Committee in the said report—has to be considered forthwith, unless any hon. Member wishes to move an amendment which is, in fact, that it be referred back to the Committee. After that question has been answered in the affirmative, that the House agrees with the Committee in the said Report, then there is a Motion for the Third Reading of the Bill, on which it is possible for hon. Members to resume debate of the merits of the Bill.

I do not know whether anyone seconded, actually, Mr. Osogo's Motion?

(Resumption of debate)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

The Speaker (Mr. Slade): I will sit down to see if any hon. Member wishes to move an amendment of that question, suggesting reference back to the Committee. If not, I put the question.

(Question put and agreed to)

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the Irrigation Bill be now read the Third Time.

The Minister for Finance (Mr. Gichuru) 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 BOARD OF ADULT EDUCATION BILL

The Speaker (Mr. Slade): Hon. Members will recall that this Bill also was reported from the Committee of the whole House yesterday as having been approved with amendment, so consideration of the Report was deferred until today.

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 of the whole House in the said Report with amendment.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa) 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 Board of Adult Education Bill be now read the Third Time.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa) 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 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 EVICTION OF TENANTS (CONTROL) (MOMBASA) (AMENDMENT) BILL

Mr. Shikuku: On a point of order, Mr. Deputy Chairman, I thought it was a part of our Standing Orders that when you are leaving your seat and moving to the other Chair for the Committee stage, the House should rise. Is it in order for Pressmen or any individual in the gallery to sit when we are standing?

[Mr. Anyieni] as many Members as possible to air their views and here we do not blame the Minister, because we do not expect a Minister to know everything or not to make even a small mistake— if I was in his shoes may be I would make many more mistakes—and there is no shame in accepting that there are a lot of things that need doing. Mr. Deputy Speaker, the other thing is that the Minister also read most of his speech and he made little speech without looking at the paper and—

The Minister for Finance (Mr. Gichuru). On a point of order, Mr. Deputy Speaker, I think this is an accusation. A financial statement of this nature is generally read, I am taking notes, if he wants me to reply to this, I have got them down here and later on perhaps before we—

An Hon. Member: Is that a point of order or an argument?

The Deputy Speaker (Dr. De Souza): Order! Order! I think it is slightly unfair, Mr. Anyieni to say that. I think that Mr. Gichuru is right. This is a very important Bill and I think, when matters of finance are raised, Ministers do read a substantial portion of their speech. I am sure he could not have read the whole lot because I am sure the Speaker would have stopped him.

Mr. Anyieni: Mr. Deputy Speaker, maybe I did not make myself clear. What I mean, Mr. Deputy Speaker, is that the speech that he made was in such technical terms that I must honestly say that I was not able to follow what he said. I have already tried to look at the Bill to see what is there. What I am saying, Mr. Deputy Speaker, is that if he had spoken a lot he could have tried to say in a layman's language what is meant by the Bill, so this does not mean that I am implying that the Minister did not understand. Maybe the Minister thought that after reading it everybody did understand, but what I am saying is that he did not make it very clear. The little that he has understood from reading the Bill, Mr. Deputy Speaker, is that this Bill should be re-written and if the Minister, for example, could say that maybe we could discuss some of the points to which we have objections now, it may be in our Parliamentary Group meeting, and make amendment, then we will accept it. But the idea of adjourning, Mr. Deputy Speaker, means that again this Bill may be brought as it is now and I am opposing that because I remember once when we were discussing a Bill here about land settlement. When this Bill came here the majority of the Members refused completely to accept it, then the Ministers went away to the Members whispering, whispering

quietly, and then one day they waited, Mr. Deputy Speaker, on Friday when Members were running back to their constituencies and then they brought this Bill.

There were about ten Members here, almost only Ministers, and the whole thing went through without the Members knowing. Now, Mr. Deputy Speaker, we have this here even now. Maybe the Minister wants this adjourned so that he can come and speak to me, to Maisori to every Member here and say "Now, look here, this is a good Government", then bring the Bill again as it is and when it comes again and I stand up—maybe the hon. Maisori will stand up to oppose it—you will find other Members who have been asked to sit here and they will say "Oh, no, do not oppose the Government."

Now, Mr. Deputy Speaker, I think that what the Minister should accept is that the Bill should be withdrawn so that the views expressed—and if the Bill is to be withdrawn, Mr. Deputy Speaker, I think, even at this stage—more hon. Members should be allowed to air their views, so that maybe the Minister will think about this while he is thinking of re-writing the Bill, because so far only a few Members have spoken, they have not even given their alternative views, the only thing they have done is to criticise, but given the opportunity of having this Bill withdrawn I am sure that a lot of Members will try and give advice on what should be done. Maybe they will not refuse the whole guarantee, maybe they will accept a few and the others they will refuse. So, Mr. Deputy Speaker, I strongly object to adjourning this Bill, but what I can propose as an amendment, Mr. Deputy Speaker, is for the withdrawal of this Bill so that it can be re-written.

With these few words I beg to support.

Mr. Mwanzandi: Thank you very much, Mr. Deputy Speaker, there is complete dissatisfaction in this Bill, as a result of which I have nothing to advise the Minister of Finance other than to have a complete withdrawal of this Bill. I do not see the reason why, Mr. Deputy Speaker, this Bill should be adjourned. What other influence will be used to ensure that Members' dissatisfaction is cleared up? Accept a withdrawal of the Bill and a reconstruction of the Bill. We have seen, Mr. Deputy Speaker, and we can even see here, those who perhaps call themselves Chief Whip are now trying—

Mr. Malinda: On a point of order, Mr. Deputy Speaker, is it in order for the hon. Member speaking now to allege that there are people here calling themselves Chief Whip?

The Deputy Speaker (Dr. De Souza): I do not know that he in fact said very much, I do not understand what he was going to say. You interrupted him. I do not think that there is much point in going further on that line, Mr. Mwanzandi.

Mr. Mwanzandi: I am on the point, Mr. Deputy Speaker. We have one Chief Whip here and we have seen seven people going round trying to confuse the other Members. That is why I call them the Chief Whip. In any case, Mr. Deputy Speaker, what I would like the Minister to do now is a complete withdrawal of this Bill and re-introduce the Bill. There are some sections that can never be accepted in this House. Today perhaps we have a trustworthy Minister. Mr. Deputy Speaker—

The Deputy Speaker (Dr. De Souza): Mr. Mwanzandi we do not want to go into the debate of the Bill, we just want to know whether you support the adjournment or not.

Mr. Mwanzandi: I do not support the adjournment. I want a complete withdrawal.

Mr. Ngala-Abok: Mr. Deputy Speaker, Sir, I support the adjournment and although I do not wish to debate, it must be clear to Members that it is absolutely necessary for Government to be ready to guarantee payment of loans to corporations and other bodies. That, of course, will necessitate the smooth working of those bodies that may be formed at any time, because no organization could be formed by Government without Government guaranteeing some loans so that that organization can start on a proper footing. Whether that money comes from Government sources or from the outside world, the Government is the right body to guarantee such loans. But the withdrawal must be based on a number of factors, Mr. Deputy Speaker. The first one is that before that guarantee is given the House debates the merits and demerits of that guarantee, rather than the Government guaranteeing loans and then bringing the whole matter to Parliament. Now I submit—

The Deputy Speaker (Dr. De Souza): Order! Order! Mr. Ngala-Abok, I made it quite clear just now that all we are debating is whether to adjourn this particular debate or not. We are not going to discuss, at this present moment, it is a very simple procedural Motion. I do not know why there seems to be so many hon. Members who seem to want to debate at great length this one question. Do we want to debate this or do we not? Please confine yourself just to that one.

Mr. Mwanzandi: On a point of order, Mr. Deputy Speaker, when one of our Members was speaking on this Bill, I was told by an hon. Member here that it is not necessary that the Bill will be brought as it is. Do we have any Standing Order which says, when a Bill is adjourned, it can be brought in another form before we vote for it?

The Deputy Speaker (Dr. De Souza): The point is this. All the Assistant Minister has moved is that the debate on this particular Bill be adjourned, I think he said, *sine die*, but it does not really matter because the Sessional Committee will fix another date. The Government is then at liberty to withdraw this Bill if it wants to or not proceed with it and re-introduce another Bill, but the House cannot, as far as I know, force the Government to withdraw this Bill at this stage. The House can, of course, refuse to accept an adjournment of the debate and then defeat the Bill, if that is the purpose, but if the Minister has made the gesture of saying he would like to adjourn the debate in order to reconsider the matter, I think the House should let him do so.

Mr. Ngala-Abok: If the Government says that it adjourns the debate on this Motion, then, in the light of the speech I made, since I know that there are a number of reasons for such a Motion to be tabled in the House, I support the adjournment rather than withdrawal.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Deputy Speaker, I think it is right that the Members should know that there is a great difference between adjournment and withdrawal. If this Bill is withdrawn, all that it means is that nobody should even look at it, because it is finished, until it comes again in, maybe, even five years to come. This is what withdrawal means: they should forget it completely because it is withdrawn. But, Mr. Deputy Speaker, all that the Junior Minister is asking is to adjourn the discussion of this Bill, so that the Members behind will have more time to read it and discuss it, and also the Government, on our side, will have time to see whether we can adjust it, but if it is withdrawn, the Government will do nothing about it. There is a great difference between withdrawal and adjournment.

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

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

Mr. Komora: On a point of order, Mr. Speaker, I beg to move that the question be now put.



[Mr. Malinda]

Minister to inform us, when he stands to reply, what provision he has made in this Bill or anywhere else, for the Government to be able to recover that money which it guarantees in the case of a local authority failing to honour or to satisfy the covenant that it has signed. Mr. Speaker, if it is, Government guaranteed the money and paid out the money, it should have a method whereby money could be recovered from a local authority which was unable to satisfy

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

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

the loan. Mr. Deputy Speaker, over and above that there is a list—before I go to the Schedule Mr. Deputy Speaker, I would like to mention clause 5, which says that Parliament will be informed when a loan has been guaranteed. That, Mr. Deputy Speaker, will be all right if this Bill is passed, but I would like the Minister to tell us if he only informs us when a loan has been guaranteed, what about when a loan has been satisfied? When a loan has been liquidated? Where do we get that information from so that we know that any additional loan is not beyond the £30 million which we were asked to pass here? If this passes it will only give him permission to guarantee up to £30 million. Now, £30 million should not be exceeded. By what method are we going to know that by guaranteeing a certain loan that it is not over and above the £30 million?

Mr. Deputy Speaker, according to the schedule there are two items which I would like an explanation from by the Minister. He has said in his opening speech that funds that have been guaranteed in relation to the East African Common Services or East African Airways Corporation have had, or the Government of Kenya has only one-third to look after and that is shown by an asterisk in the Schedule. Looking through the list one finds that there is a sum of £140,803 guaranteed in favour of the National and Grindlay's Bank to the East African Common Services authority. Why must the Kenya Government guarantee that amount on a loan, why is it not shown so? The other one, Mr. Deputy Speaker, is a sum of £4,302,630, that is on page 415, guarantee in favour of the British Aircraft Corporation Limited in respect of East African Common Services Authority. I suppose this is for the purchase of the VC 10 aircraft. Is that these aircraft or is it an amount which covers the whole East African Airways Corporation purchases. I would like the Minister to explain this to me. Now if this Bill passes as it is, and in

addition to the amendment that the Minister wishes to bring in at the Committee stage, it would seem that when this Bill passes there will only be £1,050,120 outstanding, that is the amount which could be guaranteed. Sir, are these loans which have already been guaranteed, and passed through this House as has been the normal practice? The only one that I can see here is the City Council of Nairobi. That I remember we discussed here, but I cannot remember talking about some of these others which are listed here. Mr. Deputy Speaker, I would like a clarification there, and I would like to find out from the Minister what the benefit of this Bill will be if it is only one million pounds which they can guarantee unless some of these loans have been repaid.

Mr. Deputy Speaker, the question of coming to inform Parliament is not good. There must be a better method than simply informing the House. We should like Mr. Deputy Speaker, to feel that we are part and parcel of the organization and all the money that is spent in this country, and although the Minister says that he will inform this House, will the information be subject to debate here in this Parliament or will it just be information like we find in our pigeon-holes that an agreement between the Kenya Government and a certain other Government, or an agreement between us and the World Bank, or something like that has been signed, which we do not have any chance of debating. Or even of raising questions in this House. Mr. Deputy Speaker, we must know if he is given permission to just inform this House, what will the procedure of informing this House be? If he just informs us as he has done in the past then, Mr. Deputy Speaker, it raises a lot of suspicion and I am sure that this will not be passed. If the Minister would like to amend that clause to put it that when information is supplied to this Parliament, then Parliament will have the opportunity to either raise questions of information, or to debate the information, because we know that he says that these loans are for development then that would seem to be all right. But we want to see development more on the African side, because if you look at this list you find that very few of these loans, except perhaps the Nairobi City Council and the Mombasa pipe line, all these are loans which are guaranteed to rich firms to make them richer.

For instance Uplands Bacon Factory, that is a fantastically rich company and Africans are not benefiting from it. We, the Africans, are not benefiting as much as the owners of the bacon factory. We want to have power whereby if a loan is guaranteed or if, for instance, all these loans have been guaranteed in favour of these

[Mr. Malinda]

people, we would like to see that that one million which could be guaranteed should be guaranteed in projects beneficial to Africans or through the county councils of this country. There is a large lack of water in this country and the other day I asked a question here, I wanted to see that Athi River had been dammed, but I was told that it was going to cost a million pounds. If this money was guaranteed in favour of Machakos County Council, the Athi River could be dammed and benefit the Africans in that area.

So, Mr. Deputy Speaker, I would reserve my vote here but I would like the Minister to enlighten me on this and also to make sure that any future guarantees are guaranteed for the benefit of Africans, more especially to the county councils of this country, because even if you look through here you will not find one county council having any loan guaranteed. With these few remarks, Mr. Deputy Speaker, I wish to reserve my vote.

The Deputy Speaker (Dr. De Souza): Mr. Gichuru, I am afraid you can only speak when winding up. Do you want to speak now?

The Minister for Finance (Mr. Gichuru): No, Sir.

Mr. Kasi: Mr. Deputy Speaker, I think the hon. Minister for Finance is asking for too much. I think he should take our advice and withdraw this Bill, because there is no matter in question and I cannot leave this House until I see the end of this Bill. I am determined—

Now, Mr. Deputy Speaker, the interesting thing is that the Minister who has said that in the past the practice has been to come to this House, we pass that Motion for guarantee. He has not told us that we have passed so many Motions to guarantee Kariakör, guarantee this to guarantee that, and he said he will get that money without guarantee. Why is it necessary to have this law so that he does not come to us at all. If he wants us to give him this power, clause 3, then clause 5 should be included at the end, but Parliament can have the right to reject that Bill after debate. He can guarantee it outside, but when it comes here it can be rejected.

Now, Mr. Deputy Speaker, as the hon. Specially Elected Member has said, there are so many bodies here who are being guaranteed money by this Government and these have not yet—somebody from Majore-Bassi I think, someone from Teso, Mr. Deputy Speaker—and when they were asked about this guarantee which I myself think should be rejected. I think that some of this for

once, Mr. Deputy Speaker, should be rejected by this House unless we are told and they have brought it back to us and we recommend. But, Mr. Deputy Speaker, he brought things that we do not know where they were signed or for what purpose these things are being done, and, therefore, Mr. Deputy Speaker, I think he is asking too much. He first of all is asking for the impossible by asking the Bill to be passed and he is also asking us to accept certain debts of which we know nothing about. Now, Mr. Deputy Speaker, we know there is a tendency for money that has been borrowed for this country to go to only a few places for development. Now keeping to this £30 million, Mr. Deputy Speaker, giving money to the Finance Minister, he can do anything.

## MOTION

## ADJOURNMENT OF DEBATE: THE LOANS (GUARANTEE) BILL

The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Deputy Speaker, in view of the fact that the Government feels that the debate on this Bill be adjourned, I was wondering if I was in order to move adjournment of the debate on this Bill *sine die*—so that it could come later on in the Session.

I am trying to move this, Mr. Deputy Speaker, because I learn that there are a few things that should be done on the Bill and also because the Minister for Finance has been very much out of the country and he has not had much time to look at the Bill. I was wondering if the House would allow adjournment on this debate so that we could come and discuss it later on instead of wasting time debating it when eventually we might take up a lot of time, instead of going on to another order. So, Mr. Deputy Speaker, Sir, I beg to move.

The Assistant Minister for Works, Communications and Power (Mr. G. Godana) seconded.

(Question proposed)

Mr. Anyieni: Mr. Deputy Speaker, the only thing that we will accept from the Government is a withdrawal like that which was done by the hon. Otieno, Minister for Health, when he withdrew a Bill on housing and he promised us that the reason why he was withdrawing it was to take into account the views which were expressed by the Members, so that the Bill could be re-written properly.

Now, Mr. Deputy Speaker, the Members here have started to put forward their views and it would be only proper for the Minister to allow

**[The Minister for Finance]**

guarantees, namely, £30 million, may appear very large, but it should be borne in mind that our Development Plan envisages investment of some £9 million a year by bodies such as the East African Common Services Organization, Self-Contained Services, East African Airways, City Council of Nairobi, and various statutory boards. It is normally necessary for Government guarantees to be given to enable bodies of this kind to borrow the necessary funds for essential development.

As stated in clause 5 of the Bill, a report to the House will lay down specifically the terms and conditions of all guarantees entered into. It will be open to any Member of the House to seek to have a debate on such report, or to ask questions to clarify any issue relating to any new guarantee. I can assure hon. Members that guarantees will not be entered into lightly and will only be entered into when it is in the interest of the development of our country.

Mr. Speaker, Sir, I beg to move

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie)** seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I must congratulate the Minister for Finance for bringing this Bill, because by so doing he has acknowledged the constitutional rights of this House to look into the question of loans, or rather, any guarantees to be approved by this House. Had it not been that this House had any connexion at all with guarantees, surely the Minister would not have found it necessary to bring this Bill here. Therefore, I thank him wholeheartedly.

However, he did touch one point in the course of his speech, where he stated that the guarantee will be for the development of this country. Of course, no one disagrees with that. We want development of this country. However, at the same time, Mr. Speaker, we have to be careful as to how far we develop this country. It is not that I am opposing the development of this country, but if the development of this country means that the Parliament can be by-passed by the Council of Ministers and only become a sort of body which is only to be informed what guarantees have been made, then I say our constitutional rights stand, because in the Constitution it is stated that the guarantee should be done with the approval of this House.

Therefore, Mr. Speaker, I feel that if we agree with this Bill as it stands—I do not know what amendments the Minister envisages making

during the Committee stage, but I would like him to make it known to the House what amendments he intends to make in the Committee stage so that we can try and clear what we have in our minds. Probably it might be the amendment I am thinking of, because here in this Bill, Mr. Speaker, on page 413, it is clearly stated that—and I quote—"As soon as practicable after giving of any guarantee under this Act, the Minister shall lay before the National Assembly. . . ." This is after, and, if my English is right, Mr. Minister, you would agree with me, that my Bill is an exact copy of what you have, Sir; and if he has that, then he will agree with me that it is as soon as practicable after the giving of any guarantee under this Act that we shall be informed. That is why I come to dispute this fact of guaranteeing and then telling this House what you have guaranteed. Suppose you guarantee that we can get well over £9,999 million. Well, we might not be able to do that, but if you have committed us and come and inform us and you have already signed the agreement, we will not be able to go back to what we have done. Instead of that, we shall be asking the Minister to keep his own word. I mean, he is an honourable man, on behalf of the Government he has signed, and then only to bring it to this House and find that the hon. Member for Trans Nzoia, Mr. Muliro, or the hon. Member for Teso, Mr. Oduya, is objecting to what agreement the hon. Minister for Finance has entered into with any country.

Mr. Speaker, if I may continue quoting this Act, . . . the National Assembly a report on the guarantee specifying the parties, the covenants the due performance of which is guaranteed and, where such guarantee relates to the repayment of a loan, the amount of such loan, the terms and conditions as to interest and repayment in respect of such loan, the aggregate of the contingent liabilities incurred by the Government by way of guarantees previously given under this Act and any further information"—Mr. Speaker, it says—"any further information which he considers appropriate." So it will be a question of the Minister considering what information he could give this House rather than the House giving him the information as to what we feel about the guarantee before he enters into guaranteeing anything on behalf of the country, of which this House—the elected persons of this House—is part and parcel.

Mr. Speaker, whereas we support the Minister wholeheartedly in saying that this country must be developed and that in order to do so we must have money, and in order to get money we must guarantee something, it must be made

**[Mr. Shikuku]**

known to the Minister that this Bill, if it is passed, will be indirectly hoodwinking us into something which we might regret, because if we pass this Bill as it is, in this form, we are actually amending the Kenya Constitution. I say this because I am of the opinion, Mr. Speaker, that there will come a stage when this Minister or any Minister in the Government will come one day and say, "Well, hon. Gentlemen, we have to make an amendment to the Constitution, to the effect that the Council of Ministers shall have to decide or guarantee and then inform the House." If hon. Members pass this Bill, they will not have any case to put when an amendment to the Constitution shall be moved by the Government to the effect that it should be amended to collaborate with the Bill, because if we pass it now, we shall not object to passing the amendment to give them power to guarantee anything and only inform us of what they would have done.

Therefore, Mr. Speaker, I must, with all due respect to the Minister for Finance and the Government as such, totally oppose this Bill very strongly and I am sure the hon. Minister will agree with me that this is a big loophole and I would not be a part to something like this I believe in the Constitution of Kenya, and as such I wish to make it known to the Minister that I would ask him as a gentleman, and he is a big gentleman in this House, Mr. Speaker, the hon. gentleman, to withdraw this Bill and put it in a proper way so that we may consider it. So far, Mr. Speaker, I cannot go any further although I have some points which I would like to touch on, I could not go any further because by going further by supporting and talking about this Bill, will itself probably make us pass this Bill, and then we will regret it later on when we are asked to amend the Constitution, so that we become a sort of council which will only be informed of what has happened.

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

Mr. Muliro: Mr. Speaker, Sir, I rise to speak on this Bill with very strong feelings. This, Sir, is a direct attack.

Clause 3, section 3, and clause 5, make Parliament a complete mockery. We have been informed that all money Bills, anything to do with money, is the responsibility of Parliament, as the supreme authority which has to decide the money which must be paid by the taxpayer in Kenya. If we transfer this responsibility to the

hands of a committee of twenty men, sitting together as a Cabinet and deciding that we want a loan of six hundred million shillings. Thirty million pounds. You leave all that, which is virtually the budget, the Kenya Budget is about forty-one or forty-five million pounds, leave virtually the whole Kenya Budget in the hands of a committee of twenty Ministers to decide the question of nine million people. This is next to impossible. I think it would only pay dividends to the integrity of the Minister to withdraw this Bill.

Clause 5—the Minister says that Parliament will be informed. If the Parliament is to decide how the money will be allocated to this country, should we just be rubber-stamps to the decision of the Cabinet? This is a very serious issue. It is actually a serious inroad into the privileges and powers of Parliament. If Parliament is the supreme authority in this land, Parliament must debate all money Bills fully before we commit the nation into anything with any country. We can never allow a loophole like this which might actually mortgage the whole of Kenya's independence by a few people in the Cabinet.

This, Sir, makes me feel very strongly that this Bill, in fact hon. Members in this House, need not waste their whole afternoon talking about this, we ask the Minister to withdraw this Bill completely and then reintroduce it in any other form agreeable, but as it is it is going to be a flop. We will not accept it.

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

Mr. Malinda: Thank you, Mr. Speaker.

Mr. Speaker, it has been the practice of this Parliament in the past that if or when any local authority wanted to borrow some money with the guarantee of the Government, that that application was brought to this Parliament to be approved by this House. I think the basis of this Bill is to do away with that practice and give power to the Minister for Finance to be able to negotiate such loans without having to come to this Parliament every time a group or a corporate body or a local authority wishes to raise some money for its development. For that, Mr. Speaker, I congratulate the Minister and I would like to say something which I think should be corrected in this Bill, because I do not agree with the view that this Bill should be totally withdrawn.

Mr. Speaker, when one looks into clause 3, "the Government may guarantee in such a manner and upon such conditions as it may think fit the due performance of any covenants on the part of a local authority". Mr. Speaker, I want the

**[The Minister for Agriculture and Animal Husbandry]**

It is the general manager who went to the accountant, who said he wanted Sh. 45,000 to give to a certain Member of this House. The accountant then gave the money, he signed for the money. He then took the money and he says that he gave it to somebody. Yet, he cannot prove with a witness, or a signature that, in fact, he gave the money to anybody.

This is why I am saying this. I am not accusing anybody in this House. I am trying to clear the board and clear the matter from rumours. Hon. Members have said there were rumours going round. What I have said in this House, every word can be substantiated. It is correct they are not rumours—what I have said. That is why I will not give the name, because at the present moment we only have the word of the general manager and his signed statement, and it will be wrong for me to give a name when that man is quite likely not to be involved at all. Until the matter has been investigated, and he is found to be involved, nobody will get a name out of me.

**The Speaker (Mr. Slade):** Order! Order! I am not going to allow that particular point to be pursued any more, but I think it would be reasonable to ask the Minister for an assurance which I know he will give, that when this matter has gone a little further, this allegation made by the general manager against a Member of this House, he will either inform the House that some proceedings are being taken, or that it has become clear that there is no evidence against any Member of this House.

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** I am certainly prepared to do that, Sir.

**The Speaker (Mr. Slade):** Thank you.

**Mr. Shikuku:** Mr. Speaker, I have a question to ask the Minister who made the statement. He did, in the course of his statement, state that the accounts for the West Kenya Marketing Board had not been audited for the whole of 1965. Could the Minister tell the House what reasons, so far, he has received as to why the auditors have not looked at the books of the West Kenya Marketing Board from 1st January 1965 to 31st December 1965?

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** For two reasons, Mr. Speaker. One is because the accounts have not been given to the auditor; two that the accounts have not been written up. There is a

third reason, that the so-called people who were supposed to write up the accounts: were so inefficient that they could not write them up.

**Mr. Omweri:** Mr. Speaker, Sir, I have two questions to ask. The first is this. The statement which the Minister has given refers to the action he took immediately he took over the portfolio of the Maize Marketing Board. Would the Minister now tell us whether the commission of inquiry which went into this matter, or the commission of auditors which went into this matter, has finalised its findings, and whether these findings will be more detailed than what he has given?

The second question—

**The Speaker (Mr. Slade):** One question at a time, Mr. Omweri.

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** Mr. Speaker, the original report was an interim report. So as to help the auditors in their investigation and inquiry we have helped them with two qualified accountants from Government, and I hope that they will be able to report to me fully by the middle of February.

**Mr. Omweri:** Mr. Speaker, Sir, the other question is that the caretaker board is also alleged to have had more or less the same problems as the West Kenya Marketing Board, and the commission is going into this problem, and also, the caretaker board members or staff are mainly concerned with attending to the commission, has the Minister any other preparations to satisfy the functions of the board which he has referred to earlier? Has he any other arrangements whereby the members who are served by the West Kenya Marketing Board would get more appropriate service than the present caretaker board, is also under serious suspicion?

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** I think that the hon. Member, Mr. Speaker, has it wrong. The people who have gone in are the Kenya Agriculture Produce Marketing Board, not the Maize Marketing Board. The Maize Marketing Board are not acting as agents for the West Kenya Marketing Board at this time. It is the Kenya Agriculture Produce Marketing Board who are.

**Mr. Malsori-Inumbo:** Mr. Speaker, Sir, is the Minister aware that there are rumours that the assets of the present West Kenya Marketing Board are going to be disposed of publicly on 28th January 1966?

**The Speaker (Mr. Slade):** No, Mr. Malsori-Inumbo, that is not the kind of question that can follow this statement.

**[The Speaker]**

I have allowed a lot of questions on this subject because I realize it is quite important. However, I think we should now go on with the rest of the business on the Order Paper.

Colonel McKenzie, you wish to say something about the Dairy Industry Bill, I think?

**MINISTERIAL STATEMENT****WITHDRAWAL OF BILL**

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** Mr. Speaker, I wish to make a short statement on the Dairy Industry Bill, to say that I have been requested by the Attorney-General's Department that the Dairy Industry Bill be withdrawn and republished in two weeks' time, for the reason that certain irregular legal wording has been found in the Bill. The new Bill, when it is published, will basically and in detail be no different to what it is now, excepting for some legal wording. In addition to this, various sections will be altered.

**The Speaker (Mr. Slade):** So, you give notice to the House that you will not be moving the Second Reading today?

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** Yes, Sir.

**NOTICE OF MOTION FOR THE ADJOURNMENT****PUBLIC MEETINGS IN NYERI**

**The Speaker (Mr. Slade):** I have to remind hon. Members that at the close of business today, whether the interruption of business or the early conclusion of business, Mr. Wariithi is to raise on the adjournment the matter noted on the Order Paper.

**CHANGE IN ORDER OF BUSINESS**

**The Speaker (Mr. Slade):** Also, as regards the Order Paper, I would refer to Order No. 11, the Extradition Bill. It was to have its Second Reading moved by the Attorney-General. I understand he had to leave on urgent business and may not be able to be back into the House until late this evening, if at all. So, I propose to exercise my power of moving that Order No. 11 to the end of the Order Paper. It is changed from its present position to the last Order of the day.

**BILL****Second Reading****THE LOANS (GUARANTEE) BILL**

**The Minister for Finance (Mr. Gichuru):** Mr. Speaker, Sir, I beg to move that the Loans (Guarantee) Bill be now read a Second Time.

This Bill will provide formal legislative cover for past and future guarantees, and will fill an important gap in our present financial arrangements.

It has been the practice in the past for a Motion to be taken in the House. However, the approval of the House to a guarantee does not mean that the money to implement the guarantee could be made available when necessary without the inclusion of the necessary sum in the annual estimates or in a supplementary estimate.

Under the procedure now proposed, if a guarantee is to be operative, then the Government will be obliged to make the necessary payment as provided for in clauses 6 and 7 of the Bill. This is similar to the procedure already approved for loan funds borrowed for the implementation of the Development Plan. It is right and proper, therefore, that a similar procedure should be adopted for guarantees. In addition to adopting this procedure to new guarantees, the provisions in the Bill apply also to the guarantees listed in the Schedule to the Bill, and I will, at the Committee stage, be moving an amendment which will have the effect of including in the Schedule two guarantees which were omitted in error.

I also gladly give a formal undertaking that the Government will inform the House, immediately, whenever it becomes necessary for a guarantee to be operative.

It will be seen from the list of guarantees in the Schedule that by far the largest guarantees relate to the development plans of the East African Railways and Harbours, the East African Posts and Telecommunications Administration and the East African Airways. In relation to guarantees given to enable the development plans of these organizations to go ahead, we do, in fact, have an agreement with the Uganda and Tanzania Governments under which, in the event of the guarantee being called upon, the liability is shared between the three Governments. On no occasion so far have we had to find any money to implement a guarantee, and I hope that this will be the case in the future, although it is likely that we will have to find money to give to the Mombasa Pipeline Board to enable the Uganda Government loan to the Pipeline Board to be paid when due. We have so far not been successful in persuading the Uganda Government to extend the repayment period of their loan.

Other guarantees have in the past, and will in future, relate to the needs of the statutory boards and local authorities, in particular, the City Council of Nairobi. The sum provided for future

**[The Minister for Agriculture and Animal Husbandry]**

Sir, this is in the hands of the Criminal Investigation Department and I presume that in this inquiry, as in all inquiries, the machine is operating and in due course, if and when the Criminal Investigation Department think fit, action will be taken, I presume, and people will be charged.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Mr. Speaker, on behalf of the people who consume maize—

**The Speaker (Mr. Slade):** Order! I think Mr. Mwendwa wants to join in the discussion as Minister for Commerce. I am afraid he cannot do that. We can only have questions seeking information from the Minister.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** On a point of order, Mr. Speaker, I am seeking your guidance. Would you not at least have given me a little time? Because I was only going to thank the Minister for the action he has taken no more than that—on behalf of the maize consumers. That is all!

**The Speaker (Mr. Slade):** Order! I quite agree that such courtesies are always nice, and I apologise to Mr. Mwendwa for not having given him the chance!

**Mr. Anyieni:** On a point of order, Mr. Speaker, the Minister has told us a lot of things which we have been hearing in the form of rumours, and when the Minister makes a statement such as he has made at this special time, no doubt, he has sufficient evidence to prove what he says. But, Sir, do you not think that it is unfair for the Minister to make such statements and then the Standing Orders do not allow the Members to press him further so that he can give us any information that we require in order that, when we go outside to the masses and they ask about this, we can fully explain what the Minister's statement meant?

**The Speaker (Mr. Slade):** I think you misunderstood me. Standing Orders do allow you to press the matter further by way of seeking information, but not by way of argument.

**Mr. Shikuku:** On a point of order, Mr. Speaker, I thought you had given a ruling to the effect that questions could be asked. Is there any need for us to pore over matters of order rather than asking questions of the Minister?

**The Speaker (Mr. Slade):** No, it is simply that Mr. Anyieni had misunderstood what I said before, I think. He wants to ask a question now.

**Mr. Anyieni:** Mr. Speaker, if you will allow me, I would like to ask two questions in one. They will be short.

Now, Mr. Speaker, the Minister for Agriculture has stated that one of the people who was given an increment was a friend of the general manager. How does he prove that this man was the friend of the general manager? The other thing, Mr. Speaker, is that he has said—

**The Speaker (Mr. Slade):** One at a time.

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** Because he admitted in the statement that he was his friend.

**Mr. Anyieni:** Mr. Speaker, the Minister has stated that Sh. 45,000, which was some of the money which disappeared from West Kenya—the cheque was given to his colleague in this Parliament. Why then does he say that the people of West Kenya will have to pay for some of this money through a reduced price for their crops, when the Minister knows the culprit?

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** I never said that. I think that it would be as well, Mr. Speaker, if I could just find it quickly, so that I can repeat it. I said that the cheque of Sh. 45,000 which the general manager has stated... was paid to one of my hon. colleagues, a Member of this House. Now, Sir, this matter is being investigated at the moment by the Criminal Investigation Department. All I am quoting from is a signed statement by the general manager himself, which he has given to us, a signed statement showing the invoice of Sh. 45,000 from the cashier to him. He admits taking the Sh. 45,000. He has then said—and it is only his word—that he passed this on to an hon. Member of this House; and that matter is being investigated.

**The Speaker (Mr. Slade):** Order! I think it would be quite out of order to insist on ascertaining at this stage what particular hon. Member was named by the general manager. The point of this statement is to show where the general manager has, on his own admission, gone wrong. Where he implicates somebody else, it is not fair to mention that somebody else until there is some evidence elsewhere against him.

**Mr. Oduya:** On a point of order, Mr. Speaker, I am just seeking your guidance on this. When the Minister continues to reply and particularly where he refers to one of the hon. Members of this House who is alleged to have received this money, can he specifically say whether he is a Member of this House or a member of the Cabinet, because they are two separate things?

**The Speaker (Mr. Slade):** Order! Order! I do not know whether you feel disposed to give any more information on this point, Mr. McKenzie; probably not.

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** Mr. Speaker, Sir, I am only prepared to give to this House what I can substantiate. Every word that I have issued this afternoon I can substantiate by signed statement and audited figures and audited reports. I am not prepared to attempt to give anything that I cannot substantiate, because hon. Members here will be the first to attack me.

**Mr. Anyieni:** On a point of order, Mr. Speaker, in view of the fact that when the Minister states that the general manager said that Sh. 45,000 was given to one of the Members, and in view of the fact that the public might suspect any Member in this House, not a particular Member of this House, would it not have been wiser for the Minister not to quote this thing in this House until the matter has been proved?

**The Speaker (Mr. Slade):** Mr. Anyieni is pursuing a matter on which I have already ruled. I am not going to have my rulings re-opened. You can ask, if you wish, whether investigations concerning any allegations against the Member concerned are being pursued, but I will not allow hon. Members, for the reasons I have given, to insist on knowing the name of the Member at this stage.

**The Attorney-General (Mr. Njonjo):** Mr. Speaker, Sir, I would like to ask the Minister concerned whether he would agree that the reason he made this statement was to explain the sudden action he took regarding this marketing—

**The Speaker (Mr. Slade):** No, sorry, Mr. Njonjo. I cannot allow another Minister to ask questions in aid of the Minister. Actually, I do not think he needs any aid.

**Mr. Ngala-Abok:** Mr. Speaker, I am raising this point of order because I feel that the time might run out before I can ask a question. So, it will have to be a point of order.

Is it not in order for the Minister, now that he has revealed that there are definite signed statements made against individuals, mostly those who have served on this marketing board, to say that it would be in order for the Government to detain these people so that the public is aware that whenever somebody is found to have done something wrong, or to have stolen something, he is not left at large? In this way the public can see the seriousness of the matter—

**The Speaker (Mr. Slade):** Order! Order! It is quite clear, that that is not a point of order, it is a question. You are quite entitled to ask the Minister whether he is taking that action. Make it that.

**Mr. Ngala-Abok:** Mr. Speaker, Sir, will the Minister agree with me that it would have been wise—and it should be wise now—for all that—

**The Speaker (Mr. Slade):** Order! Order! I have explained to hon. Members that you cannot follow a Ministerial Statement by questions which express a point of view. You must have questions which are genuinely seeking information. A straight question as to whether or not any particular action is being taken against any of these people concerned is all right, but the expressions of opinion as to whether or not the Minister will agree with you cannot be allowed.

**Mr. Ngala-Abok:** Mr. Speaker, Sir, from now on will the Minister take action to see that all those involved are detained pending the results of the inquiry?

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** Mr. Speaker, this is something which I, as Minister for Agriculture, cannot answer, but I sincerely hope that certain people may even be being picked up at this minute.

**Mr. Wamutheny:** Mr. Speaker, Sir, may I know from the Minister, since he has given the statement to this House, whether there is any likelihood of bringing those people to justice?

**The Speaker (Mr. Slade):** I think you have had the answer to that already.

**Mr. Malinda:** Mr. Speaker, Sir, in view of the allegation by the Minister, that the sum of Sh. 45,000 was given to an hon. Member of this House, could he let this House know what steps he is taking to find out who this particular Member of Parliament is, and what action is being taken to bring him to book? On top of that, Sir, would the Minister also assure this House that he will reveal the name in this House so that the public can clearly know the person who was referred to today?

**The Minister for Agriculture and Animal Husbandry (Mr. McKenzie):** Mr. Speaker, I have said I am not prepared to reveal the name put in the statement signed by the general manager. My reason for putting this forward and making it public today was that a number of Members of the old board have been to see me and asked me to make this known so that the onus could be placed on the general manager rather than on the board.

**[The Minister for Agriculture and Animal Husbandry]**

the result of the inquiry and any reorganization necessary. All this had to be done without a single day's delay. Since then we have discovered that this board, in its one year of existence, not only frittered away the loose assets of its predecessor, but it has run up a debt which, on a preliminary estimate, is at least Sh. 2 million. Further investigation may discover further debts. This debt is increasing by Sh. 200,000 each month at the board's present level of overheads which, for obvious reasons, will take time to reduce.

Hon. Members may well ask how such a state of affairs, whereby a statutory board can squander public funds to this extent in one year, can come about. I shall give hon. Members some examples of how it can and did happen. Firstly, nearly every member of the board's staff, the majority of whom were taken over from the old Nyanza Produce Marketing Board, received a considerable increase in salary during the year. One junior clerk had his salary raised from just on Sh. 5,000 to Sh. 18,320. He was a friend of the general manager. Secondly, whereas marketing in the area of operation of this board was formerly carried out by a staff of about 200, the West Kenya Marketing Board raised their establishment to no less than 408. There was no increase in marketing efficiency or turnover.

Thirdly, even junior officers, new ones still on probation, were allowed 100 per cent loans with which to purchase motor cars. In one year of operation, forty-five people were given these loans which amounted to Sh. 583,000. They were charged only a nominal interest, far less than the board itself was paying for the overdraft which was buying the motor cars.

Fourthly, all these people could then claim mileage and they did. The board paid out Sh. 262,840 in mileage allowances. Claims varied from as little as 200 miles in the year to 20,000 miles in the year. The general manager himself, however, topped all by claiming for nearly 30,000 miles. This cost the board over Sh. 30,000. If Mr. Speaker, you average out the mileage claim by these forty officers, it comes to between 6,500 and 7,000 miles per officer.

I mentioned that the general manager was paid for nearly 30,000 miles' travelling in his own car. Let me add that the board had, over and above this, purchased a new Land-Rover which was reserved solely for the use of the general manager and in which it is known he did the majority of his travelling.

Fifthly, vast sums of money were spent on so-called public relations, including a payment of Sh. 45,000 which the general manager has stated, in a statement to the Criminal Investigation Department, that this amount of money was made to one of my hon. colleagues, a Member of this House.

Let me add a brief mention of a few more details that have come to light. The board's budget for 1964-65 indicated an allocation of £450 for board allowances. In fact, up to July, 1965, the board had disbursed £9,700 to board members. Since then, the amount has increased. A new Mercedes 220S was ordered in July and payment made to a garage by cheque. No Mercedes has been delivered. Mr. Speaker, two rooms were built on to the general manager's house, which was already substantial and sufficient for all his predecessors. The cashier cannot explain the whereabouts of a further Sh. 30,000.

These are just a few of the examples of the unsatisfactory financial aspects. Let me give you a few more examples of the gross inefficiencies in the administration of the marketing. First, the board purchased maize at Sh 1'50 cts. a bag more than the published price and more than they received from the Maize Marketing Board. They did not adhere to the transport differentials laid down for the different districts. Secondly, the board purchased approximately 100,000 bags of maize at an extremely high moisture content. This wet maize heated up in sacks and, had not emergency measures been taken by the Maize Marketing Board to deal with the situation when it was discovered, all would have been lost. As it is, the discovery was a little too late to save all the maize, and some has had to go for stock feed because of mustiness. The irresponsibility of buying wet maize and storing it in sacks is fantastic and unbelievable. All this when the country so badly needed every available bag of maize.

Thirdly, the board sold far larger quantities of groundnuts than they could ever possibly have hoped to purchase, thus running the risk—which we now, as a Government, will have to take—of having to compensate for breach of contract. Fourthly, the board purchased more than Sh. 4 million-worth of fertilizer without any funds whatsoever to meet the cost. Such an enterprise as distributing fertilizers to farmers may be laudable, but it is not within the competence of a marketing board, whose function is the purchase and sale of produce.

It has proved extremely difficult to ascertain the true financial position because, despite the fact that the board has an ample and well paid accounting staff, the books have not been written

**[The Minister for Agriculture and Animal Husbandry]**

up since January 1965. As I have stated, Mr. Speaker, a full audit inquiry has been instituted but the results of this will not be available for a month or two as the first task is to bring the books up to date.

Meanwhile, everything possible is being done to decrease overheads. This obviously cannot be done without upsetting some people. However, the nettle must be grasped and the board will have to dismiss as redundant a large number of staff. This is being done carefully and after due investigation, so that marketing efficiency will not be impaired in any area.

Looking to the future, this experience has convinced me that what is needed is a powerful, efficient, central marketing organization to deal with maize and other produce on a country-wide scale. As you will all remember, we had previously had hopes of creating such an amalgamated board, but, as a result of the strong representations made by the people of West Kenya—who, among other reasons, were loth to see the accumulated balances dissipated in a country-wide organization—the West Kenya Marketing Board was created against the best advice I admit that at that time I was the Minister responsible. It was a gesture that was made with the best intentions, but the results have proved to be disastrous. The accumulated assets of the Nyanza Marketing Board have now been well and truly dissipated; and the people of Western Nyanza may well find themselves in the position of receiving less for their produce in order to liquidate the deficit which is now apparent.

Whatever the future—and I can give no definite statement on this at this time, as the whole subject is at present under investigation—hon. Members can rest assured that my Ministry and the Government will do everything it can to ensure that the marketing of produce in the Western Kenya area, under the Kenya Agricultural Produce Marketing Board as agents, will continue to be carried out as efficiently and equitably as can be arranged.

Further, Mr. Speaker, a circular has this week been issued to all statutory boards which I hope will prevent ever again any repetition of this state of affairs.

Mr. Shikuku: On a point of order, Mr. Speaker, I rise to seek your guidance on this. Since the Minister has given the statement to this House and has raised some points which might be subject to questions and so forth, are we allowed, under Standing Orders, to question the Minister and, if possible, to air our views?

The Speaker (Mr. Slade): The answer to the first part is yes and the answer to the second part is no. Following a Ministerial Statement, hon. Members may ask questions genuinely seeking information but not for the purpose of airing their views.

Mr. Seroney: On a point of order, Mr. Speaker, the hon. Minister has made quite serious allegations affecting some of the Members of this House and some people outside. Now, is it in order, when there is a commission already sitting and since he has already told us that the Criminal Investigation Department is looking into some of the matters, to make such serious statements in this House?

The Speaker (Mr. Slade): Yes, it is in order, if relevant, to make allegations on any matter which is not actually *sub judice*, that is to say, brought before the courts. Whether it is desirable to go far into them, pending further investigation and possible court proceedings, is another matter. But as a matter of order, it is not out of order. There can, of course, be questions raised, when allegations are made, as to substantiation, if necessary, but I do not think this particular statement gives rise to any question that is not already substantiated, to the extent that the Minister has given his authority for saying what he says. However, hon. Members can ask questions on a point of order there.

Mr. Kuli: Mr. Speaker, due to the seriousness of these revelations, would I be in order to inquire from the Attorney-General whether some of these people have already been locked up?

The Speaker (Mr. Slade): No, I am afraid questions following a statement can only be addressed to the Minister who made the statement. But the Minister who has made this statement will doubtless know what is happening. Do you want to address your question to him?

Mr. Kuli: In that case, Sir, I would like to know from the Minister whether, because of the seriousness of the allegations, or, rather, not allegations but facts, these people have been locked up or have been charged accordingly.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, when this information was brought to our knowledge, we immediately handed this information on to the people concerned, namely, the Attorney-General and the Criminal Investigation Department. We know these things from the information which I have given you, which is from signed statements by these people, admitting this. Now,

**[The Attorney-General]**

any particular case is determined by the judge or magistrate concerned, who takes into account the prevalence of the offences and the circumstances of the case.

I want to refer the hon. Member to our own laws which he will find in the library, chapter 245 of the Laws of Kenya. Section 8 creates an offence whereby any person who smokes or otherwise uses prepared opium or who frequents any place used for the purpose of opium smoking, shall be guilty of an offence; and the penalty clause is contained in section 18 which provides, "on conviction by the Supreme Court to a fine not exceeding Sh. 20,000 or to imprisonment of a term not exceeding ten years or to both such fine or imprisonment".

Mr. Nyaberi: Mr. Speaker, Sir, arising from the answer just given by the Attorney-General, would he tell the House what harm this opium does to the people who smoke it, and, in this light, can he tell the House how much harm can be done, compared with the harm done by smoking tobacco, as far as nicotine and cancer are concerned?

The Speaker (Mr. Slade): Order! Order! That is getting too far away from the question, I am afraid.

Mr. Mbogoh: Mr. Speaker, Sir, is the Attorney-General aware that some Members in this House smoke opium, and they are now speaking in self-defence?

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is it in order for an hon. Member—as you have ruled sometimes—to try and use a supplementary question for making an allegation as that one which says that some Members are defending this question of opium because some Members smoke opium. Can he substantiate that?

The Speaker (Mr. Slade): I do not know whether Mr. Mbogoh was suggesting that some Members are interested in this question because they smoke opium. If you were, you must withdraw that.

Mr. Mbogoh: Mr. Speaker, Sir, I only asked the Attorney-General whether he was aware that there are Members who smoke opium, but I do not know any Members who smoke.

The Speaker (Mr. Slade): Order! Order! In that case, Mr. Mbogoh's question was quite irrelevant and will be ignored. We will go back now to Question 202.

Mr. Omar: On a point of order, Mr. Speaker, Sir, I rise to seek your guidance about this statement made by hon. Mbogoh—

The Speaker (Mr. Slade): I said it will be ignored. It will be. It will be ignored, Mr. Omar. We will go back to Question 202.

The Assistant Minister for Health (Mr. Moss): On a point of order, Mr. Speaker, Sir, would it not be in order for the hon. Mr. Mbogoh to withdraw—

The Speaker (Mr. Slade): I have dealt with this. We are going on to Question 202.

## Question No. 202

## DISMISSAL OF DISTRICT ASSISTANT

Mr. Odera-Sar, on behalf of Mr. Bala, asked the President if he would tell the House the reasons for the dismissal of Mr. Ombok Thim from the Civil Service as a district assistant.

The Minister of State, President's Office (Mr. Nyamweya): Mr. Speaker, Sir, maybe before I answer this question, I would rather like to seek your guidance and possibly the indulgence of the hon. Member, whether he would like me to disclose the facts which led to the services of this particular officer being terminated, as I think, if I do so, this may be very detrimental to the officer himself, not only for re-employment somewhere else in the Government, but also in other commercial firms.

The Speaker (Mr. Slade): I think we must hear from Mr. Odera-Sar whether in view of that he wishes to pursue the question.

Mr. Odera-Sar: Mr. Speaker, Sir—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, Sir, in view of the fact that there are a good number of former civil servants who have been removed from their posts in this particular district, would it not be in order for you to rule that at least a reason be given in this case?

The Speaker (Mr. Slade): All I can rule is that an hon. Member is entitled to ask a question. I cannot rule that an answer be given, as I have explained on many occasions, but on this occasion the hon. Member who asked the question is being invited to think twice before he pursues it, and I must know whether he wants to think twice or not.

Mr. Odera-Sar: Mr. Speaker, Sir, since I am not originally the questioner, I do not want this to be disclosed.

Mr. Gitohya: On a point of order, Mr. Speaker, Sir, we have two systems in this House of answering questions in this House. One is given in writing, which never appears in the House, and the other is put on the Order Paper so that the House may also know the reasons as to why the question has been put there. Surely some sort of answer could be given by the Minister of knowing what action took place and whether it was the character of the civil servant himself.

The Speaker (Mr. Slade): Order! Hon. Members understand, but must understand by now as I have said it so many times—that it rests with the Minister how far he answers a question, if at all. Now, here obviously the Minister of State was wanting to know the attitude of the questioner to decide whether or not he would answer. I take it that, in view of the attitude of the questioner, he is not going to answer. That does not stop further supplementary questions by other hon. Members, but they will not get anywhere. I think.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, in this particular respect, when the Minister and the questioner allow the question to appear on the Order Paper and when the Minister comes up and says that if he replies to the question, it will penalize the person which the question was intended to help, and in view of the fact that just that reply only gives room for very great imagination as to maybe the wickedness of—

The Speaker (Mr. Slade): Let us get to the point of order, Mr. Anyieni, fairly quickly.

Mr. Anyieni: Yes, Mr. Speaker. Would it not be in order for you to rule that such a question, when the Minister thinks they might raise the person they intend to help, should not appear on the Order Paper until the Member asking them has been given the information, and then if he still insists, then it will be on the Order Paper.

The Speaker (Mr. Slade): No. If a question is in accordance with Standing Orders, I cannot direct that it should not appear on the Order Paper. If a Minister felt that he was doing the right thing by warning the questioner before it comes on the Order Paper, that it is a dangerous question to ask, there is no harm in that and the hon. Member, if he likes, can withdraw the question, and it never appears on the Order Paper, but it is not a matter which the Speaker can control.

Mr. Nyamweya: Mr. Speaker, Sir, I do not refuse to deal with this question, and I would add that the hon. Member for Nyando has sought an explanation why this officer was dismissed or his services were terminated from the Government service. All what he did was to get

the question on the Order Paper, and I would give the hon. Member for Nyando an assurance that if he takes the trouble to call at my office, I can deal with this question to his satisfaction. The only thing I wanted to say to the House was whether it would be prudent to disclose all that record or matters which were contributory to the services of this officer being terminated, because having done that, I think that would prejudice his future re-employment. I am prepared to deal with the question, but that is the point I wanted first of all to do, to give the hon. Member a chance to do so.

The Speaker (Mr. Slade): I think we will move on now. Mr. McKenzie, I think you have a Ministerial Statement to make.

## MINISTERIAL STATEMENT

## WEST KENYA MARKETING BOARD

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I would like to take the opportunity of making a Government statement on the West Kenya Marketing Board for the reason that I have been asked, not only by a number of hon. Members, but by a number of people outside.

Mr. Speaker, Sir, hon. Members will have learned from the Press that during the recess I found it necessary to take stern measures to deal with gross mismanagement of the affairs of the West Kenya Marketing Board.

I am aware that there is, and always has been, considerable political interest in this board, and, for this reason, I am making this statement to keep hon. Members in the picture.

When I took over responsibility for this board on the 17th December, I learned that their affairs were unsatisfactory. I had discussions with the chairman, Mr. Sifuma, who was most helpful, and I read the papers which included an interim audit report. I concluded that, in order to prevent further loss of public funds, immediate action was required. One various matters, I took counsel from my learned and hon. colleague, the Attorney-General, and what information I had available on certain aspects of the board's management was immediately made available to the Criminal Investigation Department.

In order to be able to act swiftly, I found it necessary to dismiss the board and I immediately reconstituted a new one, charged with putting their house in order. The same day, the new board suspended all the senior staff, commissioned a full audit inquiry and put the Kenya Agricultural Produce Marketing Board in as managing agents, to carry out the function of the board, pending

**Mr. arap Soli:** On a point of order, Mr. Speaker, I cannot hear.

**The Speaker (Mr. Slade):** I think if hon. Members would keep rather more silent other Members will have a chance of hearing the Minister answer. Would you start again please, Mr. Bomett?

**Mr. Domett:** Mr. Speaker, Sir, as regards the second part of the question, the hon. Member will, however—

**Mr. arap Soli:** On a point of order, Mr. Speaker, I did not hear the first part.

**The Speaker (Mr. Slade):** You did not hear the first part of the answer? Very well.

**Mr. Bomett:** I beg to reply, Mr. Speaker.

I am delighted to learn that the people of Chemarer and Ndaraweta are making a road through the Mau Forest, and are thus joining the many other self-help groups who are developing the minor roads of our country.

As regards the second part of the question, the hon. Member will, however, be aware that local authorities are in fact responsible for minor roads in their areas and have their own sources of revenue, namely G.P.T., for the discharge of such responsibilities. As such, therefore, my Ministry would not like to interfere with the local authorities in what they are doing. In any case, due to the vast amount of road development required in Kenya, and the very many similar and no less worthy calls upon our slender resources, my Ministry is only able to finance and participate in a relatively small number of the most urgent road development projects. In view of this, I suggest the local people approach the Kipsigis County Council, who have their own technical staff, for assistance.

**Mr. arap Soli:** Mr. Speaker, Sir, would the Minister tell the House whether his Ministry has allocated any money for building any roads in Bomet or in Kericho District?

**Mr. Bomett:** Mr. Speaker, Sir, the answer to that is yes, we have allocated quite a substantial amount of money to the Kipsigis County Council and how it is spent is a question for the county council.

**Mr. Mate:** Mr. Speaker, Sir, in view of the importance of development in this country, would the Minister consider either seconding or lending tractors and things to the Kipsigis people to help them if they have no money, material or officers?

**Mr. Bomett:** Mr. Speaker, Sir, my Ministry is considering going into the county councils and finding out the condition of the machinery which is being used in the various county councils, because it has come to our notice that some county councils have rather dilapidated machinery for making roads, but this exercise is going to be examined in conjunction with the Ministry of Local Government.

#### Question No. 150

#### COMMONWEALTH TRAINED LAW STUDENTS IN KENYA

**Mr. Anyieni** asked the Attorney-General what arrangements was Government making to allow those students of ours who qualified in law from any Commonwealth country to practise in Kenya.

**The Attorney-General (Mr. Njonjo):** Mr. Speaker, Sir, I beg to reply. Under the Advocates Act, those who return to Kenya professionally qualified to practise law in a Commonwealth country are required to serve in Chambers under an advocate of seven years' standing for one year before they can be enrolled to practise on their own. The Government assist such students either by taking them into Government service as State Counsel (Trainee) or by helping to arrange through the Law Society and Council of Legal Education for suitable advocates to take them into Chambers for the requisite one year period.

I have taken quite a number of such people into my Chambers, and I have also assisted a number of people to be taken by advocates in Nairobi.

**Mr. Anyieni:** Mr. Speaker, could the same facilities apply to those who have taken international law, either in the Commonwealth countries or in any other part of the world, maybe the United States or any other place?

**Mr. Njonjo:** International law is one of the subjects that an advocate takes and, therefore, if he comes to us having qualified as a lawyer, we will take him as I have outlined in this reply.

#### Question No. 151

#### PEOPLE ACCUSED OF PRE-INDEPENDENCE OFFENCES

**Mr. Anyieni** asked the Attorney-General why it was that when a person was charged in the Kenya courts these days some of the so-called offences which the defendants committed during the colonial days, as part of the struggle for our independence, were being quoted against the defendants.

**The Attorney-General (Mr. Njonjo):** I beg to reply, Mr. Speaker. I seem to be very popular with the hon. Mr. Anyieni this afternoon.

It is essential that a court passing sentence on a person convicted before it should have the fullest possible information about the convict's antecedents. His previous convictions before the Kenya courts form a part of his antecedents and are therefore always admissible before the court.

In fact, you will find that in quite a number of these cases the accused himself, as soon as he is convicted, asks the court to take into consideration a number of past offences which he has committed.

**Mr. Anyieni:** Mr. Speaker, Sir, is this not unfair to any defendant when the past convictions were in connection with the struggle for the independence of Kenya and, in view of the fact that many of our leaders, including the President, were some of our people who were convicted by the Colonial Government? Would it not be fair for the Attorney-General to consider deleting any clause which refers to the convictions in colonial days if they were in connection with the political struggle?

**Mr. Njonjo:** In fact, Mr. Speaker, most of these offences, when they are taken into consideration, must be relevant to the charge before the court, upon which the accused person is convicted. Therefore, for instance, if a person is convicted of theft, a political offence which he had committed in the past is not taken into consideration and, in fact I can assure the hon. Member that political offences, such as those mentioned by the hon. Member, are not taken into consideration when we sentence people today.

**Mr. Komora:** Mr. Speaker, Sir, will the Attorney-General tell the House why those people who are accused of having committed an offence and for smoking opium are heavily—

**The Speaker (Mr. Slade):** I do not think that has anything to do with this question.

**Mr. Gichoya:** Arising from what the Attorney-General has stated that political offences that were committed are not taken into consideration when a judgment is being given on a case, would the Attorney-General assure this House that he has already instructed the courts in Kenya that no references to the past history, criminal record, of various convicts would be referred to in a court of law, since, Mr. Speaker, Sir, a home guard—I am going to put my case properly—a home guard might be an officer today

and he killed somebody and his record shows that he killed somebody, but by accident he might kill another person, and then that would be referred to as evidence leading to his character.

**Mr. Njonjo:** Mr. Speaker, Sir, it is very difficult for me to follow that question, but what I can assure the hon.—

**Mr. Gichoya:** On a point of order, Mr. Speaker, Sir—

**The Speaker (Mr. Slade):** I think Mr. Njonjo is going to give you an answer.

**Mr. Njonjo:** I follow roughly what you said, and I hope my answer will satisfy you. I am satisfied that the courts today do not take into consideration offences and convictions which are on the record of a particular individual if those offences were political, but the example you mentioned, if the person was convicted about ten years ago of murder—I cannot see that person being alive today, because he should have been hung—but if assumed, for instance, the sentence was commuted, then that offence will be taken into consideration. But as far as political offences are concerned, they are not taken into consideration by the court. What I was going to say, Mr. Speaker, Sir, is this: theft under the Colonial Government is still theft today under the Republican Government.

#### NOTICE OF MOTION, FOR THE ADJOURNMENT

#### UNSATISFACTORY REPLY TO QUESTION NO. 151: PEOPLE ACCUSED OF PRE-INDEPENDENCE OFFENCES

**Mr. Anyieni:** Mr. Speaker, Sir, on a point of order, I wish to raise this particular question on a Motion for the adjournment, because the Minister has not stated very clearly what—

#### ORAL ANSWERS TO QUESTIONS

#### Question No. 206

#### FINES FOR OPIUM SMOKING

**Mr. Nyaberi** asked the Attorney-General if he could tell the House why offenders who were convicted of smoking opium were now being fined over a hundred shillings, and not twenty shillings which was the fine before independence.

**The Attorney-General (Mr. Njonjo):** Mr. Speaker, Sir, I beg to reply. Since independence, there has been no change in the law relating to the penalties for smoking opium. The penalty in

[The Minister for Local Government] collected actually within the county. Information as to tax transmitted by other councils is currently being obtained by my department.

Mr. Speaker, Sir, I have answered these questions at some length because I want all Members to understand how the transmission of graduated personal tax works. I have already answered several questions on this subject in the House, and I would not wish to take up the time of the House in answering questions from every constituency as to how much tax transmission they have received. The information is available in my Ministry and can be obtained by any hon. Member who is interested, without occupying so much of Question Time on this one subject.

The Speaker (Mr. Slade): In view of the fact that the Second Reading of the Graduated Personal Tax Bill is on the Order Paper today, I do not think we ought to spend any more time on questions concerning that matter now. We will have plenty of opportunity in that debate.

Question No. 192

REINSTATEMENT OF KAKAMEGA COUNTY COUNCILLORS

Mr. Godia asked the Minister for Local Government—

- (a) Would the Minister assure the House that Kakamega county councillors would be reinstated as soon as the present services of the present Kakamega County Council came to an end after nine months?
- (b) If the answer was in the affirmative, would the Minister tell the House what steps he was taking to see that the county councillors so returned had the confidence of the electors.

The Minister for Local Government (Mr. Sgini): Mr. Speaker, Sir, I beg to reply. The Kakamega County Commission was appointed under regulation 252 of the Local Government Regulations for a period of nine months, with effect from 18th May 1965. The period of office of this commission will, therefore, expire on 17th February 1966. Steps are being taken to hold elections as soon as possible.

Mr. Speaker, Sir, it is not my duty—not anybody else's—to see that the councillors returned have the confidence of the electorate. The duty lies on the person standing for election, and if he is elected, he presumably must have the confidence of his electorate. Thereafter, it would be his own duty to ensure that he continues to hold the confidence of his electorate.

By the way, Mr. Speaker, before I sit down, nomination day is today, the 26th, in Kakamega.

Question No. 215

MURANG'A TRADE DEVELOPMENT BOARD: MEMBERSHIP

Mr. Kaggin asked the Minister for Commerce and Industry if he would tell the House:—

- (i) Why and how Mr. Keiru Mwangi and Lawrence Karugo had been removed from the membership of the Murang'a Trade Development Joint Board after they had already been gazetted under Gazette Notice No. 2739 of 27th July 1965.

(ii) Why the Minister had appointed Mr. Taddeo Mwaura chairman of the board while Senator Mwangi Wanjagi, who had defeated Mr. Mwaura in the last election, was a member of the board.

The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply.

Mr. Keiru Mwangi and Lawrence Karugo were not removed from the membership of the Murang'a Trade Development Joint Board. These two persons were never members of this trade development joint board. However, they were members of the Fort Hall Joint Board which was revoked by Legal Notice No. 287 of 1965. In July the previous Minister for Commerce appointed three members to the Fort Hall Joint Board in order to ensure that the board continued to operate during the interim period whilst the loans scheme was being reorganized. In November, the publication of Legal Notice No. 282 established the new Murang'a Trade Development Joint Board and the old colonial board was revoked as I have already explained. It therefore became necessary to appoint completely new membership as the appointment of those members who had served on the old board was automatically cancelled by the revocation notice.

The Permanent Secretary for Commerce and Industry has full powers to appoint the chairman and three members of all trade development joint boards being established in Kenya. These powers have been conferred on him by the Minister for Local Government under Legal Notice No. 221 of 1965. In appointing chairmen, my Permanent Secretary does not take into account such arguments as whether or not a certain person had been defeated in a recent election, but chairmen are appointed in the best interests of the board

[The Minister for Commerce, Industry and Co-operative Development]

In actual fact, it was expected that Senator Mwangi Wanjagi would be a most useful member of the Murang'a Trade Development Joint Board and he was, therefore, appointed as a member. However, due to his many other commitments in the Senate, it was considered that Mr. Taddeo Mwaura would be able to carry out the functions of chairman of this particular board more satisfactorily.

Mr. Kaggin: Mr. Speaker, Sir, will the Minister agree with me that the two members which he has said served in the old board never served at all, because their names were announced in July and the next set was announced the following month?

Mr. Mwendwa: Mr. Speaker, Sir, if the names of the members were announced before the meeting of that dissolved board, that is not the fault of the Minister.

Mr. Kaggin: Mr. Speaker, Sir, does the Minister agree with me that the former Minister for Commerce and Industry appointed these two gentlemen hoping that they were going to support his political standing in Murang'a, and after one month—when he learned that this was not so—he substituted their names with the names of Mwaura and Senator Wangagi?

Mr. Mwendwa: Mr. Speaker, I know the former Minister in person, I know how he walks, but I do not know how he thinks.

The Speaker (Mr. Slade): Order! Order! I would remind hon. Members that there is a limit to the extent to which allegations can be couched in the form of a supplementary question. Supplementary questions are really meant to be questions seeking information of some kind, not argument in disguise.

Mr. Anyieni: Mr. Speaker, in view of the fact that the Ministry thought that this Senator would not carry out his duties properly in this area, would the Government then explain why, in some respects, some Members of Parliament or Members of the Senate, are appointed chairman and members of so many boards, when there are other people who could have occupied these positions and who have the necessary experience at this time and why has this thing only applied to Murang'a and not to any other place?

Mr. Mwendwa: Mr. Speaker, the hon. Member has actually answered his question. The question I am answering now concerns Murang'a and Murang'a only. The member I mentioned here, who I said we thought could not carry out his

functions properly, is a Murang'a man and we knew exactly how many duties he had to do. This does not affect Kitui or Machakos men. A Kitui man will be considered on his merit.

Mr. Kase: Mr. Speaker, Sir, would the Minister agree with me that on duties which are given to me, that I am the only one who can decide that I can do them or not, and it was very unfair for the Permanent Secretary in the Ministry of Commerce and Industry—

The Speaker (Mr. Slade): Order! Order! Here again we are really getting an argument with a question mark at the end. We cannot have that. Next question.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 215: MURANG'A TRADE DEVELOPMENT BOARD

Mr. Kaggin: On a point of order, Mr. Speaker, in view of the very unsatisfactory answer I beg to raise this on an adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 182

ROAD THROUGH MAU FOREST TO NAKURU

Mr. arap Soi asked the Minister for Works, Communications and Power—

(a) whether he was aware that the people of "Chemamer" and "Ndaraweta" in Bomet Division were cutting through the Mau Forest to make a short road to Nakuru; and

(b) whether, in view of the agricultural development of the area, and in view of the short cut that would result in the establishment of that road, the Ministry would work with the Bomet Area Councillors and the Kipsigis County Council to build this road. Was he aware that the two councils were ready to survey the road if Government would help financially.

The Assistant Minister for Works, Communications and Power (Mr. Bomet): Mr. Speaker, Sir, I beg to reply. I am delighted to learn that the people of Chemamer and Ndaraweta are making a road through the Mau Forest, and are thus joining the many other self-help groups who are developing the minor roads of our country.

As regards the second part of the question, the hon. Member will, however, be aware that local authorities are in fact responsible for minor roads in their areas—



The Speaker (Mr. Slade): It is quite enough to say you wish to raise it on adjournment.

## POINT OF ORDER

## ANNOUNCING INTENTION TO RAISE MATTERS ON AN ADJOURNMENT

Mr. Ngala-Abok: On a point of order, Mr. Speaker, you ruled last time that you would make it the procedure not to allow Members who have not originally brought the question in the House to move the question on adjournment, unless the person who brought the question allows this.

The Speaker (Mr. Slade): Mr. Ngala-Abok, you did not quite understand my ruling on that previous occasion. What I said was that it is the Member who asked the original question who has the first right to raise it on adjournment. If any other Member seeks to do so, I first have to find out that the original questioner does not wish to do so. If he, however, does not wish to do so, it is not a matter of his consenting to the matter of its being raised then the other hon. Member is entitled to give notice.

Next question

## ORAL ANSWERS TO QUESTIONS

Mr. Ndile: Mr. Speaker, before I ask my question I beg to make a correction first.

The Speaker (Mr. Slade): Yes I have to acknowledge that there is a clerical error here for which we apologize. The word, "Mayors" has been left out. The question by Mr. Ndile should read:

"Would the Minister tell the House why the Mayors for Nairobi and Mombasa travel in very expensive Rolls Royce cars."

## Question No. 187

## EXPENSIVE CARS FOR MAYORS OF NAIROBI AND MOMBASA

Mr. Ndile asked the Minister for Local Government if he would tell the House why the Mayors for Nairobi and Mombasa used such expensive cars like a Rolls Royce

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I will deal with the question in two parts. The Mayor of Nairobi at the moment travels in an Austin Princess car which was purchased in 1961. Although the car is in reasonable condition, it has become increasingly expensive to operate and, therefore, I have authorized the Council to purchase a Rolls

Royce which is in keeping with the dignity of the Mayor of the capital city of the Republic of Kenya. I am advised that this car will be arriving in Kenya in January 1966.

With regard to the Mayor of Mombasa, he formerly used a car which was purchased in 1960 and again has served its useful life. I have, therefore, authorized that a Humber be purchased. Once again, Mr. Speaker, Sir, I feel it is necessary for the leading citizen of the chief port and the second largest town of Kenya to have a car which is in keeping with his dignity.

Mr. Ndile: Mr. Speaker, Sir, would the Minister tell the House how much it has cost the City Council of Nairobi to purchase the Rolls Royce which is about to arrive?

Mr. Sagini: Mr. Speaker, Sir, the approximate cost, inclusive of duty, is £10,850.

Mr. Balala: Would the Minister tell the House, Sir, why he did not consider it fit for the Mayor of Mombasa to have a Rolls Royce in the same way as the Mayor of Nairobi?

Mr. Sagini: Mr. Speaker, Sir, it is a question of financial stature. The revenue income of the City Council of Nairobi is £4.8 million, which is far bigger than that of Mombasa. I do not have figures for this here, now.

Mr. Shikuku: Arising from the Minister's last reply, where he refers to the question of funds, does he not agree with me that the sum of £10,850 is a large sum, and that this sum could be better used if people could be given employment instead of spending this money on luxuries?

Mr. Sagini: Sir, I think it seems muddled according to the way the Member has put the question.

Individual freedom is enshrined in our Constitution, the citizens of Nairobi have freedom to argue democratically and come to an agreement. The councillors came to an agreement and agreed that their Mayor deserves adequate dignity, because Nairobi is the metropolis of East Africa. Now there are various embassies here and the councillors do not want their Mayor to use a little beetle.

Mr. Tanui: Mr. Speaker, Sir, is the Minister aware that the ordinary citizens of this country do not want people to be dignified with cars, but they set standards according to respect and the way the people behave? This is more important than cars.

Mr. Sagini: Actually, what a person is, is terribly important, his soul, his way of life, his whole attitude. All this is part of that dignity.

[Mr. Sagini] like wearing a coat and tie. All these things add to dignity. We need material things as well as spiritual.

Mr. Ngala: Arising from one of the replies by the Minister, Mr. Speaker, Sir, would the Minister not agree with me that a car costing over Sh. 200,000 for one person, just to help him keep his dignity, is a waste of money in a hungry town like Mombasa or Nairobi? If the Minister agrees with me, can the Government consider a policy that would level down the values of cars commencing with Ministers, downwards to chairmen of boards, mayors, everybody?

Mr. Sagini: Mr. Speaker, Sir, the Rolls Royce is a famous English car which is known for its durability. It is no use buying cars which will not last long. This is a car that is strongly made, to last many years. That is one of the reasons why this car has been bought. What is more, important people come here. We hear that the President of West Germany is coming here—and when they do, they must be carried around in a way that befits their status, as the hon. Member knows.

## NOTICE OF MOTION FOR THE ADJOURNMENT

## UNSATISFACTORY REPLY TO QUESTION NO. 187:

## EXPENSIVE CARS FOR NAIROBI AND MOMBASA MAYORS

Mr. Shikuku: On a point of order, Mr. Speaker, I suspect you are about to rule that we move to the next Order. Before you do that, Sir, may I in view of the serious point of view taken here, in terms of expensive cars given to—

The Speaker (Mr. Slade): You want to raise this matter on adjournment, do you?

Mr. Shikuku: Yes, Sir, I wish to raise this matter on adjournment.

The Speaker (Mr. Slade): Mr. Ndile, do you wish to claim that privilege?

Mr. Ndile: Yes, Sir.

The Speaker (Mr. Slade): All right then, Mr. Ndile.

## ORAL ANSWERS TO QUESTIONS

## Question No. 190

## G.P.T. DEDUCTIONS IN KAKAMEGA

Mr. Godia asked the Minister for Local Government if the Minister would assure the House that a good fraction of the graduated personal tax deducted from all people from Kakamega who worked in urban areas (Nairobi,

Mombasa, Kisumu, Nakuru, etc.) was sent to Kakamega to aid the present development projects within the district.

## Question No. 191

## KAKAMEGA WORKERS IN URBAN AREAS

Mr. Godia asked the Minister for Local Government if he was aware that 95 per cent of the people from Kakamega working in the urban areas and who were regarded as having left their Kakamega homes permanently to live in the urban areas had left most of their families in Kakamega.

The Minister for Local Government (Mr. Sagini): Mr. Speaker, Sir, I intend to answer these two questions together.

I think that all hon. Members should by now be aware of the rules governing transmission of graduated personal tax:—

(a) Where a taxpayer is paid from an urban area, but is resident elsewhere, all the tax deducted is transferred to the area where he is resident.

(b) Where a taxpayer is resident and working in an urban area, but all his dependent family are resident elsewhere, then half of his tax is transferred to the area where the family are resident.

(c) Where a taxpayer is resident and working in an urban area and has some of his dependent family resident with him, enjoying the higher standards of health, education and other services normally available in an urban area, then all his tax is retained by the council in the urban area.

The fact that a taxpayer originates from a certain county area does not automatically mean that his tax should be transferred to that county: transmission of tax takes place only in accordance with these rules. Any tax so transferred becomes part of the general revenues of the receiving council and is available for development or normal recurrent expenditure as the case may be.

Transmission of tax is as good as the information provided by taxpayers and employers. I am as concerned as the hon. Member that tax should be distributed fairly amongst the various councils, and I hope he is aware of the notices to employers on this subject which I have published by radio and Press this month.

With particular regard to Kakamega County, it is well known that a large number of people from that county are employed away from home. In respect of 1964, the county have received from Nairobi City alone over £26,000 as against £78,000

## Question No. 213

## FOREIGN ARMED FORCES' PERSONNEL IN KENYA

Mr. Obak asked the Minister for Defence.

(a) If he felt free to declare to the House the number of personnel of foreign armed forces there were now in Kenya.

(b) If he could say whether it was correct that some British forces had remained in this country after their departure had been widely announced to the nation.

The Minister for Defence (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. (a) No, Sir, I do not think this is necessary. I may say, however, that we have training teams from the United Kingdom for the Navy, Air Force and Army.

(b) As soon as Kenya became independent, it was announced that British forces would withdraw from Kenya within a period of twelve months. This promise was kept and they left before 12th December 1964. I believe many hon. Members were at the airport to see them board the planes that took them back to the United Kingdom.

Mr. Odoyo: Mr. Speaker, it is alleged that there are quite a number of British Forces in civilian uniform who are moving around the country. Can the Minister deny this?

Dr. Mungai: Yes, it can be denied.

Mr. Ekitella: Mr. Speaker, Sir, I think this is a vague answer from the Minister concerned. I think that he is quite wrong to tell lies.

The Speaker (Mr. Slade): Order! Order! You have a question to ask, have you, Mr. Ekitella?

Mr. Ekitella: It is a question, Sir.

The Speaker (Mr. Slade): Ask a question then.

Mr. Ekitella: Could the Minister tell the House whether some of these white people are still roaming around in these uniforms?

Dr. Mungai: Mr. Speaker, Sir, I do not know who those white people are. I know that there are many tourists in this country, and some of them are white.

Mr. Gichoya: Mr. Speaker, Sir, arising from the Minister's reply, that so far he seems to be convinced that there are no former British Army officers masquerading within Kenya as civilians; to what extent has he done a survey, so that we, as Members of this House, are satisfied that our Minister has done the maximum?

Dr. Mungai: We have kept the usual survey and we do not permit members of other foreign forces to masquerade in uniform around Kenya, and I must mention here, as I said before, that we have members of training teams who are training the Navy, the Kenya Air Force and also the Kenya Army, and they wear the Kenya Armed Forces' uniforms.

Mr. Okwanyo: Mr. Speaker, Sir, will the Minister tell the House what part of the Kenya Army is Company "E"?

Dr. Mungai: Mr. Speaker, I did not hear the question: could the hon. Member please repeat it?

Mr. Okwanyo: Would the Minister tell the House what part of the Kenya Army is "E" Company?

Dr. Mungai: Mr. Speaker, I cannot and I am not going to, and it has nothing to do with the question.

## Question No. 178

## CEMETERIES FOR RURAL AREAS

Mr. Odero-Sar asked the Minister for Health if he could tell the House whether, in view of the fact that the Africans, according to their customs, were used to burying their dead inside their homes, he was considering declaring such a practice unlawful, in order to establish burial places outside the homes in all rural areas.

The Minister for Health (Mr. Otieno): Mr. Speaker, Sir, I beg to reply. Hon. Members will know already that, under Cap. 242, which is the Public Health Ordinance, section 144, the Minister is empowered to select, to appoint and to notify proper places to be used as cemeteries. It is provided in the circular that I have just issued to all my provincial medical officers that burial of dead bodies in the close vicinity of houses can spread epidemics. The health authorities should work together with the local authorities in fixing proper places for burial—

Mr. Gichoya: On a point of order, Mr. Speaker, we are experiencing great difficulty in hearing the Ministers. Could they move nearer to the microphone?

Mr. Otieno: Mr. Speaker, Sir, the Minister is empowered by the Public Health Ordinance, Cap. 242, section 144, to select, to appoint and to notify proper places which are to be used as cemeteries. I have just sent a circular to all the provincial medical officers, pointing out the contents of this section 144. I have also indicated to them that burial of dead bodies in the close vicinity of houses can spread epidemics and the

(Mr. Otieno) health authorities have been asked to work together with the local authorities in fixing proper places for the burial of the dead.

It is necessary, under the law, that such places should be notified in the Gazette by this Ministry.

However, under African Socialism, I must tell the House that although there is this Ordinance it has never been carried out. People still prefer to bury their dead near the house or in the home. It is, therefore, open to this House to decide whether to carry on with the Public Health Ordinance or whether to carry out their customs under African Socialism.

Mr. Odero-Sar: Mr. Speaker, Sir, is the Minister not aware that since the receipt of this circular to which he has referred, nothing has taken place?

Mr. Otieno: The difficulty, Sir, is the same as I pointed out. Whereas we can help in stopping dead bodies from being kept for four or five days, as does happen in some areas, we cannot point out where the dead bodies should be buried in the countryside. We only have power to do so in the townships.

Mr. Ngala-Abok: I have two supplementaries, Mr. Speaker.

The Speaker (Mr. Slade): Just one. We will see if you get the other.

Mr. Ngala-Abok: The first, Sir, is: would the Minister tell the House the purpose of sending out this circular to administrative officers if he is still doubtful as to whether this circular should be put into practice?

Mr. Otieno: Mr. Speaker, I was only pointing out the law.

Mr. Shikuku: Mr. Speaker, arising from the Minister's reply, as to whether we should carry on our African Socialism or go by the Ordinance, has he so far received complaints from any corner of Kenya where people are complaining that dead bodies have been buried at home, thereby affecting health? So far as we know, we bury people six feet down and this is a way of mauling the country.

Mr. Otieno: Mr. Speaker, Sir, I have received no public complaint, but, nevertheless, in highly populated areas such as my constituency, there is a belief that burial of the dead in the home is contributing to the death rate, but this cannot as yet be proved.

Mr. Kiprotich: Mr. Speaker, since we do not have enough land in this country, and people are looking for land, could all the dead bodies be burnt?

Mr. Otieno: Mr. Speaker, Sir, I do not want to offend the spirits of the dead but I would prefer it that way if the House agreed.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister promise that, as a part of carrying out this particular section of our law, he will now check the opinion of the people and find out whether they would like it to be carried out or not? Because it is not enough to send out circulars, saying that this section of the law must be carried out, when one cannot find out whether people would like it or not.

Mr. Otieno: I would like to do so and I am going to do so, Mr. Speaker.

Mr. Mwangandi: Mr. Speaker, does the Minister know that the words "African customs" are used loosely? Some tribes may bury their dead bodies in their homes, but others do not do that.

Mr. Otieno: Mr. Speaker, while that was true a few years ago, I think it is generally accepted in Kenya now that we bury all the dead.

## NOTICE OF MOTION FOR THE ADJOURNMENT

## UNSATISFACTORY REPLY TO QUESTION NO. 178: CEMETERIES FOR RURAL AREAS

Mr. Gichoya: On a point of order, Mr. Speaker, I would like to raise this one since we have failed to get a proper answer.

The Speaker (Mr. Slade): Mr. Gichoya has every right to do that unless Mr. Odero-Sar, who asked the question originally, wishes to do so. If you do not wish to raise this on adjournment, Mr. Odero-Sar, Mr. Gichoya may do so.

Mr. Odero-Sar: I do not wish to do so.

Mr. Mwangandi: On a point of order, Mr. Speaker, would it not be better, when a question is put like this, for the Minister or the Speaker to say so, because with regard to this business of African customs it looks as if there is not proper use of the custom, whereas—

The Speaker (Mr. Slade): Order! This does not sound to me anything like a point of order, Mr. Mwangandi.

Mr. Gichoya: Mr. Speaker, in view of the unsatisfactory reply from the Minister, I wish to raise this as a Motion on the adjournment. I will state my reasons for this.

Wednesday, 26th January 1966

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

*(The Speaker (Mr. Slade) in the Chair)*

PRAYERS

COMMUNICATIONS FROM THE CHAIR

DEATH OF THE HONOURABLE SENATOR  
MAKASEMBO

The Speaker (Mr. Slade): Honourable Members, I very much regret that yesterday I omitted to refer to the death of our late colleague and friend, the hon. Senator Dixon Oruko Makasembo, who died in a motor-accident on Saturday, 11th December, last.

My reason for this omission was the belief that the House had already paid tribute to his memory before we adjourned on the 10th December last; but, as the hon. Maitori-Iumbu was good enough to point out, I was mistaken, and in fact the death occurred after the adjournment of this House.

What I did do was to write to the Acting Speaker of the Senate on the 14th December last a letter in the following terms:—

"Dear Mr. Speaker,

Please accept, and convey to your fellow Senators, the deep sympathy of myself and all Members of the House of Representatives in the loss of the hon. Senator Makasembo. He was a very prominent figure among Members of the National Assembly, and we shall all miss his friendly and cheerful personality as much as the country will miss his wise counsels."

I was doubtless thinking of that letter, when I thought that I had already referred to this tragic event in the House; but I am grateful to Mr. Maitori for having corrected my error.

Indeed, we in this House regard all hon. Members of our colleagues, all of us being Members of one National Assembly; and we shall always lament the death of any Senator, just as we lament the death of any Member of this House.

As I said in my letter to the Acting Speaker of the Senate, the late Senator Makasembo was a prominent figure among us. He was respected as one of our veterans, having taken a leading part in politics for some years before he was elected to the Senate; and the confidence which he inspired in the people of Central Nyanza was proved by his re-election less than a year ago.

Within the Senate, I know that he was one of the most forceful and persuasive among them. Within the precincts of Parliament Buildings and elsewhere, we shall remember his vivid personality, his unfailing courtesy, his ready wit, and his robust enjoyment of life. In all places and on occasions, whether or not people agreed with his views, he stood out as a fervent patriot, and as one who truly spoke his mind.

We mourn his passing in the prime of life, when he had much yet to offer to Kenya; and we extend our respectful sympathy to his widow and children, his relatives, his colleagues in the Senate, and all his many friends.

I would ask hon. Members to stand, and pay your silent tribute to his memory.

*(Hon. Members stood for one minute in silence)*

RULING ON BILL PROCEDURE

The Speaker (Mr. Slade) Hon. Members, I have another Communication to make. There is a point of procedure which I should like to explain to the House.

Yesterday it was proposed, though not agreed that the Betting, Lotteries and Gaming Bill, having just been read a Second Time, should be taken in Committee the same day without mention of that later stage in the Order Paper.

Standing Order 89 provides that, with the exception of an Appropriation Bill or Consolidated Fund Bill, not more than one stage of a Bill may be taken at any one Sitting without the leave of the House; though Standing Orders 98 and 99 provide for the Report of a Committee on a Bill to be heard and considered by the House forthwith, and Standing Order 102 provides that, on adoption of the Report, the Third Reading may, with the leave of Mr. Speaker, also be taken forthwith.

In fact, our practice has been always to take both Consideration of Report and Third Reading of a Bill immediately after the Committee stage, unless there has been an amendment of the Bill in Committee; and so it has not been thought necessary, when the Committee stage appears on the Order Paper, to mention also in the Order Paper, the further stages of Consideration of Report and Third Reading. Hon. Members know that, unless there has been amendment by the Committee, those two final stages will follow immediately as a matter of course.

Nevertheless, the purpose of every Order Paper is to give notice of that day's business. Therefore, even if the House is prepared to

**[The Speaker]**

give leave for two earlier stages of a Bill—that is to say, First Reading and Second Reading, or Second Reading and Committee stage—to be taken on the same day, that cannot be allowed unless the Order Paper has given due warning. Otherwise, there is obvious danger of leave being given by the House, and the later stage being debated, in the absence of hon. Members who would have refused leave, or who would have spoken on that later stage.

For these reasons, whenever a Minister wishes any two of the first three stages of a Bill—First Reading, Second Reading and Committee—to be taken on the same day, he must warn the Clerk, and have the later stage put also on the Order Paper with the words "Subject to the leave of the House." Then all hon. Members have due notice of the proposal to take the later stage that day, but otherwise, even with the leave of the House, it cannot be allowed.

PAPERS LAID

The following Papers were laid on the Table:—

Trade Agreement between the Republic of Kenya and the Socialist Republic of Rumania.

Industrial and Commercial Development Corporation.

Report and Accounts for the year 1963/64 and 1964/65.

*(By the Minister for Lands and Settlement (Mr. Angaine) on behalf of the Minister for Economic Planning and Development (Mr. Mboya))*

Kenya Statistical Digest Vol. III—No. 4 December, 1965.

Lands Department—Annual Report, 1964.

Cotton Lint and Seed Marketing Board Third Annual Report and Accounts for the year ended 31st October, 1964.

Coffee Board of Kenya—Annual Report and Accounts for the period ended 30th September 1965.

*(By the Minister for Lands and Settlement (Mr. Angaine) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))*

NOTICES OF MOTIONS

DISBANDMENT OF KENYA NATIONAL YOUTH SERVICE

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

THAT in view of the fact that Kenya National Youth Service is not achieving the aims behind its establishment, this House urges the Government to dismantle it completely and replace it by military service for all youth of this country with the priority given to those youth who are already in the National Youth Service.

INCREASED HELP IN DEVELOPMENT FOR  
KIPSIGIS

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

THAT in view of the Harambee initiative employed by Kipsigis as far back as 1948 in building permanent and modern primary and intermediate schools, health centres and water supplies without requesting the then Colonial Government for any grants, this House calls upon the Government as a matter of urgency to appreciate what the Kipsigis have done in putting up such magnificent projects and by so doing allocate more secondary school streams, health centres, and mechanical water supplies in the course of the implementation of 1965/70 Development Plan.

ORAL ANSWERS TO QUESTIONS

Question No. 211

GOVERNMENT ATTITUDE TO RECENT CONGO  
COUP

Mr. G. G. Karuki asked the Minister for Foreign Affairs if he would tell the House whether the Kenya Government recognized the recent bloodless coup which had led to the formation of a new government in the Congo.

The Assistant Minister for Foreign Affairs (Mr. Matano): Mr. Speaker, Sir, I beg to reply. Kenya is not in favour of any coup, whether bloodless or otherwise, to effect changes of government. She prefers all changes to be made through constitutional means. President General Mobutu has recently sent an envoy to Kenya to explain his Government's aims and policy. Kenya has always kept a very close watch on developments in the Congo and will continue to do so. The Government will, when the situation warrants it, make her stand known with regard to the present government in the Leopoldville.

[The Minister for Lands and Settlement] the impression to some hon. Members that valuation is an approximate business in which individual personal opinion can play a significant part. In fact, land valuation and the valuation of farm properties generally is a precise subject and, in order to practise as a valuer, it is necessary to undergo a long and exacting professional training, in order to learn all the specialized techniques which valuation involves.

## Question No. 138

## ORIGINAL LAND PRICES FOR EARLY BRITISH SETTLERS

Mr. Godia asked the Minister for Lands and Settlement to tell the House the price which the incoming British settler had paid for his land when he originally acquired it sixty or seventy years ago, and the conditions under which such prices were fixed.

The Minister for Lands and Settlement (Mr. Angane): Sixty years ago, British settlers paid a rent which was considered appropriate in terms of the unimproved value of the land at that time, the amount varying between 10 cents and 20 cents per acre.

It should however be borne in mind Sir that land was alienated to European settlers in accordance with prevailing policy at that time. This policy was designed to encourage agricultural development of the land which was still covered by dense bush. Account was taken of the fact that intending farmers were to be required to spend substantial sums of money to develop their holdings. Special development conditions were imposed with which it would be necessary for farmers to comply before they could be confirmed in ownership of their land. In some cases, it was required that there should be a minimum of Sh. 6,000 on permanent improvements on any farm of over 300 acres in extent, plus a further Sh. 4 for development for every acre in excess of 300 acres.

## Question No. 140

## TARMACK FOR KISII-NYANGUSU ROAD

Mr. Anyieni asked the Minister for Works, Communications and Power what plans the Government had for the tarmacking of the Kisii-Nyangusu Road.

The Minister for Works, Communications and Power (Mr. Mwanjumba): There are no immediate plans contemplated by the Government for tarmacking the Kisii-Nyangusu Road.

Road development in Kisii District has been the subject of considerable investigation, and a large road work has been carried out in the last few years, despite the pressing needs in other parts of the country. In view of this, I regret that I cannot include the bituminization of Kisii-Nyangusu Road in the present development programme.

## Question No. 147

## SIZE OF THE KENYA NATIONAL DEBT

Mr. Anyieni asked the Minister for Finance what was the amount of Kenya's National Debt, and:

(a) How many pounds had the Government paid to its creditors since Independence.

(b) How much of the money owed had been brought forward from colonial days.

The Minister for Finance (Mr. Gichuru): As at 30th November 1965, Kenya National Debt stood at £96,363,870.

(a) Since Independence, capital repayments to creditors have amounted to £5,999,937.

(b) As at 12th December 1963, the National Debt stood at £86,840,966, which amount was brought forward from colonial days.

## Question No. 152

## ATROCITIES COMMITTED BY EUROPEANS

Mr. Anyieni asked the Attorney-General how many Europeans who were known to have committed unmentionable atrocities against the African people during colonial days, were today being allowed to hold responsible jobs in Government. What assurance did the Government have that these people had confessed, or would do so, to the crimes committed against the African people.

The Minister of State, President's Office (Mr. Nyamweya): No European who is known to have committed atrocities against the Africans is holding a responsible job in the Government.

If the hon. Member has any specific cases in mind he should disclose these to the Government, after which appropriate action would be taken.

## Question No. 153

## REMANDING PEOPLE FOR LONG PERIODS

Mr. Anyieni asked the Attorney-General:

(a) Whether Government was aware that, due to the shortage of magistrates, people not yet convicted were being remanded for periods of six months to a year.

[Mr. Anyieni]

(b) If the person so remanded was subsequently found to be innocent, how was Government going to consider such people.

(c) If the person who had been remanded in custody for so long was eventually found to be guilty and was imprisoned, would the courts take into account the time this person had stayed in remand before conviction.

The Attorney-General (Mr. Njonjo): (a) It is not correct to say that persons not yet convicted are remanded in custody for six months to one year due to a shortage of magistrates. Remands vary in their duration in the case of persons awaiting trial before a magistrate. The average period in the Lower Court is four weeks but nowhere does it exceed eight weeks. There is a shortage of magistrates and if all vacancies could be filled the position would be more satisfactory. All serious delays from the date of arrest to conviction are investigated by the Attorney-General.

(b) It is not Government policy to award compensation to persons acquitted of any crime, the Courts do award compensation when the proceedings are of a frivolous and vexatious nature.

(c) A long period of remand in prison is normally taken into account by the Court when sentencing an accused.

## Question No. 226

## K.P.E. CANDIDATES, EASTERN PROVINCE

Mr. Mate asked the Minister for Education how many children sat the Kenya Preliminary

Examination in 1965 in Eastern Province by districts, and how many Form I places were available in each district for those children who had qualified for secondary education.

The Minister for Education (Mr. Koinange): The number of candidates who entered the 1965 K.P.E. in each district of the Eastern Province was:—

Masaku	8,529
Kitui	3,976
Embu	2,692
Meru	4,914
Isiolo	93

The number of secondary school places available for the children of Eastern Province are neither confined to the districts in which they took the examination, nor to the province itself, as they are eligible for secondary school places outside their districts as well as outside the province. It would be misleading, therefore, to give such figures without pointing out these facts. However, to answer the question, the following secondary school places exist in public maintained schools in the Eastern Province:—

Masaku	420
Kitui	210
Embu	245
Meru	420
Isiolo	35

**[The Minister for Commerce, Industry and Co-operative Development]**

(b) The Government is committed to a policy of accelerating Africanization of the economy within the context of growth and is pledged to achieve a more equitable distribution of commercial wealth. By equitable I mean that we are seeking to make sure that Africans and non-Africans share in Kenya's economic life without either deriving undue advantages over the other. I admit that we still have a lot to do in the field of commerce and industry, for it is a fact that non-Africans still control a disproportionate share of this country's economic and business activities.

Action is being taken to change this picture and in my view, our record in achieving increased African participation in big business since Independence has been remarkable. However, we do not intend to let up at all and I am certain that rate will be even greater in the next two years. I repeat that the Government is following a policy of Africanization through growth of the economy—and we are succeeding. In addition to the country-wide small traders' loans scheme, which is being re-organized, more progressive African groups and trading companies have been and are being assisted by the Industrial and Commercial Development Corporation since the new industrial loans scheme was started in November 1964. Fifty African companies have received loans totalling £45,000 which has enabled these groups to expand rapidly into wholesale distribution. Moreover, the Kenya National Trading Corporation is assisting African progress by concentrating on appointing African progress as its sales agents for such items as sugar, rice, clothing and textiles. To illustrate the success in this field, let me refer specifically to sugar wholesaling. Prior to Independence, less than 5 per cent of sugar sold in Kenya passed through African wholesalers—the percentage in October 1965 was up to 60 per cent and, pursuing our policies, I expect that within no time sugar distribution will be nearly 100 per cent Africanized.

As I have said, the small traders' loans scheme is being re-organized and, having posted ten new trade development officers to district centres at the end of 1965, the trade development boards in all areas have begun to recommence the issue of loans. Despite the re-organization which has been taking place, some loans boards have in fact been functioning and during the first nine months of 1965, 131 African traders have received loans totalling Sh. 488,000. It is expected that additional finance will shortly be made available to expand the operations of the trade development boards.

**Question No. 133**

**EXPLOITING MINERAL WEALTH: HAMISI**

Mr. Godia asked the Minister for Natural Resources and Wildlife

(a) If the Minister would tell the House when the mineral wealth of Hamisi was going to be exploited.

(b) If the Government was not prepared to exploit it, was it prepared to issue licences to the people of Hamisi so that they might go ahead.

\*The Minister for Natural Resources and Wildlife (Mr. Ayodo): Hamisi is within the area of investigation of the United Nations Special Fund Mineral Resources Survey in Western Kenya. These investigations are attempts to assess in detail the economic potential of the area by looking for deposits which can be profitably mined and by indicating the suitable mining methods which could be used.

A detailed examination of deposits of alluvial gold in Hamisi and the neighbouring area is being made. The preliminary results have indicated that there may be possibilities of mining development. Further surveys by the use of modern geophysical techniques to locate buried minerals are planned. These surveys will not be known for some time.

When the United Nations survey is completed and their report carefully scrutinized, licences will be issued to applicants who are willing and able to work those deposits. In the meantime, however, the Kenya Government has closed the whole United Nations project area to prospecting and mining in order that the work of the U.N. team should not be hampered by the activities of the prospectors or miners in the areas selected for these special studies.

\*Answer prepared before Tourism added to this Minister.

**Question No. 135**

**HOTEL FOR KAKAMEGA**

Mr. Godia asked the Minister for Information, Broadcasting and Tourism whether he was planning to establish a State hotel at Kakamega.

\*The Minister for Information, Broadcasting and Tourism (Mr. Achieng Omondi): The question of a hotel at Kakamega has often been raised in the past but has not been approached many times in the past. I am not sure when a hotel will be constructed at Kakamega.

I have to assure the hon. Member that, as I have already said in this House, the Government has considered the possibilities of having hotels established in various places in Kenya. In this

**[The Minister for Information, Broadcasting and Tourism]**

connection, Kakamega has been considered. However, I wish to make it clear that hotels are not luxuries but must be economic propositions. If a place warrants a hotel, my Ministry will take every possible step to interest private organizations. Further, my Ministry will take all possible steps to encourage the establishment of such hotel or hotels.

As soon as the Tourist Development Corporation is established, further investigation into the possibilities of establishing hotels at various places will be carried out.

\*Answer prepared by this Ministry before Tourism removed from it.

**Question No. 136**

**BUYING OUT EUROPEAN FARMS, UASIN GISHU AND TRANS NZOIA**

Mr. Godia asked the Minister for Lands and Settlement to tell the House when all the European farmers will have been bought out from the Uasin Gishu and Trans Nzoia Districts. Would the Minister consider settling on these bought-out farms, farmers from Western Province who had no farms.

The Minister for Lands and Settlement (Mr. Angane): The purchase of additional land for settlement purposes is constantly under review. As the hon. Member for Hamisi is aware, the amount of money recently made available by the Government of the United Kingdom for development purposes in Kenya does not allow for the same rate of land purchase as has been the case during the purchase programme for the one million-acre scheme.

It is not possible to say at this stage when all the European farmers in the Uasin Gishu and Trans Nzoia Districts will have been purchased.

When each farm is purchased, consideration is given as to who should be selected as the new settlers based on the following principles:—

(a) **High-density Schemes.**—Candidates for these schemes must be landless and unemployed. In this category, the ex-legal labour found on the farms purchased for settlement schemes must receive priority, regardless of their tribal qualifications. This means that a Luo tribesman who, say, has been working in an Abaluhya area for many years and who becomes unemployed when the farm is bought out for settlement, would qualify to be settled on the same farm, provided that it can be proved that he has no land at his home, i.e., Luo area.

(b) **Low-density Schemes.**—An additional qualification is required by candidates for these schemes in that he must have some knowledge of agricultural practices and also he must be prepared to put down a certain sum of money to be used as working capital. So far, this has been anything up to Sh. 5,000.

(c) **Allocation of Plots per District and Location.**—The allocation of district quotas after ex-legal labour have been settled is a matter that provincial commissioners, in consultation with district commissioners, deal with, on the advice of the chairmen of the provincial councils.

**Question No. 137**

**AFRICAN PROPERTY VALUERS**

Mr. Godia asked the Minister for Lands and Settlement to tell the House how many African valuers had been employed to assist in the assessment of the value of the properties left behind by the outgoing European farmers.

The Minister for Lands and Settlement (Mr. Angane): Valuation of farms is a very specialized profession and, as the hon. Member for Hamisi is aware, the system of African education during the days of colonialism did not attract African students to undertake training in farm valuation.

There are therefore no Africans employed in my Ministry as farm valuers.

For the last two years, however, every effort has been made by the Government to accelerate the training of Africans in this field and it is hoped that there will shortly be a total of eight Africans from my Ministry studying both in this country and in the United Kingdom with a view to obtaining professional valuation qualifications. It will, nevertheless, be some years yet before these men qualify and in the meantime we shall continue to rely upon the services of professional expatriate valuers, and I should like to assure the House that we have every confidence that these men will carry out their work in an efficient and unbiased manner which will be in the best interests of the country and of those private individuals who, as sellers or purchasers, are involved in transactions in land. I wish to point out one last point which is this: I note that the hon. Member in posing his question has referred to the assessment of the value of the property left behind by outgoing European farmers. I think the use of the word "assessment" in this context may, perhaps, be a little dangerous since it might convey

**The Minister for Lands and Settlement (Mr. Angaine):** Work is continuing on the water scheme and it is expected to be completed by the middle of April 1966.

**Question No. 105**

**TRIBAL BREAKDOWN OF SECURITY STAFF**

**Mr. Khalif** asked the Minister for Internal Security and Defence if he would give the tribal breakdown of persons recruited into the Army, Police and Prisons Department since 12th December 1963.

**The Minister for Defence (Dr. Mungai):** I refer the hon. Member to the reply I gave to Question 2438 in this House on 5th October 1965.

**Question No. 107**

**TEA PLANTING ON NGUNGUURU HILL**

**Mr. Mate** asked the Minister for Natural Resources and Wildlife:—

(a) Whether the Minister would consider releasing Ngunguuru Hill in Egay for tea planting, since tea would form a good hill cover, and the rainfall in that part of Meru would not be affected, since the hill was not covered by forest but by bush.

(b) When did the hill become part of Meru County Council forest and what were the reasons for this.

**\*The Minister for Natural Resources and Wildlife (Mr. Ayodo):** In answer to part (a), I would like to refer the hon. Member to the reply I gave to his Question No. 2315, in which he asked whether the Government was considering excising forests in this area. In reference to his statement that the hill is not a forest, this is not true. Except for those parts which were formerly under cultivation, the hill is covered with big trees. On the previously cultivated land, young trees of little commercial value are naturally coming up. These are, however, protecting the young camphor trees, which is, of course, one of our most popular indigenous hardwoods.

As regards part (b) of the question, the hill was gazetted as a forest under the name Ihunguru Hill Forest by Legal Notice No. 335 of 1958. Previously, the hill had been banned for cultivation because of its steepness. It was declared a forest area because it was felt that the hill would be safely protected by a forest which, in due course, will produce valuable timber.

**\* Answer prepared by the Ministry before Tourism was added to this Ministry.**

**Question No. 110**

**TRANSPORT PAYMENTS TO RURINGU**

**Mr. Mate** asked the President since there were individuals and firms who had been paid by Government for the expenses they incurred in facilitating the transportation of individuals or groups of freedom fighters from Mount Kenya Forest to Ruringu in Nyeri during 1963 and 1964, was the Government aware that there were other genuine claimants to such payments whose claims were still outstanding.

**\*The Assistant Minister in the President's Office (Mr. Nyamweya):** No, Sir. The District Commissioner, Meru District, called for and received all claims for compensation early in 1964. Every claim was then considered according to its merits and those which were considered genuine were paid for by the Government. A period of nearly two years has now elapsed since the claims were called for, and the Government is satisfied that all genuine claims were submitted and met. There is no intention of entertaining fresh claims.

**\* Answer prepared by the President's Office before Mr. Nyamweya made Minister of State.**

**Question No. 123**

**NEEDING MACHINERY TO PREVENT TEACHERS' STRIKES**

**Mr. Godia** asked the Minister for Education what plans did his Ministry have for strengthening the negotiating machinery between the Ministry of Education, the Ministry of Labour, the Kenya Parents Association, the Kenya Students Union and the National Union of Teachers, so that the people of the Republic of Kenya were not involved any more in strikes similar to the one that paralyzed the country in the month of October 1965.

**The Minister for Education (Mr. Koinange):** Following the agreement between Government and K.S.U.T. signed after the teachers' strike in October, steps have been taken to set up effective negotiating machinery. I should, at this point, say that the Kenya Parents Association and the Kenya Students Union are not involved in this machinery. However, a Teachers' Commission consisting of representatives of teachers, employers and other interested parties has been appointed and is held its first meeting.

Government is still exploring the very complicated implications of giving all teachers one employer. When these are clear, as it is hoped they will be very soon, the *ad hoc* committee to consider the implementation of this principle will be established.

**[The Minister for Education]**

As the board of inquiry into the teachers' complaints is still pursuing its deliberations, it would be improper to go into more detail or attempt to anticipate the findings of the board or the *ad hoc* committee. I share the hon. Member's earnest desire that the schools in the Republic should no more be disrupted by strike action on the part of teachers. I am confident that the arrangements for the machinery that will emerge from the current discussions will make it possible to avoid this.

**Question No. 126**

**LAND SURVEY FOR HAMISI**

**Mr. Godia** asked the Minister for Lands and Settlement whether he would consider instructing his survey team to come to Hamisi Constituency before the end of the year, in order to survey and map all farms and business plots, so that the owners could get title deeds issued to them at once.

**The Minister for Lands and Settlement (Mr. Angaine):** My Ministry would like very much to be able to send survey teams not only to Hamisi Constituency but to every part of Kenya, to map farms for the issue of title deeds. But, unfortunately funds for this work do not make it possible to do this and some areas will have to wait their turn.

I can, however, assure the hon. Member for Hamisi that my Ministry is pushing ahead as fast as possible with this work. The hon. Member is no doubt aware that a mission is at present investigating ways and means of speeding up this work, and I look forward to their recommendations on this subject.

**Question No. 128**

**NON-AFRICANS AS SETTLEMENT OFFICERS**

**Mr. Godia** asked the Minister for Lands and Settlement to tell the House what he was doing to see that non-Africans employed as settlement officers assisted African farmers by giving them good advice.

**The Minister for Lands and Settlement (Mr. Angaine):** Non-Africans employed as settlement officers are obliged to assist African farmers by giving them good advice. All settlement officers know that giving good advice to settlers is not a favour but a duty. I am not aware of any such officer failing or refusing to give African farmers good advice, and if the hon. Member for Hamisi can furnish details of such a happening, the matter will be carefully investigated and disciplinary action will be taken accordingly, as it has always been done.

**Question No. 127**

**NUMBER OF EUROPEAN SETTLEMENT OFFICERS**

**Mr. Godia** asked the Minister for Lands and Settlement if he would tell the House the number of Europeans who were employed by Land Settlement as officers, (a) who had failed as farmers on their own farms; and (b) whose farms were doing well.

**The Minister for Lands and Settlement (Mr. Angaine):** The Ministry has at present thirteen European settlement officers who owned farms before they joined the Department of Settlement. I am not qualified to comment as to whether they had failed or succeeded on their own farms, as this was not the criteria that determined their selection.

All I can say, Mr. Speaker, is that, when they were engaged, the Ministry required settlement officers with farming experience and the best that were offered were taken. Some, of course, have since proved failures in the Ministry and have been discharged. The majority of ex-farmer settlement officers have, however, served the Ministry to the best of their ability and such services have contributed a great deal to the remarkable settlement programme that has been achieved.

**Question No 131**

**NON-AFRICAN AND AFRICAN URBAN BUSINESSES**

**Mr. Godia** asked the Minister for Commerce and Industry:

(a) If the Minister would give the House a comparison of commercial businesses owned by Africans and non-Africans in the towns of Kisumu, Nairobi, Nakuru and Mombasa.

(b) To tell the House what his Ministry was doing to see that 75 per cent of all the businesses in such towns came into the hands of Africans who composed the vast majority of urban consumers.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):**

(a) I have endeavoured to obtain the information requested, but it has proved to be extremely difficult to draw up accurate comparisons. Many businesses are registered under a business name which does not disclose the racial origins of the proprietors. In the town referred to, the majority of the small businesses are owned and operated by Africans, but the medium sized and larger businesses are invariably owned by non-Africans, with the greatest percentage being owned by Asians.

**[The Minister for Information, Broadcasting, and Tourism]**

Local authorities have got a big part to play in the development of tourism. One of these is to ensure that, places of tourist importance in their areas, are made accessible to the visitors.

Finally, I wish to assure the hon. Member that my Ministry tries to sell to the would-be tourists Kenya's attractions and what they see here, depends very much on their wishes. My Ministry will do everything possible to assist local authorities in their efforts to develop and improve their attractions.

\* Answer prepared by this Ministry before the removal of Tourism to the Ministry of Natural Resources and Wildlife.

**Question No. 73****WORKING HOURS**

Mr. Omar asked the Minister for Labour and Social Services if he was aware that some workers in the country worked 12-16 hours a day without a break throughout the year and that they did not get any annual leave.

\* The Minister for Labour and Social Services (Mr. Mwendwa): I am not aware that some workers in the country work 12 to 16 hours a day without a break throughout the year and without getting annual leave. If the hon. Member could bring to my notice any specific cases of this nature, I will definitely have the matter investigated and dealt with.

\* Answer prepared by this Ministry before Dr. Kiavo became Minister for Labour and before Social Services removed from this Ministry.

**Question No. 76****TEACHING AFRICAN SOCIALISM TO THE MASSES**

Mr. Shikuku asked the Minister for Information, Broadcasting and Tourism what plans he had or what he was doing to educate the masses through the Voice of Kenya on African Socialism.

The Minister for Information and Broadcasting (Mr. Achieng-Onyok): Since the publication of the Sessional Paper No. 10 on African Socialism, a series of programmes both on sound and television have been put on the air explaining the various aspects of African Socialism.

In the National Service of the Voice of Kenya, a series of seventeen programmes explaining the Sessional Paper No. 10 have been produced and repeated several times at different times. The Sessional Paper itself, prior

to the inception of these programmes, was read on the air, first by text. One programme on African Socialism has been produced by the President's Office. This programme dealt with the application of African Socialism to planning as it affects the Office of the President. Other programmes have covered adult education, self-help schemes, citizenship and co-operatives. Some of the programmes are still in progress. The General Service of the V.O.K. have also covered a variety of aspects of the African Socialism. In some of the programmes, leading personalities were called upon to discuss the subjects.

In July, August, and September, fifteen programmes explaining the Sessional Paper No. 10, in total, were produced in the Hinduist Service of the Voice of Kenya. The Sessional Paper itself, was read chapter by chapter. Several seminars and discussions were also held by this service on African Socialism. Regular talks explaining African Socialism have also been held in Gujarati and Hindustani.

My Ministry is constantly liaising with other Ministries on the production of weekly television programmes called *Ujamaa wa Kiafrika*. In this programme, the various Ministries discuss their respective roles and activities in carrying out the policy of African Socialism. My Ministry was the first one in this venture and produced three programmes on African Socialism dealing with information, broadcasting and tourism. The Ministry of Agriculture and Animal Husbandry also explained how it is implementing the policy of African Socialism. Other Ministries have also explained their roles. These include the Ministries of Labour and Social Services, Natural Resources and Wildlife, Lands and Settlement, and Health and Housing. The other Ministries will also have their turn.

As well as the foregoing programmes, others indirectly related to African Socialism are also produced. The programme *Jamaa ya Mzee Pembe*, for instance, emphasizes the need to go back to the land.

The continuing implementation of African Socialism is reflected in the daily news broadcasts and in meetings. Programmes on such matters as farming, business, health and women's subjects deal with African Socialism all the time.

From these illustrations, the hon. Member will note that the Voice of Kenya is doing a great deal of work to educate the masses about African Socialism.

**Question No. 86****BLOOD SUPPLIES IN BLOOD BANKS**

Mr. Ndile asked the Minister for Health and Housing if he would tell the House what methods the Medical Department employed to keep up supplies of blood in the blood banks for constant and instant use for all cases. Would the Minister consider paying a fixed amount of money to blood donors.

\* The Minister for Health and Housing (Mr. Otiende): The Ministry maintains a Blood Transfusion Service which operates in Nairobi and all provincial hospitals in the country. There are blood banks attached to the Kenyatta National Hospital and to each of the provincial hospitals. Blood is stored in a special refrigerator at 4 to 6 Centigrade and, after taking blood, each sample is categorized in its respective group by highly trained staff. The measures adopted by the Ministry to ensure a constant supply of blood are—

(a) an approach to schools, training colleges, Government departments, industrial and commercial enterprises;

(b) appeals for specific blood donation for individual patients over the media of radio, TV and the Press;

(c) through Government information services by visits of information vans in rural areas;

(d) by encouraging relatives of patients who have received blood to repay the kindness they have received from the blood bank by donating their own blood to make up the total required;

(e) by keeping a record of the donors and requesting them to call at least once a year.

The Ministry has overruled paying a fixed amount of money to blood donors, as we are not in a position to pay for this service due to lack of funds.

We consider our system for the donation of blood most satisfactory and the House will note that, so far, we have not lost any lives due to lack of blood, but this does not mean that we are complacent about the situation, and we take this opportunity to urge hon. Members of this House to advise their people to help us in this cause. Our appeals for blood donors were very fruitful during Kenyatta Week.

\* Answer prepared by the Ministry before Housing was removed from this Ministry.

**Question No. 87****METEOROLOGICAL STATION FOR MACHAKOS**

Mr. Ndile asked the Minister for Works, Communications and Power if he would tell the House the reason why there was no meteorological station at Machakos Township.

The Minister for Works, Communications and Power (Mr. Mwanjumba): The meteorological station network in East Africa was established before the 1939-45 war and re-established immediately after the war, principally to meet the needs of aviation and aviation weather forecasting. This requires meteorological stations at airfields and, in addition, at a number of other points in order to provide an even distribution of stations over the whole country. Since Machakos has no airfield and is comparatively close to Nairobi, it was not selected as a site for a meteorological station.

**Question No. 89****LABORATORY FOR MACHAKOS PROVINCIAL HOSPITAL**

Mr. Ndile asked the Minister for Health and Housing what plans his Ministry had to bring up the laboratory division of Machakos Provincial Hospital on to a par with other provincial laboratories.

\* The Minister for Health and Housing (Mr. Otiende): This Ministry is aware that Machakos has a very congested laboratory which is inadequate; it is run by a laboratory assistant. It is intended to extend the existing laboratory in order to bring its standard on to a par with other provincial hospitals, and place it in the charge of a laboratory technologist.

I am pleased to be able to inform the hon. Member that my Ministry's plans for improved laboratory facilities at the Provincial General Hospital, Machakos, are well advanced. Building renovations and alterations have actually started and the work will, most probably, be finished before the next Financial Year.

\* Answer prepared by the Ministry before Housing was removed from this Ministry.

**Question No. 90****COMPLETION OF MUA HILLS WATER SCHEME**

Mr. Ndile asked the Minister for Lands and Settlement when the water scheme in the Mua Hills was going to be completed.

[Mr. Ngala]

Mr. Speaker, Sir, I think the second point is that the Minister was talking of the National Youth Service people being employed. I thought the Minister was very ignorant of what is going on in that department because we as Members have just received circulars saying that the National Youth Service is not a kind of employment. I have a circular here from his own Ministry which says that the National Youth Service is not a paid employment. This is an underlying condition that youths between sixteen and thirty years should understand that it is not an employment for the Minister to come here and say that it is an employment is contrary to the truth, unless he is prepared now to change matters and say that the National Youth Service men are going to be paid fully.

Now having removed this confusion which the Minister was attempting to cause in the House and in the country, I would like to make it clear that the National Youth Service is not an employment. I have never heard of employment where a person is paid Sh. 20 a month and after a deduction of Sh. 8, is left with Sh. 12 a month. That is not employment. I do not think the Minister for Labour would support that policy as a suitable one for employment. If it is a salary, it is not support it.

Now, the other point is that we the government, the Members of Parliament and the leaders of the country are sitting on a very serious fire. The fire is unemployment in the country. The conditions under which the unemployed people are treated in various districts is very distressing. Take Mombasa, which I know best. I know people go from different parts of the country to Mombasa to look for employment. The first thing they are asked to do is to produce all the 1964 and 1965 Graduated Personal Tax receipts before they can be employed. And the poor people cry, they kneel down and say, "Look, let me have employment for two weeks, deduct my salary, I don't mind, deduct it all, but let me have that employment." The employment is there but the man is told, "You haven't the tax certificates so no job."

Now can the Minister tell me where a man can find the tax receipts? Are these all tax receipts made with the knowledge of the Minister or is someone else making them? I know that the President himself is not aware of some of these rulings because he would not stand for such people suffering such hardship without an action on his part. If the Minister of Labour is aware of it, he should tell us. If it is because of a by-law by the council, the Minister

in charge of county councils should wake up and put these things right, because our people are suffering.

Mr. Speaker, I think two things should have been done to facilitate the agreement in the interests of the jobless people and or get them some other form of employment and reduce the hardship of those who have no work.

The Speaker (Mr. Slade): If no other hon. Member wishes to speak, I will put the question.

(Motion withdrawn and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): Therefore, the House adjourns until tomorrow, Wednesday, 26th January 1966, at 10 p.m.

(House rose at thirty minutes past five o'clock)

WRITTEN REPLIES TO QUESTIONS

Session 1965-66, N. 2385A

EXPANSION OF DISTRICT ADMINISTRATIVE CENTRE

Mr. Odera-Sar asked the President's Office if the Minister of State would inform the House what development plans Government had for expanding Ukwala Administrative Centre.

The Minister of State, President's Office (Mr. Nyamwaya): The Ukwala Administrative Centre is being continuously expanded to meet the expanding needs of the community living in and around it. At present, the Government has secured a plot of land for the purpose of extending the main building in order to provide a ten-bed hospital for the near future. Provision for additional staff and administration police has also been made. The Ministerial officer will be made available in the near order to strengthen the administrative services of the centre.

Mr. Odera-Sar asked the Minister from all over the country to be informed the Government: (a) what plans were pertaining to their respective constituencies; (b) what plans for his area which includes Ukwala Administrative Centre I would, therefore, like to suggest that the hon. Member gets in touch with the provincial administration as early as possible.

\* Reading from Second Session and not renumbered.

53 Written Replies

\* Question No. 2401

HELP FOR CHURCH WORKERS

Mr. Ndile asked the Minister for Labour and Social Services if the Minister would tell the House whether the Government had any plans to help church workers financially who worked under considerable financial difficulties.

The Minister for Labour and Social Services (Mr. Mwendwa): I think that the hon. Member for Machakos South envisages some form of grant-in-aid towards the salaries of priests and clergy. Inevitably, subsidies would mean some form of control by Government and I feel this would be repugnant to most religious denominations in Kenya. The present situation where complete freedom of worship is guaranteed in Kenya to all religious persuasions is preferable to a State church.

This does not in any way reflect on Government's recognition of the work done by the churches. On the contrary, the Government subsidises most of the schools, hospitals, and other projects established by the churches and, is it not very appreciative of all the work the Church has done for the Government, and I am sure the Church would like to maintain this type of relationship.

\* Pending from Second Session and not renumbered.  
\* Answer prepared by Ministry when Mr. Mwendwa was still Minister for Labour and Social Services and before Social Services were removed from this Ministry.

Question No. 55

CAMPAIGN AGAINST STOCK THEFT:  
MASAI/KIPSIGIS BORDER

Mr. arap Soi asked the Minister for Internal Security and Defence what administrative campaigns against stock thieving along the Masai/Kipsigis Border had the District Commissioners of Narok and Kericho carried out in 1964/65.

The Assistant Minister, President's Office (Mr. Nyamwaya): The two district commissioners have constantly held joint border meetings with the elders of both the Masai and the Kipsigis tribes, and have told the two tribes to stamp out stock theft. Similar meetings have been held by divisional officers in areas along the Masai/Kipsigis boundary.

The district commissioners have also established border committees to settle complaints resulting from stock thefts. In addition to the normal administrative barazas, the District Commissioner,

Kericho, recently held a leaders' conference during which he urged the leaders to dissuade their people from stock thefts. The Provincial Commissioner for the Rift Valley has also held a number of barazas along the border and talked to the people about the evils of stock theft. It is to be hoped that these efforts will yield some useful results.

The Administration and the Police have intensified their border patrols and the Administration Police establishment for the area has been increased by ten men. A Kenya Police patrol post has also been established at Lugemek, while two other patrol posts, manned by the Administration Police, have been established at Kaboson and Chebunyo.

\* Answer prepared by the President's Office, before Mr. Nyamwaya was made a Minister of State in this Office.

Question No. 69

ATTRACTION OF TOURISTS TO RABAI LOCATION

Mr. Omar asked the Minister for Information, Broadcasting and Tourism if he was aware that Rabai Location in Kilifi District was the first missionary centre and was therefore a very important place historically. If the answer was in the affirmative, what plans did he have to attract tourists to this place.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Otieno): I have often explained in this House that Kenya offers a great deal and varied tourist attractions. These include the wildlife scenery, the people, places of historical significance and even the climate. Our visitors come here either to see Kenya generally or to see specific attractions.

One of the main functions of my Ministry is to do everything possible to bring more tourists to the country. My Ministry endeavours to take other indirect steps which act as inducements so that these tourists may be spread as widely as possible in the country. In the Development Plan, each area of Kenya will receive due consideration.

I fully agree with the hon. Member that Rabai Location is of historical significance, but I would also draw the attention of the Member to the fact that there are very many places of similar significance. The coast, generally, is receiving a great deal of attention, but the actual spots and places tourists go to while they are at the coast, depend on the service and facilities available. Further, tour programmes largely depend on the personal interests of tourists.



[Mr. Shikuku]

Mr. Speaker, the other issue is these cards which the hon. Member has mentioned already which costs the Government money to print and so forth; but then, these cards were just wasted given to the people and the people, up to date, have not had any jobs. Anyway, Sir, people marched to the Minister's office recently, and we should not be surprised one day to find that any hon. Member, the Minister for Labour and Shikuku, the Member for Butere are being beaten up. The other day, Mr. Speaker, Sir, I was in this House when I saw a gang of unemployed people rushing around here protesting. We will be surprised one day to find ourselves stripped of our coats, being beaten on our faces. This is because the Government is not laying out some proper methods of making sure that people get something. In addition to that, Mr. Speaker, frustration is also created by the fact that these unemployed people, when they go and look for jobs, are told to produce Graduated Personal Tax cards. When I raised this point here, I was told that I was out of order; but today I can say this: the other day I paid Sh. 72 penalty for a person who had failed to pay his G.P.T. and Sh. 54 because he had not paid last year's tax in order that he could get a job. I can substantiate this. I know who the boss is and where he operates. It is a fair part for the Government to play. I do not even recall that the Emperor ever did such a thing!

So, Mr. Speaker, when you issue a statement pointing out this unfairness, it is never put out over the radio for the public to hear, then how long will the public be kept from the truth? So long as you hide the truth from the public, a part of that Government, we must know in this House, that if we hide the truth in statements issued in order to put things right, and such statements are never put out over the radio, the Voice of Kenya, because the Minister for Information, who is present in this House, feels that by hiding such a fact the Government will be flourishing, then let him know it will not be flourishing, you are just killing the Government.

Therefore, Mr. Speaker, Sir, I feel very strongly that the Government should do something. I wish I had more time to hit them hard.

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

The Speaker (Mr. Slade): I think, Mr. Mwendwa, in fairness to you I should explain that the present Minister for Labour has, I think, been taken by surprise by the early conclusion of all the business on the Order Paper, and so, the former Minister, who is doubtless very well

acquainted with all these problems, has very kindly agreed to step into the breach to answer for Government.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Mr. Speaker, Sir, I am pleased to have to answer this on behalf of my friend who is not here, because I am a bit more acquainted with the subject. The new Minister for Labour has only been there for three weeks.

Mr. Speaker, Sir, one spoils his case by stating something which is not true. There may be truth in what he is saying, but as soon as he speaks of something which is not true, then he spoils the whole case.

Mr. Shikuku: (On a point of order, Mr. Speaker, Sir, the hon. Member is now alleging that some of the speakers have not told the House the truth. Can he substantiate?)

**The Speaker (Mr. Slade):** Order! Order! Mr. Shikuku, quite clearly the Minister was on the point of saying why some Member was not speaking the truth. You must give him a chance of explaining what he is telling us.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Mr. Speaker, I think everybody in this House listened to the hon. Member who moved the Motion when he said that the Government did not employ a single person. He said that Government did not employ a single person during the Tripartite Agreement. I heard that when I was sitting here. I can give the names of some of the people who were employed during the Tripartite Agreement. China is one of them. Here, in the National Youth Service, we already have 3,000 youths enjoying the fruits of the Tripartite Agreement. They are here. This can be seen. We have other officers. If you come out with me I will show you the people employed during the Tripartite Agreement in Government departments, and yet an hon. Member can stand here and say that the Government did not employ one single person.

Mr. Speaker: Sir, the other thing is this, and I want this to be checked during my reply. I did not say that the Government did not know how many people were employed during the Tripartite Agreement. If I did say so, then it means that I did not know my work. However, Sir, I said and I repeat it again—that I can give this House the number of people who were employed during the Tripartite Agreement, and I have said this more than once. During the Tripartite Agreement, the Government, together

**[The Minister for Commerce, Industry and Co-operative Development]**

with the private sector, managed to put into employment more than 38,000 people. I have said this, and it is not the first time I have said this. I have said it more than once in this House, but what I said, and I would like to repeat it, is that I never knew a more than once in this House; but what I said, and I would like to repeat it, is that I never knew it and Kiambu will never know, because it is impossible. The Members here will know that before our Independence any person, when he went to get employment, was given an employment card which he used to carry in his pocket to show whether he was employed or not. Now these cards do not exist, because my predecessor, Mr. Mbova, fought for the removal of this card. Therefore, you will find people walking in the street without any identity card to show where they are employed. So, the Government, as such, does not keep records of the people who are employed at any one moment. We do not keep them. All that we do—this is exactly what I told the House I told the House that there are people in the private sector who usually get sacked, but because they do not carry these identity cards with them and unless they go and report to their unions, we will never know how many people were employed. There are other people who get employment in the private sector, but because the private sector does not write these cards and send a copy to us we will never know how many people are employed at any given time. This is exactly what I said, and this does not show any ignorance. I hope the Members, when the Bill comes, to introduce these employment cards, will support it, because it is only then that the Government will know at any one given time how many people are employed, and how many people are sacked.

The hon. Members do not even seem to be listening to what I am saying.

The other thing, Mr. Speaker, Sir, is that the hon. Member, Mr. Shikuku did not say that he does not see the reason why the Government did not agree to continue with the Tripartite Agreement. What is the meaning of tripartite? This was an agreement which was reached by the employers, the Government and the unions. This is what we mean by tripartite. Therefore, the Government alone, without the agreement of the other parties could not agree to continue with the Tripartite Agreement, because it is tripartite. Now, also, it must be known by the Members themselves that the unions lost a lot because of the Tripartite Agreement and they

will not now agree to go and lose it again. Why? Because during this period no worker could demand an increment. They had to work for a year without an increment. Now, is it helping our people to tell them not to demand an increment for two years? Is it helping the very people we want to help? I want to know, because you seem to think that the Government does not know what it is doing. We know what we are doing.

**The Speaker (Mr. Slade):** Address the Chair, Mr. Mwendwa.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Mr. Speaker, Sir, let me clear up this point once and for all. The backbenchers seem to think that in the 1968 elections only the Ministers will be thrown out. This is nonsense. Every single Member here has a constituency to fight for, every single person. Even I will fight in my own constituency, and if I am thrown out that will be the end of me. However, many Back-benchers here will call me to come and help them, but I will never go. It must be known—

**The Speaker (Mr. Slade):** Mr. Mwendwa, I do not think this is really relevant to the point.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Mr. Speaker, I think you know the reasons why I brought this point. But it must be known that we all of us, Ministers as well as Back-benchers, will face the 1968 Elections as individuals. You will never go to your constituencies and say, "I accuse Mwendwa, he failed."

**Mr. Ngala:** Mr. Speaker, Sir, I think this is a Motion to which Government should give careful thought. Government should reconsider whether it was a wise step to terminate the agreement without following up two things. I think it is very necessary that the firms—whether they are private firms or big companies, they have all come out here to invest their money in this country—in a period when the country is suffering seriously from unemployment should have been persuaded further to appreciate this situation and keep these people on even on a semi-permanent sort of basis. The fact that Government itself announced in no uncertain terms that the agreement was over gave an opportunity to some of the ruthless employers, and they sacked the people right, left and centre without any care. I think Government was over-kind in this matter, and it should not have so very openly announced its intention, thereby giving strength to the employers to torture and punish our people who are unemployed.

**[The Minister for Commerce, Industry and Co-operative Development]**

them a longer period, at least this is my suggestion, so that during this period the retailers who usually come and buy these from them will know that the Government has now given them a period of 12 months to dispose of all their goods. Outside that period no goods will be allowed anywhere, even in the shops, they will be required by the Government to sell them either by auction or by any other method. But, Mr. Speaker, as I said, I was going to explain this during the Third Reading.

Therefore, as that was the point on which I wanted to give an explanation, 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**

**TRIPARTITE AGREEMENT: RESULTS**

**The Speaker** (Mr. Slade) I will now call upon a Minister to move that the House do now adjourn.

**The Minister for Information and Broadcasting** (Mr. Achong-Chook) Mr. Speaker, Sir, I beg to move that the House do now adjourn.

**The Minister for Commerce, Industry and Co-operative Development** (Mr. Mwendwa) seconded.

*(Question proposed)*

**Mr. Kiprotich:** Thank you very much, Mr. Speaker.

I rise to raise a matter on adjournment on the reply to Question No. 71 which was raised by the hon. Mr. Shikuku. The question was quite clear, and because the Minister at that time, who did not know his job properly, could not even give us a proper answer, in his answer he said, "I cannot tell the House how many workers who have been engaged under the Tripartite Agreement have been absorbed into permanent establishments." This Minister himself was unable to answer the question and he, himself, was the signatory on this null and void agreement, and yet he did nothing to relieve unemployment in this country.

Mr. Speaker, Sir, first on the 23rd of January last year these people met somewhere—I don't know where—and then they drew up an agreement which they said was going to help the workers and the unemployed people in this country. Instead of doing something to relieve, they said

that the Government was going to employ 15 per cent and the private firms were going to employ 10 per cent, and the Government itself, starting from them, did not employ even a single person, and if they did, the former Minister is here, he can tell us because the present Minister is not here at the moment. What people did was to march and sit in his office, the Central Government Offices, and they wanted to see what the Government was going to do to them after they had registered in the labour offices. The only answer they got from there was beatings from the police, in getting these people out. The Government originally said, "You come in and you will be employed, but the Government did nothing completely, they only called the police to beat these people's persons. I do not see any reason for this Government to make such an agreement which was bringing harm to our innocent seekers of employment. I am very happy to see that the Minister is here today. They read a lot of nonsense in the paper here, cheating the public, this and that would be done, even the Minister himself reads in even the Government itself, which stands before me, unable to tell us how many people were engaged in this agreement. None of them are employed. We were only cheating the public with hundreds of paper in the labour offices, saying that they would get employment tomorrow. There were about four papers. Everybody was very happy. I was one of them, I am thinking that my own people who voted for me were going to be employed—but this Government was only cheating the public. But the time will come when cheating will be found out. I was not consulted on this issue.

So, when a question is being asked in this House—just a simple question—just for the Minister to tell us how many were employed, the Minister is unable to tell us. How many were absorbed by the government? The Minister is unable to tell us. He is sitting in his office or flying everywhere in the country. Why should he waste the public money instead of employing these poor people? But, the Minister has come. I am warning the Government that if they do not do a part, but if anything went wrong, it will happen to me, not only to me, but to all of us who are just sitting singing that everything is all right. It is not. These people who are sitting outside this building here, or in the galleries here, are not necessarily happy, because the employers themselves, including the Government, see people wandering about with papers which bear the name of the Republic of Kenya, saying that they will get employment. When they go to offices, they hear "Hakuna kazi".

**[Mr. Kiprotich]**

no employment. What do these people think they are going to do? You tell them to go back to the land; all right; they go back to the land, but where are they going to dig in the reserves which are already full up with people?

The hon. Mr. Kaggia, when he raised the question of eviction of squatters, these people are just in the street and the Government does not know where these people go. Even the Minister for Settlement, I have written to him—did not tell me in his letter that he was going to settle the people. He cannot settle the people. What is he there for? Is he the Minister for Settlement or Resting? I do not know what kind of Ministry it is, Mr. Speaker, Sir, I warn the Government that next time they make any agreement between the trade unionists and the employer, then let the Bill come here first and then we can discover what it is in the Bill and discuss it and help them. But, Mr. Speaker, Sir, this business of only signing Mwendwa, Lumbwe and Colin Campbell is not right. They are just sucking the blood of the workers. They will do anything.

**The Minister for Commerce, Industry and Co-operative Development** (Mr. Mwendwa). On a point of order, Mr. Speaker, Sir, I would actually like the Member to substantiate how we were sucking the blood of the workers, because he has said that we were sucking the blood of the workers.

**The Speaker** (Mr. Slade): Yes, I think, Mr. Kiprotich, rather than substantiate you ought to withdraw that phrase. It cannot be justified.

**Mr. Kiprotich:** Mr. Speaker, Sir, because I do not want to be a laughing stock, I will withdraw it, Mr. Speaker, Sir, this Minister must also learn that the people are not going to be misused. Whenever anything is put in writing, unless you burn it and do not leave any copy anywhere, then we will agree with you, otherwise nobody in this country, or Kenya as it is today, will have any proof of the lies being told. Whenever we say this, then let it be done to the people. This is not just a question of putting it in the Press or over the radio, saying so many things to the public, for example, like the things which were said during the last election. How many things were said during the last election? A lot of nonsense. Mr. Speaker, Sir, we now wait for 1968 and see what is going to happen.

So, Mr. Speaker, Sir, I beg to move.

**Mr. Shikuku:** Thank you, Mr. Speaker, Sir. I would like to congratulate the hon. Member for having ably put the case, and if I may add, Sir,

I was terribly shocked, but as usual, if you ask a question in this House the Minister has the right to reply what he feels is right in his opinion, but, Sir, in this Motion I feel that I have to put the Minister right, Mr. Speaker, Sir, it was a shock to me and to the people of Kenya that the then Minister for Labour and Social Services terrified everybody throughout the whole country when he said that he was not aware of the number of people employed under the Tripartite Agreement, of which he was a party, and also how many were taken on a permanent basis. Despite the fact, Mr. Speaker—as I understand, I do not know how much it costs the Government—that they have these discs which were painted green, red, yellow and pink, Sir, I do not know the right kind of yellow. These discs were placed before the offices of the headquarters of whatever firm to show that the employer has already taken ten per cent. Now, Mr. Speaker, I understand these discs were being issued by the Government. If they were being issued by the Government, then surely the Minister for Social Services ought to know how many discs were sent out and how many firms had already fulfilled their ten per cent. If that could not be recorded, then, Mr. Speaker, Sir, I cannot understand anything.

In addition to that, the Government as such did not go by its pledges by honouring the agreement. They were supposed to have 15 per cent but they never did get 15 per cent. Some of the employers, Mr. Speaker, Sir, have even told me, "Shikuku, look here, we are ready to do our part but the Government should take the initiative." Yet the Government did nothing. Mr. Speaker, we may say that we had two or three there, this Ministry or the other, but they should make sure that the Ministries have something to show that they took on their 15 per cent.

The other thing, Mr. Speaker, is that the Minister did not even tell this House why, despite the fact that he is in the Government and the Government is the boss of the country, they did not see fit to renew the Tripartite Agreement. Does the Government mean to tell me that the workers and the unemployed people, that once you give somebody a job for 12 months, then that is enough to feed him for ever and a day? Mr. Speaker, Sir, these are the sort of things that the Government ought to be told about in no uncertain terms, that one can never live on twelve months' salary for ever and a day. It should be a policy of the Government to persuade the employers to keep on the people they have taken, and also to try and renew the Tripartite Agreement in time to come. However, so far, Sir, I am ashamed to say that the Government appears to have done nothing.

**[The Minister for Commerce, Industry and Co-operative Development]**

that we have no legal power to do so and therefore the main purpose of the Bill, as I said before, is to give the Government such powers.

Mr. Deputy Speaker, I do not think I can add any more to what I have said and therefore I wish to move.

**The Minister for Lands and Settlement (Mr. Angaine)** seconded.

*(Question proposed)*

**Mr. Jahazi:** Mr. Deputy Speaker, Sir, I would like to support the Bill in total, because many times the Government has come out with a strong statement in the Press that such and such things are banned for importation into our country and these orders have not been backed by the law and it made the Government look silly as they gave an order which was not backed by the law. Now, they give an order and we expect the Government's order to be respected as an order not from an individual but from a Government and when the Government says that such and such a thing or such and such a person is banned from here, we take it as the law. This has not been the case and we have been very frustrated and embarrassed in some cases to see that Government orders have been flouted by people and they have got away with it. For instance, it is funny for the Minister to say that although they give an order that such and such goods from such and such countries should not be imported into this country they have come across, not one or two, but over three traders with South African goods and they were unable to take them to court. This is surprising because I would expect that even if there is no such law, then anyone who goes as far as to flout Government orders and take advantage of the fact that there is no law for that, should not be allowed to go scotfree, as has happened. These people should be dealt with, we do not need a law to withdraw an unscrupulous trader's licence, if there is no law and that man has continued to trade in South African goods, the first thing is to withdraw his licence until there is a law. For these people we have been left to continue trading in South African goods until such time as the Government was able to bring into being a law to prevent him from doing that. I think that the Government acted with considerable mercy towards these people, because some people do not deserve any mercy at all. Our Government is very kind and generous to many people, they are very tolerant, but many people take this as some sort of weakness and unless

the Government really deal with these unscrupulous people with the toughness that any Government should use they are going to create a *fiatna* in the minds of the public and the Government will lose its popularity. Therefore I would ask the Government to deal with these people even if there is no law, to try and find some other excuse for dealing with such people. Because Mr. Deputy Speaker, there is no justification for a man to continue trading in South African goods. These people were given a long period in which to dispose of their goods and this notice expired and if these people found no reason to sell their goods cheaply, or at least to destroy them, but continued to sell them, then they defied the Government ban on South African goods and they defeat the African feeling and determination to suppress the South African régime.

Therefore, Mr. Deputy Speaker, I support this Bill very strongly and I hope that the Government will take all possible steps to see that all these people who are only waiting for the order to be dealt with that their cases will be brought forward and that they will not be forgotten just because there was no law. They should be brought to justice and in fact it demands that, however big they are in this country, whatever the role that they are playing in developing this country, if they cannot co-operate with the Government's aspirations and the people's aspirations of this country by crushing the South African régime when we boycott their trade and goods, then these people are not with us, they are against us. Maybe they are the friends of South Africa and are trying to defeat our purpose. The Government and the Minister should remember them when this Bill comes into being and I am quite sure that the whole House will support it and I would also take this opportunity to urge members to try and pass it quickly so that we can deal with these people who are trying to undo what we are trying to achieve in the progress and the development of this country.

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

**Mr. Khasakhala:** Mr. Deputy Speaker, Sir, while I do not support this very important Bill, it was delayed for so long, because the boycott against South African goods has been in force months back and I am sure that the delay in the drafting of this Bill has enabled quite a lot of traders to escape without being brought to

**[Mr. Khasakhala]**

This Bill, Mr. Deputy Speaker, has come at the right time. Today most of the Asian shops in Nairobi have a lot of blankets that come from Rhodesia and this was going to give these people a very good chance of selling them slowly without bringing them before a court of law and I would urge the Government—in fact the period that has been given is six months—that this period should be reduced instead of giving these traders six months, they should be given two months only in which to dispose of their goods from South Africa or Rhodesia, because in the Bill, Mr. Deputy Speaker, it indicates that the trader should be given a period of six good months in which to dispose of all the goods that are illegally in their possession.

I feel, Mr. Deputy Speaker, this period should be reduced to two months so that all the blankets or other South African goods and Rhodesian goods which are in the shops today should be sold at a reduced price so that whoever gets them in large quantities to promote these opportunists who have never known that we used their goods and who are discriminating against the Africans should understand that they were acting against our own African Socialism. I would urge the Minister to redraft the clause where it says that the traders should be given six months, that is clause 3, paragraph (1) provides that in the case of goods in respect of which such an order is made after the commencement of the Act, the provisions of this subsection shall not apply until six months have elapsed after the coming into operation of such order. Why do we give them this six months? I think this is very unnecessary, we need to give them even one week. We do not want to see these goods in the shops, and the longest period we should give them should be two months, so that they can put on auction whatever goods they have from these illegal countries.

Mr. Deputy Speaker, otherwise, as a whole the Bill will, I am sure, receive the blessing of this House without any reservation. I beg to support.

**The Deputy Speaker (Dr. De Souza):** If no hon. Member wishes to speak I call upon the Minister to reply.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa):** Thank you very much, Mr. Deputy Speaker.

I thank the hon. Members for going through this Bill in such a short time, but there is one point which I would like to explain to the Members. One Member did actually question why we

made an order about three months ago about restricting South African goods, and yet we say the Government had no powers to take these people to the court. Now, Mr. Deputy Speaker, here there are two things which are quite separate and different. It is usually the Government which makes an order, but an order from the Government itself does one thing, it does give the Government power to use what is known as Customs Management Act which stops goods from coming in. Therefore, the moment we announced that we were going to restrict goods from South Africa and Portugal, from that very moment no goods could be brought in from South Africa or Portugal because at that time we were using the Customs Management Act.

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

*[The Speaker (Mr. Slade) resumed the Chair]*

But, the difficulty was with goods that were within the country already, we had to use another Act to enable either the police or the Government to take these people to the courts, and this is what I am asking because we did not have these powers. But this does not mean that the goods from South Africa or Portugal are coming into the country; this is looked after by the Customs Management Act. So, I think that clears the point which the hon. Member did actually make.

The other point which I would like to clear, from the hon. Member, although I propose to clear it during the third stage, is about the timing. It is true that in the Bill it says that the people who have South African goods or Rhodesian goods, or whatever the case may be, will be given six months to dispose of their goods. In fact, this is the very part I want to amend, to give them a longer period, not a shorter period as you are saying. The reason is, Mr. Speaker, that unfortunately—or fortunately, whichever word you may use—there were people in the country holding goods from South Africa. Now, immediately we announced that Kenya was not going to trade with South Africa, the traders who otherwise would come and buy those goods so that they could go and sell them immediately to get rid of them refused to purchase these goods, they said, "To hell with your goods", and therefore the wholesalers have been holding these goods which were bought by them during the time when we were trading with South Africa freely and it is, therefore, not actually their fault. Unfortunately they have found themselves with these goods which they have found very difficult to sell and therefore, to be fair, we have to give



[Mr. Alexander]

In respect of the National Fund, of which you, Sir, are chairman, the practice has been for the main lottery that is, the Jockey Club Sweep-stake—to be directed very largely to the National Fund without any chance for sport, other than on one occasion in respect of the last Olympic appeal, to get their hands on any of that money, although racing is part of the sporting activities of this country.

More recently, as another example, Spain has seen the advent of this sort of a policy to sport and they have introduced legislation similar to that in Italy. The result has been in these two countries, Mr. Speaker, that amateur sport has been given a tremendous thrust and today, in these countries, there are millions of individuals actively, every day of their lives, taking part in sport. Now, we in this country will never be able to take advantage of this wonderful opportunity that we have already proved is available in sport to occupy our people in a healthy way, to make better citizens. In the case of Italy they were able to go even so far as to stage the Olympic Games as the result of the funds they derived from this type of hypothecation. In the case of Spain, it has even carried them in a very few years to the stage where, in a few weeks' time

The Attorney-General (Mr. Njonjo) On a point of order, Mr. Speaker, I am just wondering whether what the hon. Member is speaking about has any relevance to the Bill which is in front of the House.

The Speaker (Mr. Slade) Yes, I did ask myself the same question, but I think the hon. Member is in order. The debate on a Bill has to be limited to the scope of the Bill. When it is merely a Bill for amendment of an existing Act, that scope is very limited, in fact, it is only on the actual amendments proposed when it is what you might call the initiation of new principal legislation, the scope is wider and the guide to its scope is contained in the title to the Bill. Now, the title to this Bill is, "An Act of Parliament to provide for the control and licensing of betting and gaming premises, for the imposition and recovery of a tax on betting and gaming, for the authorising of public lotteries . . ." and so on. I think when you have a Bill which is stated to be for the imposition and recovery of a tax on betting, it is open to hon. Members to suggest where that tax should go, for what purpose it should be raised.

So I think it is within the scope of the Bill.

Mr. Alexander: Thank you, Mr. Speaker.

In fact, this must be correct, Mr. Speaker, because if we are to achieve the policy that I am trying to speak to, it is only in this Bill that, finally, we can obtain it and this Bill has to say—if the Government considers the words I am uttering to be wise—somewhere that the income or part of the income coming to the board will be diverted, will be hypothecated to sport. I am giving the example of these other countries merely to illustrate, Mr. Speaker, what could happen in this country. We have really only just scratched the potential of sport and we are all feeling now the difficulties we are up against, because we have not any more money. I was on my feet for many hours in this House before independence, condemning the attitude in the colonial era that saw hypothecation of revenue as an evil that Government must never, never allow itself to be drawn into. Now, Mr. Speaker, I am making the point that there are some times, and I am hoping an enlightened independent Government will see it, when hypothecation of revenue properly used can stimulate latent abilities and initiatives that otherwise would just lay dormant. I do urge upon the Government to consider this matter seriously, indeed, and I hope, when they reply, they will give us an indication that the same way that the Board will be directed, we

are going to look into this whole matter, so that the Government can come back to us with legislation to amend this Bill, so that for the first time in its life sport, amateur sport—I am not talking about professional sport, that is a section of the entertainment business and is to be put where the Government put. I am talking about amateur sport so that amateur sport, for the first time in its history in this country, can really have some genuine financial independence.

Mr. Speaker: I suppose, I should declare an interest. I have a financial interest in the matter whatsoever, but this is a subject that is close to my activities and I do hope that the Government see that I am trying to put something for the good of the whole of our country.

The Attorney-General (Mr. Njonjo) Mr. Speaker, I hope the hon. Member will not take offence at what I say, but I think he is very interested in the subject, but my remarks were merely to point out, if possible, he was going to be outside the scope of the Bill, because I feel that on matters of this nature, I know—is very keen on promoting and encouraging amateur sports in this country. Therefore, the hon. Member—Mr. Alexander—I am sure, will accept from me that the Government is very interested in the work that he, himself, is doing in encouraging sports among our people in this country.

[The Attorney-General]

We have so far done quite well in the form of Mr. Keino, who is now distinguishing himself, I think in America, and his success is due in a great measure to a number of people who have given their time voluntarily in encouraging such people, and producing such talent and men like Mr. Keino. I think he is Inspector Keino.

Now, Mr. Speaker, this Bill has come at a time when we have a problem in this country with regard to betting, lotteries and gaming. Mr. Speaker, one has only to go to Victoria Street or to River Road, to see a number of unscrupulous shops which are being run by a certain number of Asians in Nairobi, who keep no books of accounts, businesses are not registered, the operations they run in that part of Nairobi are unknown, but we know that quite a number of people, particularly Africans, go there usually at the end of the month and use all their money gaming and hoping that their horse will come first, and therefore they will become millionaires over night. Then they find that not only is their horse last but, in some cases their horse does not run. We want, Mr. Speaker, regularize the running of gaming in this country so that our people are not cheated by these unscrupulous people. As the Minister who introduced the Bill said we have the Jockey Club of Kenya who run the racing at Nairobi, which is patronized by quite a number of people, and we know that they have a very good reputation, and they have also given money to the National Fund and also to a number of charitable organizations. It is, therefore, important that this Bill should come at this particular time so that these people who are making money quickly in Victoria Street should be put out of business.

Mr. Speaker, I beg to support.

Mr. Jahari: Mr. Speaker, thank you very much for allowing me to speak.

This Bill, I think, is coming for the second time as due to the technicality of the planning of the House it could not be discussed in time in the Senate.

I contributed to this Bill when it first came and I am glad that I have this opportunity of again speaking in strong support for this Bill.

Mr. Speaker, as we all know, Kenya is a young country developing rapidly, and it cannot afford to have such business as we are having in the locality which the Attorney-General mentioned. I am not very familiar with Nairobi, but Mombasa I think could compete with Nairobi in

this daylight robbery of our people. Mr. Speaker, Sir, the Asians particularly have come to indulge themselves in forgetting other businesses when they discovered that installing a few machines in a room could give them more money, tax free, than wasting their time in having shops like ration stores, or grocery stores or anything. There they rob, and it seems as if the robbery is legal. These machines, Mr. Speaker, are never checked. Nobody bothers to find out if they are rigged; nobody cares to find out if they are working properly. Unlike the scales where we have a Department of Weights and Measures whose officials go and check the scales to make sure that they are working properly, these people have been left to go scot free. They can do anything with the machines. Even when the machine goes out of order it can continue for one week robbing people. You put in fifty cents, or one shilling, you never get any response from the machine. The shilling is lost, and you cannot even see a manager standing there to protest to, that I have put in a shilling and nothing has happened. You do not even know who the proprietor is. You just go there and find customers putting in money and the owner comes probably at night, closes the shop and collects his booty. Nobody cares how much he has, and the income tax on that would be how much, the machines do not show any account that yesterday this machine took so many coins, so that you can charge the proprietor income tax. This thing has been going on since I think the machines came. These machines came, I remember when they started. They started in a small way. We used to have small ones which used to take only ten cents. So a man could not feel that he had lost much by losing ten cents. When the habit was formed, they started introducing one which takes fifty cents. Now you have one which takes one shilling, others go one round which may cost you eight shillings, the big ones, and nobody seems to win, Mr. Speaker. This could be useful when people are so fed up, they have plenty of money and they have nothing to do with them, therefore one shilling, two shillings is nothing, but when a man gets one hundred and twenty shillings or one hundred and fifty shillings per month, he is attracted to go to these rooms, you find so many Africans jamming and queuing for using these machines, and whenever you go there you can never see any smiles on anyone's face leaving these gambling establishments. Everyone is angry and cursing.

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

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

**[The Minister for Home Affairs]**

In 1952 the Jockey Club of Kenya made certain recommendations to Government concerning the setting up of a Betting Control Board to be the main licensing body to control betting, gaming and lotteries in Kenya, and also to be responsible to Government and account for its funds to the Finance Minister.

In 1952 we also saw a committee set up by the Government to look into the existing law and practice leading to betting, gambling and lotteries, to report what changes, if any, would be necessary and practicable.

Two years later, in 1954, the recommendations of the committee were accepted by Government, subject to certain modifications. The report of the committee on betting, gambling and lotteries was published in September that year.

During the last eleven years, Mr. Speaker, a considerable amount of work has been carried out by the Government in consortium with the Jockey Club of Kenya. Regrettably action has been long awaited.

In 1963 the Government introduced the Betting Tax Ordinance. The revenue obtained from taxing bets made on horse racing was £82,353 in the first year of operation and in the second year it was £93,582. It cannot be pretended that the desire to gamble does not exist in Kenya. It has been appreciated that the control of this human weakness is more desirable than turning a blind eye to it. At the moment all that is required is a blackboard and a piece of chalk, and a bookmaker can operate. He opens his books quite happily one morning with little or no capital at all, and waits until a punter, that is, some member of the public wins a large sum of money. He then closes down and disappears, leaving the disappointed and unpaid client.

The aim of this Bill, Mr. Speaker, is to eliminate these unscrupulous persons from the scene of gambling in order to enable the public to have a fair deal. This will also apply to every form of gambling, betting and lotteries.

The main principle which has been borne in mind throughout the deliberations dealing with the Betting, Lotteries and Gaming Bill has been towards the channelling of all such activities through properly organized and responsible bodies so that revenue may accrue to benefit the country. It is of paramount importance to ensure that all sections of the community are safeguarded inasmuch as the operating of betting, lotteries and gaming machines, etc., are carried out in a fair manner, and to see to it that the public

are not persuaded to spend their money on activities from which they have little chance to gain.

Mr. Speaker, Sir, the Bill is divided into seven sections. Part I of the Bill is self-explanatory as the Members will realize from reading the Bill. However, I would like to highlight a few points from Part II.

Part II, clause 5 (3) provides that the board shall not issue any licence unless the local authority in whose area of jurisdiction the applicant for the licence is to conduct his business has been given an opportunity of objecting to our making recommendations with respect to the application.

Under clause 6 the board is required to require of every person issued with a licence a security of a sum not exceeding Sh. 40,000.

Part III of the Bill deals with the control and licensing of betting. It creates certain offences with respect to matters which are dealt with in this Bill that is betting and so on, it also includes restrictions on betting by persons under the age of eighteen years and with respect to betting in public places.

Clauses 30, 31 and 32 contain provisions for appointment of an agent to the Permanent Secretary of the Ministry responsible for the matters dealt with in this Bill, for the time being, of course, my Ministry.

Clause 34 provides that an agent, if there is one, appointed by the Permanent Secretary may be paid a commission for his work.

Part IV of the Bill deals with the control and licensing of all lotteries.

Clauses 35 to 44 create offences in connexion with unauthorized lotteries. Provision is also made in this part of the Bill for exemption subject to certain conditions of lotteries conducted on behalf of societies for charitable purposes. In this connexion Mr. Speaker, there have been unscrupulous people in certain towns who have established themselves as having authority for selling tickets produced by certain people. Instructions have gone out to the police that should those people operate in any area to deprive the public of their money they should be prosecuted, also to protect those charitable organizations which are operating legally to run their lotteries.

Now, as I said, provision is also made in this part of the exemption, subject to certain conditions, of lotteries conducted on behalf of societies for charitable purposes or sporting or athletic activities, lotteries conducted incidental to certain

**[The Minister for Home Affairs]**  
entertainments such as fêtes, dinners or sporting events and private lotteries; that is, lotteries confined to members of societies or persons living or working on the same premises.

Clause 43 prohibits the sale of any ticket in a lottery to a person under the age of sixteen years.

Part V, Mr. Speaker, deals mainly with gaming and it creates offences relating to gaming premises, and it does also empower the board to license public gaming premises.

Clause 46, subsection (4), makes provision for the payment of a tax in respect of gaming conducted in licensed gaming premises.

Clauses 50 to 52, however, make lawful, subject to certain conditions, gaming in small gaming parties, playing at games of chance, at entertainments not held for private gain.

Clause 53 creates offences relating to the use of unauthorized gaming machines.

Clause 54 empowers the board to license such machines.

Clause 55 prohibits gaming in public places.

Part VI of the Bill, Mr. Speaker, deals with amusement with prizes, prize competitions and chain letters.

Clause 60 in particular prohibits chain letters. This reproduces section 179 of the Penal Code.

Clause 61 makes obtaining money by cheating in lawful gaming or wagering an offence.

Part VII of the Bill, Mr. Speaker, contains miscellaneous provisions in clauses 62 to 71. I would like to highlight clause 62 in particular, which gives an opportunity for an aggrieved person or persons to appeal to a judge of the High Court against the board's decision if he feels that he has not been given a fair deal.

Clause 63 gives power to a police officer, or any other person authorized by the Permanent Secretary, to enter and inspect, without warrant, any premises and seize anything where necessary. Of course, the usual safeguard of making sure that the proper exercise of the board is carried out is embodied in this clause.

Clause 64, which really stems from clause 6 in the Bill, relates to penalties for any late payment of taxes imposed under this Bill.

Finally, Mr. Speaker, I would like the House to be aware that the provision made in this Bill for the establishment of a Betting Control and Licensing Board will involve some additional expenditure of public money in respect of

remuneration, travelling and other expenses of the members and staff of the board. It is not possible to give an estimate of this additional expenditure right now, but it is expected that this expenditure will be covered, to some extent, by revenue from licences, and so on. The enactment of this Bill will, however, lead to additional revenue which will accrue to the Government.

With this observation and few remarks, Mr. Speaker, I beg to move that the Bill be now read a Second Time.

**The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa)** seconded.

*(Question proposed)*

**Mr. Alexander:** Mr. Speaker, Sir, it is very opportune that the Government have brought this Bill before us: they are wise in doing so. However, I have to complain about one magnificent opportunity that the Government have missed in presenting this Bill to the country. I refer to the urgent need to get into the hands of sport some independent funds.

Now, Mr. Speaker, we all know that the dream, the ideal, of amateur sport is to remain independent, and that means independent of everything, independent also of the Government. But we know also, Mr. Speaker, that we live in a world where it is impossible to be independent—entirely independent—without money. There has very recently been established a National Sports Council. This council, Mr. Speaker, will have to go on bended knee to get money from the Government. It has no independent means of its own, and in that case it can become subject to political pressure.

May I, in order to illustrate the point more clearly, Mr. Speaker, refer to the experience in other countries. I suppose the perfect example or the most potent example of the use of this type of legislation to hypothecate revenue to sport is Italy. Italy saw this opportunity just after the last war, and in presenting this very same type of legislation to their Government, they took the opportunity to include in it the provisions that would enable the football pools of Italy to hand over a large proportion of their profits to amateur sport. In Italy today there is a body created to receive those funds and to operate those funds to the benefit of amateur sport. In Kenya, we have never had any such advantage for sport. When the pools were taxed in this country several years ago, sport made the effort then to try and persuade the Government to divert some of the funds independently to it. This was never done.

## COMMITTEE OF THE WHOLE HOUSE

*(Committee read)**(The Chair: Mr. Slade left the Chair)*

## IN THE COMMITTEE

*(The Chairman: Dr. De Souza left the Chair)**(The Chair: Mr. Slade)**(The Chairman: Dr. De Souza)*

*(The Chairman: Dr. De Souza)* Hon. Members will be aware that when the House last adjourned, we were discussing clause 15 of this Bill, on which a very long debate has taken place. In fact, hon. Members will probably recollect, the clause was amended by deleting from clause 15 the words "or". There is now a further amendment which is suggested to be proposed by the hon. Assistant Minister, Mr. Osogo.

*(The Assistant Minister for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman,* just as you have explained, hon. Members will remember that when the House adjourned we had already amended clause 15 (2) (b). A technical point was raised and the Assistant Minister was required to look into this. His Chambers advised us that it would be in order for us to delete the whole of subsection (b) of clause 15 (2). Mr. Chairman, I would then request that the clauses be renumbered subsequently, when the Committee has approved this amendment.

*Mr. Chairman,* I beg to move.

*(Question of the amendment proposed)*

*(Question that the clause to be deleted be deleted)*

*(Clause 15 as amended agreed to)*

*(Clauses 16, 17, 18, 19 and 20 agreed to)*

*(Clauses 21, 22 and 23 agreed to)*

*(Clauses 24, 25, 26 and 27 agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

## THE COPYRIGHT BILL

*(Clauses 2, 3, 4 and 5 agreed to)*

*(Clauses 6, 7, 8, 9 and 10 agreed to)*

*(Clauses 11, 12, and 13 agreed to)*

*(Clause 14 agreed to)*

*(Clauses 15, 16, 17 and 18 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

## THE BOARD OF ADULT EDUCATION BILL

*Clause 2*

*The Chairman (Dr. De Souza): Mr. Mutiso,* do you want to move an amendment to clause 2?

*The Assistant Minister for Education (Mr. Mutiso): Mr. Chairman,* Sir, I beg to move:—

THAT clause 2 of the Bill be amended by inserting immediately after the words "secondary school" which appear in the definition of "Adult education" the words "or at the Kenya School of Law."

*(Question of the amendment proposed)*

*(Question that the words to be inserted be inserted)*

*(Clause 2 as amended agreed to)*

*(Clauses 3, 4, 5 and 6 agreed to)*

*Clause 7*

*The Assistant Minister for Education (Mr. Mutiso): Mr. Chairman,* Sir, I beg to move:—

THAT subclause 7 (b) be amended by deleting in the proviso thereto the word "one-half" and inserting in place thereof the word "one-third".

*(Question of the amendment proposed)*

*(Question that the word to be left out be left out)*

*(Question that the word to be inserted in place thereof be inserted)*

*(Clause 7 as amended agreed to)*

*(Clauses 8, 9 and 10 agreed to)*

*(Clauses 11, 12 and 13 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

*The Minister for Information and Broadcasting (Mr. Achieng-Onyko): Mr. Chairman,* Sir, I beg to move that the Committee report to the House its consideration of the Irrigation Bill with amendment, the Copyright Bill without amendment and the Board of Adult Education Bill with amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*(The Speaker (Mr. Slade) in the Chair)*

## REPORT

## THE IRRIGATION BILL

*Dr. De Souza:* Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Irrigation Bill and its approval thereof with amendment.

*(Consideration of Report of Bill ordered for tomorrow)*

## REPORT AND THIRD READING

## THE COPYRIGHT BILL

*Dr. De Souza:* Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Copyright Bill and approved the same without amendment.

*The Minister for Information and Broadcasting (Mr. Achieng-Onyko): Mr. Speaker,* Sir, I beg to move that the House do 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 and Broadcasting (Mr. Achieng-Onyko): Mr. Speaker,* Sir, I beg to move that the Copyright Bill be now read the Third Time.

*The Minister for Commerce, Industry and Co-operative Development (Mr. Mwendwa)* seconded.

*(Question proposed)*

*(Question put and agreed to)*

*The Bill accordingly read the Third Time and passed)*

*(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)*

## REPORT

## THE BOARD OF ADULT EDUCATION BILL

*Dr. De Souza:* Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Board of Adult Education Bill and its approval thereof with amendment.

*(Consideration of Report of Bill ordered for tomorrow)*

*The Speaker (Mr. Slade):* Next Order.

## BILLS

## Second Readings

## THE EVICTION OF TENANTS (CONTROL)

## (MOMBASA) (AMENDMENT) BILL

*(Minister for Health and Housing (Mr. Otiende) on 7th December 1965)*

*(Resumption of debate interrupted on 7th December 1965)*

*The Speaker (Mr. Slade):* Hon. Members will recall that the Second Reading of this Bill has been moved, seconded and proposed, and there has been a little debate on it before the debate adjourned. The debate now continues.

If no other hon. Member wishes to speak—I do not think the Mover is here to reply. He has been replaced in office by another Minister who is also absent. In that case 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)*

*The Speaker (Mr. Slade):* Next Order.

## THE BETTING, LOTTERIES AND GAMING BILL

*The Minister for Information and Broadcasting (Mr. Achieng-Onyko):* On a point of order, Mr. Speaker, I would like to correct one typographical error. This Bill is not the responsibility of the Minister for Information and Broadcasting.

*The Speaker (Mr. Slade):* Which Ministry should that be?

*The Minister for Information and Broadcasting (Mr. Achieng-Onyko):* The Ministry of Home Affairs.

*The Speaker (Mr. Slade):* In that case we do apologize.

*The Minister for Home Affairs (Mr. arap Moi):* Mr. Speaker, Sir, I beg to move that the Betting, Lotteries and Gaming Bill be now read a Second Time.

I will not keep the House for too long. This Bill was moved some time ago. It is divided into seven parts which are more or less self-explanatory. Betting, lotteries and gaming have been going on in this country for a long time without any legislation to control them. These, having been included in my portfolio, I have decided to introduce the Betting, Lotteries and Gaming Bill to control these activities. Mr. Speaker, Sir, it is agreed that by having this Bill we shall be able to make some revenue available to the Government, as well as to protect those people who will be interested in conducting betting, lotteries and gaming in this country.

Sir, when the House adjourned last time, unfortunately this Bill was not put through because of some technical trouble, but I would like to go through it in order to give the intentions of this Bill.

At that time I had reached the point where I said that the Ministry of Home Affairs, being responsible for this portfolio, was going to appoint an independent chairman who would be a person who was a non-Government person.

Later on I will ask the House to consider two amendments which appear on today's Order Paper.

**[The Assistant Minister for Works, Communications and Power]**

answered several times in this house. The Government has no plans for the construction of a railway line from Lumbwa to Kisi in the immediate future. Although Kisi is known to be an area of high agricultural potential, production is not large enough to justify expenditure of £1.5 million which is the amount it would cost to build such a railway.

**Mr. Omweri:** Mr. Speaker, Sir, arising from the Assistant Minister's reply, would he tell us the exact figure he wants us to raise in production so that he can give us an assurance that this railway will be started?

**Mr. Bomett:** Mr. Speaker, Sir, I said that the figure required in order to construct this railway is £1.5 million. As to the question of production, the figure that the district would be required to achieve in order to justify the construction of the railway line is a question for the Ministry of Agriculture.

**Mr. Omweri:** Mr. Speaker, arising from that reply, is the Assistant Minister aware that the £1.5 million required to construct a railway from Lumbwa to Homu Bay would be covered by the production from the three districts which would be covered, that is, Keenoi, Kisi and Homu Bay?

**Mr. Bomett:** Mr. Speaker, the experts in my Ministry advise that at the moment the production in these areas does not justify the construction of a line.

**Mr. Ngala:** Mr. Speaker, arising from one of the replies by the Assistant Minister, would he assure this House that, rather than fulfilling a political slogan which arises from this question, he will give attention to other areas before thinking of Kisi to Lumbwa, because that district is served with good roads?

**The Speaker (Mr. Slade):** No, Mr. Ngala. Next question.

*Question No. 143*

**ELECTRICITY SUPPLIES FOR KISI DISTRICT**

**Mr. Omweri,** on behalf of Mr. Ameyi, asked the Minister for Works, Communications and Power to tell the House that when eventually Government brought electricity to Kisi District, he would undertake to make the electricity available to all cooperatives societies, factories, secondary schools, health centres and missionary centres.

**The Assistant Minister for Works, Communications and Power (Mr. Bomett):** Mr. Speaker, Sir, I beg to reply. I think it is important that the

hon. Member for Manage-Bassi should understand that it is not Government who will be responsible for the construction of the power supply line to Kisi. This will be undertaken by the East African Power and Lighting Company, as will be the development of the distribution network in Sotik and Kisi. It is not possible for this Ministry to give a guarantee that electricity will be made available to all the potential customers mentioned in the hon. Member's question. A survey of potential loads along the route and in Kisi town has been made and this includes factories, schools, hospitals, missions, domestic users, traders and others and it is hoped that the majority of these potential customers will be supplied with electricity.

**Mr. Omweri:** Arising from that reply, Sir, would the Assistant Minister undertake to negotiate with the East African Power and Lighting Company to see to it that when this power is transmitted to Kisi, it is installed, they will help the people financially who require to get their light installed in their places?

**Mr. Bomett:** Of course, that will be the case. So that the Government here is the economic one, they will be helping to bring electric power to Kisi. The K. P. & L. S. A. and this will be being examined. But also in any other area without K. P. & L. S. A. on the route, if it is economically feasible to supply to other areas beyond that, this will be examined by the Power and Lighting Company.

**The Speaker (Mr. Slade):** We must go on now. I think Mr. Sagim has a statement to make to the House.

**MINISTERIAL STATEMENT**

**APPOINTMENT OF THE PUBLIC ACCOUNTS COMMISSIONER**

**The Minister for Local Government (Mr. Ngugi):** Mr. Speaker, Sir, on behalf of the Chairman of the Sessional Committee, I beg to make the following statement for the information of the House. The Sessional Committee has nominated the Public Accounts Committee as follows:—

- The Hon. J. K. J. Dipu (Chairman)
- The Hon. A. W. M. Sagim
- The Hon. S. M. Amin
- The Hon. O. R. S. Alexander
- The Hon. S. Kiprotich
- The Hon. A. M. Mungai
- The Hon. A. B. Pandava
- The Hon. M. Kibaki
- The Hon. C. Waruthi
- The Hon. S. M. Amin
- The Hon. R. S. Alexander

**NOTICE OF MOTION FOR THE ADJOURNMENT**

**TRIPARTITE AGREEMENT RESULTS:  
QUESTION NO. 71 (a)**

**The Speaker (Mr. Slade):** I would remind hon. Members that at the interruption of business today Mr. Kiprotich is to raise on the adjournment the matter noted on the Order Paper.

**BILLS**

*First Readings*

**THE ENCHOUER AND AUDIT (AMENDMENT) BILL  
*Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow***

**THE LOANS (GUARANTEE) BILL**

**The Speaker (Mr. Slade):** Before we have the First Reading of this Bill, in accordance with Standing Orders I have to ask for the recommendation of the President to be signified by a Minister.

**The Attorney-General (Mr. Njonjo):** Mr. Speaker, I beg to inform the House that, under Standing Order 134, His Excellency the President has signified his assent.

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

**THE ENTRADITION BILL**

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

**THE INCOME TAX (ALLOWANCES, RELIEFS AND RATES) BILL**

**The Attorney-General (Mr. Njonjo):** Mr. Speaker, I beg to inform the House that His Excellency the President, under Standing Order 134, has signified his assent.

**POINT OF ORDER**

**COMPETENCY OF HOUSE TO DEBATE BILL**

**Mr. Alexander:** Mr. Speaker, Sir, on a point of order, this Bill is dependent upon and stems from the East African Income Tax Management Act. There are very substantial amendments to that Act which, Mr. Speaker, have not yet been published; and I would seek your ruling as to whether we are really competent to discuss this particular Bill until that Management Act is passed. In fact, I would go so far as to suggest that if we pass this Bill which is before us, we might find it is *ultra vires*.

**The Speaker (Mr. Slade):** I wonder if the Attorney-General could enlighten us on this or might like time to consider it?

**The Attorney-General (Mr. Njonjo):** I would like some time, Mr. Speaker, to consider this.

**The Speaker (Mr. Slade):** I think we could have the First Reading now, if you would be prepared, Mr. Attorney-General, to advise us at the time of the Second Reading whether or not there is anything in the point raised?

**The Attorney-General (Mr. Njonjo):** Yes.

**The Speaker (Mr. Slade):** Thank you. We will have the First Reading now then.

**BILLS**

*First Readings*

**THE INCOME TAX (ALLOWANCES, RELIEFS AND RATES) BILL**

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

**THE DAIRY INDUSTRY BILL**

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

**The Speaker (Mr. Slade):** Order! I see a few hon. Members, who are not members of the Government, sitting on the Front Bench. I would remind them of a recent amendment of Standing Orders—Mr. Oduya, Mr. Choge. A recent amendment of Standing Orders requires you not to sit on the Front Bench.

**Mr. Choge:** I was having a word with the Minister, and I am just going off, Mr. Speaker.

**The Speaker (Mr. Slade):** Mr. Oduya, are you having a word with the Assistant Minister? Make it quick then.

**THE GRADUATED PERSONAL TAX BILL**

**The Speaker (Mr. Slade):** This requires the President's recommendation.

**The Attorney-General (Mr. Njonjo):** Mr. Speaker, I beg to inform the House that, under Standing Order 134, His Excellency the President has signified his assent.

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

**THE PIG INDUSTRY BILL**

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



[Mr. Sagini]

There was a time when things were topsy-turvy. I worked hard and brought them to normality, and I keep trying to do so.

With regard to the hon. Member's question, that I should organize training courses, we did so last year, but because of lack of funds we are not able to have frequent courses. That is of first importance as far as county councils are concerned, but very complex.

Question No. 195

## POST OFFICE FOR SOUTH BARINGO DIVISION

Mr. Tanui asked the Minister for Works, Communications and Power if he would tell the House whether he considered that having one post office to serve the entire Division of South Baringo was sufficient.

The Assistant Minister for Works, Communications and Power (Mr. Bonetti) Mr. Speaker, Sir, I beg to reply. An official of the East African Posts and Telecommunications Headquarters (Kenya) will be surveying Rift Valley Province in the early part of this year to determine the need and suitable places where sub-post offices may be established. Baringo District will be visited and a number of additional sub-post offices are expected to be established after the survey. The appropriate authorities in each district.

Mr. Tanui: Mr. Speaker, Sir, can the Assistant Minister tell the House, whether his Ministry has submitted a request to the official to visit this district, because Baringo has a greater need for a post office than any other place in Kenya?

The Speaker (Mr. Slade) No answer, Mr. Bonetti?

Mr. Bonetti: No, Sir.

Question No. 165

## MISAPPROPRIATION OF FUNDS BY TRADE UNION OFFICIALS

Mr. Gichoya asked the Minister for Labour to tell the House if, when a trade union officer was found guilty of misappropriating workers' money, what steps did the Ministry take, firstly, to recover the money and, secondly, to restrain such an officer from repeating such an offence in that union or any other union.

The Minister for Labour (Dr. Kiano): Mr. Speaker, Sir, I beg to reply: section 29, subsection 2, of the Trade Union Act, reads as follows: "No person who in convicted of any crime involving fraud or dishonesty can be an officer of a trade union."

On conviction for an offence under the Penal Code or any other Act involving fraud or dishonesty, a trade union officer is automatically barred from being an officer of any union and, accordingly, the question of his being in a position to repeat such an offence, as an officer, does not arise provided of course, that the authorities are aware of his previous conviction.

It is not clear what the hon. Member would like to know on the question of recovery of the money, but I presume that the hon. Member is referring to the misappropriation of money from the funds of a trade union which had been contributed by the members of that union. If that be the case, the union itself is entitled to pursue a civil remedy through a competent court of law for recovery.

Mr. Gichoya: Mr. Speaker, Sir, arising from what the Minister says, that the officer will be barred from holding public office, and taking number one, that is the method of recovering the money, how would he be able to make a living so that he could be sued in a civil case, so that the money could be recovered, whereas he has been barred from holding any public office?

Dr. Kiano: Mr. Speaker, Sir, I am not too sure that I understand the question. There are two aspects to one is that if the officer is convicted of misappropriation of funds or any other form of dishonesty concerned with money, he cannot be an officer of a trade union, that is one thing. The other element has to do with the fact that if he has actually eaten the money, then how do you get it back? I can only read to the hon. Member the wording of section 55, subsection 1, and subsection 3 of the same Act, which says, "Any trade union officer found guilty of misappropriating workers' money, the court may order such a person to pay such money to the trustees of the union. If such an officer failed to comply with the court's order, within a specified period, he shall be guilty of an offence and liable to a fine."

Question No. 154

## DAMS AND BOREHOLES FOR TURKANA DISTRICT

Mr. Areman asked the Minister for Natural Resources and Tourism if he could tell the House when the Government was going to start making some dams and boreholes in Turkana District.

The Assistant Minister for Natural Resources and Tourism (Mr. Mohamed): Mr. Speaker, I beg to reply. I am afraid the reply is going to be rather long, because questions on water have been raised in this Parliament very often, and I have to give a somewhat lengthy reply.

## [The Assistant Minister for Natural Resources and Tourism]

My Ministry, the Ministry of Agriculture, the Administration, the Christian Council of Kenya and various missions are represented on the Turkana Rehabilitation Committee. This committee is responsible for preparing development plans, co-ordinating specialist activity and seeking financial assistance for approved projects. At present, this committee is primarily concerned with the fishing industry on Lake Rudolf, irrigation projects in the valleys of the Turkwell and Keru Rivers and in the development of range areas.

The hon. Member for Turkana North is a member of this committee and is aware of the present stage of our work. As regards water, a major part of approximately £43,000 is to be spent in the construction of boreholes and wells in the Turkwell Valley. Beside this, £2,000 has been made available for improving small water supplies for the people throughout the district. Through a generous gift from Oxfam a drilling machine, and money to operate it, was moved to Turkana last month, December, to assist in the search for water.

Except in very few areas in Turkana District, it is impractical to construct dams. This is because, according to meteorological records, the rainfall is very low—about 10 inches per year—while the rate of evaporation is as much as 12 feet per year. The only alternative is, therefore, to concentrate on boreholes and wells.

I would like to assure the hon. Member that my Ministry, in collaboration with the other bodies mentioned earlier, and the generous help from the F.A.O., Oxfam and the missions, are doing more to Turkana than to any other district. The challenge is enormous, and it requires highly skilled staff of which we have few. Finances are limited. But even if all these requirements were available, the desired results could not be achieved overnight.

Mr. Shikuku: Arising from the Assistant Minister's reply, Mr. Speaker, that these activities will not be met overnight, is he aware that the Turkana people are very hard up so far as the question of water is concerned? It should be an immediate effort by the Government to make boreholes to help the Turkana get some water for their food and their cattle.

Mr. Mohamed: Mr. Speaker, Sir, this is exactly what I have said. I said that we are going to spend about £43,000, and besides this the machine which has been made available to us by Oxfam, has already been sent there and will be drilling

boreholes. The success of these boreholes depends on whether the water is there or not, but we are doing our best to assist the Turkana people.

Mr. Areman: Mr. Speaker, Sir, may we know in which month this drilling machine will be starting in the Turkana District? Because it has been said, every now and then, that it has been sent, it was sent yesterday, and it is not there yet.

Mr. Mohamed: Mr. Speaker, Sir, I think I will have to check on this, but we definitely know that the machine was sent to the Turkana area last month. Whether it has come into operation or not may depend on technical difficulties, but we will check on the situation and clear the matter up.

Mr. Ekitella: Arising from the Assistant Minister's reply, can he tell us to which part of the Turkana District was this machine sent?

Mr. Mohamed: Mr. Speaker, Sir, normally it should have been sent to the district headquarters, but it may have been moved to the appropriate area where the drilling is to take place.

Mr. Kamuren: Mr. Speaker, Sir, arising from the Assistant Minister's reply, where he said that the machine has been sent to Turkana, can he tell this House whether he has gone there to check whether this machine has already been sent to the district headquarters?

Mr. Mohamed: Mr. Speaker, I am pretty certain this machine has gone, and before it went it was tested in our Water Development Department, to see that it was functioning properly, and, after this test it was sent. Turkana District is a very big district and it is for the local authority there to decide where it should go. Maybe the hon. Member does not know where it has gone.

The Speaker (Mr. Slade): Mr. Omweri, we will come back now to Mr. Anyieni's questions.

Question No. 141

## RAILWAY LINE FROM LUMBWA TO KISII

Mr. Omweri, on behalf of Mr. Anyieni, asked the Minister for Works, Communications and Power when the Government intended to construct a railway line from Lumbwa to Kisii, in view of the large production of coffee, tea, pyrethrum, bananas, maize, etc., in the Kisii District.

The Assistant Minister for Works, Communications and Power (Mr. Bonetti) Mr. Speaker, Sir, I beg to reply. The hon. Members will recall that the question regarding the construction of a railway line from Lumbwa to Kisii has been

**The Minister for Local Government (Mr. Sagini):** Mr. Speaker, Sir, I beg to reply. My Ministry has for some years assisted the Kisumu Municipal Council by way of a grant towards the council's recurrent expenditure in clearing floating islands. For 1965, the grant took the form of reimbursement of all such costs in excess of £100, subject to a maximum grant of £2,000, and a similar grant will be paid in 1966.

**Mr. Oselu-Nyalick:** Mr. Speaker, Sir, arising from the Minister's reply, is he aware that the said grant is quite inadequate and, as a result of this, Kisumu is growing shabby and dirty because of floating islands, and since it is the capital of West Kenya, and we want

**Hon. Members:** Question, question.

**The Speaker (Mr. Slade):** Order! Mr. Nyalick, you cannot use Question Time to put forward propositions of that kind, I am afraid. You must make it a question, you know.

**Mr. Oselu-Nyalick:** Mr. Speaker, Sir, may I repeat myself?

**The Speaker (Mr. Slade):** You may continue your question, but you must not bring in matters of that kind.

**Mr. Oselu-Nyalick:** Mr. Speaker, Sir, please excuse my Minister's reply and since the capital grant mentioned is quite inadequate, what other proposals does he have to assist the municipality, so as to make Kisumu attractive to tourists and industrialists who may like to come to Kisumu?

**Mr. Sagini:** Mr. Speaker, I agree entirely with the hon. Member that it is inadequate, because the question of trying to get rid of floating islands is quite elaborate. In 1963, the Kisumu Municipal Council received a detailed report from a malaria engineer, setting out in detail necessary anti-malarial work required on the lake shore, and it was estimated that it would cost £100,000. This is very expensive indeed, Mr. Speaker. The council put a request to the Ministry of Health, by whom I am advised that it has not been possible to find the very considerable funds necessary to implement the recommendations in the report. The Ministry of Health, however, has for some years made specific contributions to Kisumu Municipal Council towards the recurrent cost of anti-malarial work around Kisumu. In the last two years a sum of £1,000 was paid to the council.

Mr. Speaker, if any further information is required, I should like this matter to be referred to the Minister for Health because he has more details of this than has my Ministry, Mr. Speaker. I would like to mention to the hon. Member that actually, the question of floating islands is an East

African problem, because the stuff comes from Uganda and Tanzania and comes this way, his against land, where Kisumu is, and stops and accumulates.

**Mr. Bala:** Mr. Speaker, Sir, arising from the earlier reply from the Minister, would the Minister assure this House that despite his intention of withdrawing £50,000, as we learnt last month, he is not going to withdraw that sum of £50,000 by way of grant in the course of 1965-66 estimates, to Kisumu Municipality?

**Mr. Sagini:** Mr. Speaker, Sir, that is another question because it does involve figures, money, because we examine budgets of the various local authorities in this country very carefully and thoughtfully. I am not in a position to delve into this now.

Question No. 163

#### NYERI COUNTY COUNCIL MATRONS

**Mr. Warithi** asked the Minister for Local Government whether he could explain why the three special nominated seats for the Nyeri County Council had not been filled up to now.

**The Minister for Local Government (Mr. Sagini):** Mr. Speaker, Sir, I beg to reply. During the discussions in the Central Regional Assembly, amended the constitution of all local authorities of this province except that of Nyeri County Council in such a way that district commissioners and other public officers, also women who represented women's interests, were all excluded from nominated membership of councils, and in their places the Assembly substituted a number of persons to represent farming and commercial interests.

In addition to this, the Assembly also amended the term of office of all councillors so that instead of one-third of the members retiring each year, all members remained in office for a period of three years. For some reason unknown to me, the amendment to the Nyeri County Council Constitution which was drafted on the same lines as that of all other local authorities in the province was never passed by the Assembly, and was not published. I understand this was an error.

However, the Council has assumed that their constitution was legally amended to permit their members to remain in office for a period of three years. Since the annual elections have been held in accordance required under the original legal constitution of the Nyeri County Council,

any nominations made now by me would, I am advised, worsen the situation, and I propose to wait until the constitution of the Nyeri County Council is regularized by law.

**Mr. Warithi:** Mr. Speaker, Sir, can the Minister tell us what his Ministry is doing to see that the constitution of the Nyeri County Council is regularized?

**Mr. Sagini:** Mr. Speaker, Sir, I propose to regularize the position by including an appropriate provision in the Local Government Bill.

**Mr. Warithi:** Mr. Speaker, Sir, can he give us an indication when these special seats will be filled?

**Mr. Sagini:** I hope some time this year, 1966.

Question No. 171

#### DISMISSAL AND REINSTATEMENT OF MERU COUNTY COUNCIL OFFICIALS

**Mr. Mate** asked the Minister for Local Government what were the reasons which led to the dismissal and, subsequently, the reinstatement of two senior council employees, viz. the secretary and the marketing officer of the Meru County Council.

**The Minister for Local Government (Mr. Sagini):** Mr. Speaker, Sir, I beg to reply. I think in referring to the secretary of the Meru County Council, the hon. Member for Meru Central means the clerk of the Meru County Council. This officer was not dismissed as far as I am aware. He was, however, suspended from office by the county council and subsequently reinstated under my directive.

With regard to the marketing officer, I am aware that he was dismissed by the county council for performing acts in the name of the county council without the council's authority. I am not aware that he was reinstated. In any case, dismissal or reinstatement of an officer, other than a chief officer or his deputy, is, under the Local Government Regulations, 1963, entirely the responsibility of a county council and they need not refer to me when making such a decision.

**Mr. Mate:** Mr. Speaker, Sir, is the Minister aware that this practice is quite common in Meru, and it affects many other council servants who are put into a job one day and put back again, other junior staff?

**Mr. Sagini:** Mr. Speaker, Sir, I have said that, with regard to jobs under the status of chief and deputy officers, I do not interfere because that is an internal affair of a county council. Why does not the hon. Member help them, you know, he studied philosophy? I fail to understand the motive behind the hon. Member's question because the little misunderstanding which cropped up between the clerk and councillors took place last year. I examined it and found the charges

against him would not warrant his dismissal. This man is therefore long forgotten, and if the intention of the hon. Member is to whip up trouble in the County Council of Meru, is this the way the hon. Member wishes to help his people? It must be understood that anything which is intended to bring about squabbles in a local authority will never do any good.

**Mr. Ngala:** On a point of order, Mr. Speaker, I rise for your guidance on a statement that has just been made by the Minister. The Minister has implied that under the Local Government Regulations, 1963, his responsibility only lies on the senior officers of the county councils, but he cannot interfere with the affairs of the junior officers, and he so implied that it was not his responsibility.

I rise for your guidance, Sir, because my understanding was that although the employment or dismissal of people like town clerks or the clerks to the county councils, or treasurers, had to have the consent of the Minister, whereas the other junior staff did not have to have the consent of the Minister, but the Minister is generally responsible as Minister for the whole of the county council, no county council has exclusive powers constitutionally.

**The Speaker (Mr. Slade):** I was about to point out to Mr. Sagini that whether or not the appointment and dismissal of certain officers, the subject of this question, are the exclusive jurisdiction of a local authority, it is still in order for Members of this House to ask the Minister who is responsible for local government to speak in this House for the activities of local authorities, and to explain what they are doing and why. So, as I have said before, and I must say it again, it is not a complete answer to an hon. Member that something is actually beyond the direct responsibility of a Minister. If a Minister is still officially connected in any way with a matter it can be asked in this House, and he can be expected to answer it on behalf of the authority concerned.

**Mr. Mate:** Mr. Speaker, Sir, while I am grateful for the action the Minister has taken in interfering in these matters, does the Minister agree with me that this kind of behaviour has a demoralizing effect on the whole of the Meru County Council staff, and would he care to organize courses for the county councillors to make them understand their own duties?

**Mr. Sagini:** Mr. Speaker, Sir, county councils have a lot of problems and I think the hon. Member, Mr. Ngala, knows this very well, he is a very brilliant man indeed. Very often I deal with delicate matters that concern the officials and councillors. In Meru I have tried my best.

(Mr. de Topp)

whose time of retirement has approached and who have been succeeded to some statutory boards or quasi-Government bodies in this country as an excuse route so that they can still remain here when their services are no longer required.

**Mr. Nyamweya:** Mr. Speaker, Sir, I do sincerely hope that the two officers to whom the hon. Member is referring, the senior nursing officer and the senior entomological officer, will not take these news seriously because, as the House is aware, we are short of personnel in these fields and we should be grateful that these people have agreed to remain. Despite the Government's having requested them to resign under certain arrangements and yet they are willing to give us their services which the country still needs.

**Mr. Gung'uta:** Mr. Speaker, Sir, is the Minister aware that there are some expatriates who have been Africanized and then employed in Government in different capacities altogether? If he is aware can he say how many of them there are?

**Mr. Nyamweya:** Mr. Speaker, Sir, I think I need not go to look into that one. I assure the hon. Member that if he gives me notice, I will deal with his question to his satisfaction.

**Mr. Ngala:** Arising from one of the answers to the Minister would he be prepared to assure that these Africanizations of some Ministries are mere decorations and not people who really can do their work? Because, Mr. Speaker, in some Ministries a District Officer has been promoted to a position of Permanent Secretary to look after accounts, which is not his profession. This is why there is all this nonsense.

**Mr. Nyamweya:** Mr. Speaker, Sir, I do not want to get into the controversy which the hon. Member for Kilifi South may be having with the civil servants. I am quite sure there are—

**Mr. Ngala:** On a point of order, Mr. Speaker, I do not have any controversy, Mr. Speaker, with the civil servants. I am only asking the Minister to explain to me what I want to know.

**Mr. Nyamweya:** Mr. Speaker, Sir, what I mean is that such a statement can create a controversy between the politicians and the civil servants. I hope the hon. Member will let me deal with the question.

I am not aware of any other cases of promotion, who has been promoted by the status of a Permanent Secretary. Furthermore, Sir, we do not have a Permanent Secretary in a Ministry which is known as the Ministry of Accounts. That Ministry does not exist.

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

## NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 162:  
CONTRACT EXPATRIATE CIVIL SERVANTS

**Mr. Ngala:** On a point of order, Mr. Speaker, I would like to raise this matter on adjournment.

**The Speaker (Mr. Slade):** Order! Order! Yes, Mr. Muliro does not want to.

**Mr. Muliro:** Yes, Sir, I want to.

**The Speaker (Mr. Slade):** Well, then, it is your right to do so.

## ORAL ANSWERS TO QUESTIONS

Question No. 183

### GOVERNMENT HOSPITAL FOR BOMET

**Mr. arap Sol** asked the Minister for Health when the Government was going to build a Government hospital in Bomet.

**The Assistant Minister for Health (Mr. Moss):** Mr. Speaker, Sir, I beg to reply. I have to inform the hon. Member that the Government will not be building a hospital at Bomet during the 1965-66 development period.

**Mr. arap Sol:** Mr. Speaker, Sir, would the Assistant Minister tell us as the people of Bomet should not benefit from free medical facilities.

**Mr. Moss:** Mr. Speaker, Sir, there are many people in different districts of Kenya today who are in need of hospitals than the people of Bomet. At present, Sir, Bomet is served by four hospitals in Kericho District. We have a Kericho Government Hospital, then we have one at Kaparet, and we have a mission hospital at Tenwek which is only four miles from Bomet. Then, there is a hospital at Kablong, which is not very far from Bomet. However, in some other districts, such as like Busia, there is not even a single hospital. **Provided,** Mr. Speaker, Sir, must be given to those areas that need hospitals.

**Mr. Bola:** On a point of order, Mr. Speaker, I would like to seek your guidance. Do we now accept in this House people dressed in national dress?

**The Speaker (Mr. Slade):** Order! Order! Yes, it is usually done by Standing Order or otherwise. But what hon. Members do wear in this chamber. It always has rested with Members themselves to indicate what sort of dress they approve of or do not approve.

The question of national dress, therefore, does not really arise. I am not in a position to say whether the dress worn by the hon. Member is national dress or not. The real question is whether

**[The Speaker]** or not his colleagues in this House approve of the way in which he is dressed. If they do not approve, perhaps they will let him know in another place.

**Mr. arap Sol:** Mr. Speaker, Sir, is the Assistant Minister aware that the Tenwek Hospital which he mentioned is a mission hospital and that there are no free medical facilities available there? Again, the other hospitals mentioned are far from Bomet; they are not in Bomet. They are forty miles away.

**Mr. Moss:** Sir, when we speak in terms of district hospitals, we think in terms of Kericho as a district. When it comes to Bomet, the Member is trying to speak in terms of a section of a district. However, we have to speak in terms of a whole district.

If the hon. Member feels there is an urgent need for a dispensary or a health centre in his area, he should put this question before his people and initiate a self-help health centre or dispensary.

**The Speaker (Mr. Slade):** Next question.

Question No. 158

### PENALTIES FOR LOSS OF G.P.T. CARD

**Dr. De Souza** asked the Minister for Local Government if he was aware that if a person had paid his Graduated Personal Tax and had proof to this effect, he was made to pay his tax again, plus a penalty of 200 per cent tax, if the card was lost or stolen.

**The Minister for Local Government (Mr. Sagini):** Mr. Speaker, Sir, I beg to reply. The Graduated Personal Tax Act, 1963, states in section 8: "Graduated Personal Tax stamps shall be deemed to be legal tender in payment of the tax."

This means that, in some respects, the stamps are the equivalent of money: a person coming into possession of these stamps, by whatever means, can use them to pay his tax. Now, if the honourable member loses his money or has it stolen, the loss is his: the Currency Board is not going to replace his money because he has lost it.

However, I am assured that the practice of Nairobi City Council is as follows:—

(a) If a taxpayer loses a stamped card and can prove to the satisfaction of the Chief Revenue Officer—

- (i) that he has affixed stamps to the card;
- (ii) that the loss did not occur through his own negligence;

then further payment in respect of the stamps claimed to be lost is waived.

(b) If a taxpayer loses a stamped card and is able to satisfy the Chief Revenue Officer that he has affixed stamps to the card but is unable to satisfy the Chief Revenue Officer that the loss did not occur through his own negligence then he is required to make a further payment in respect of the stamps claimed to have been lost but is not charged a penalty.

(c) If a taxpayer loses a tax receipt, a duplicate receipt is arranged on payment of a fee of Sh. 5.

**Dr. De Souza:** Mr. Speaker, Sir, is the hon. Minister aware that there was a case recently of the servant of Mr. Howard Williams, a former Member of this Parliament, whose tax card was stolen from his employer's home, and the servant was asked to pay it again? All the tax that was paid again had already been paid and no reduction in the amount was allowed. Could we know if a more satisfactory procedure could be effected to ensure that this does not happen to other people?

**Mr. Sagini:** Mr. Speaker, Sir, in the first place I am not aware that Air-Commodore Howard Williams's servant lost his card. Neither am I aware that he was asked to pay a very heavy tax.

I would ask the hon. Member to bring this specifically alleged case to my Ministry and I will examine it and see what can be done.

I was not aware of what had happened.

**Mr. Komora:** Mr. Speaker, Sir, is the Minister not aware that, apart from the stamps affixed on the card, there are no other records which indicate, or show, whether or not a person has paid his monthly graduated personal tax? As such, his Ministry should do something to establish other records, apart from the cards.

**Mr. Sagini:** Mr. Speaker, Sir, the stamped card system is intended to lighten the burden of the taxpayer by enabling him to pay by instalment, but it would be quite impossible, in terms of administrative work and prohibitive cost, for the council to keep a record of every individual stamp bought by every taxpayer.

Question No. 160

### CLEANING KISUMU TOWNSHIP LAKE SHORES

**Mr. Oseuh-Nynlick** asked the Minister for Local Government to tell the House what plans his Ministry had to help the Kisumu Municipality to clear the lake shores round the township and the floating islands.

## ASSENT TO BILLS

The Speaker (Mr. Slade) Hon. Members, I have to inform the House that His Excellency the President has assented to the following Bills:

Title	Third Reading		
	House of Representatives	Senate	Date of Assent
The National Security Fund Act, 1965	12-10-65	28-10-65	17-11-65
The Kenya Red Cross Society Act, 1965	14-10-65	27-10-65	24-11-65
The Unit Trusts Act, 1965	21-10-65	27-10-65	24-11-65
The Widows and Children's Pensions Act, 1965	21-10-65	28-10-65	24-11-65
The Public Archives Act, 1965	21-10-65	28-10-65	24-11-65

**Mr. Malsori-Itumbo:** On a point of order, Mr. Speaker, I am rising to seek your guidance whether this House is in order to commemorate, or to record, the remembrance of the late Dixon Makumbi, as far as the House of Representatives is concerned, or is this only to do with the Senate?

**The Speaker (Mr. Slade):** Mr. Malsori-Itumbo, we have already done that. I think I seem to recall making a Communication from the Chair on that subject.

**Mr. Malsori-Itumbo:** Mr. Speaker, Sir, I do not remember, because after the adjournment this incident happened, on the 11th December, and I am wondering whether we have done it or not.

**The Speaker (Mr. Slade):** I thank you, Mr. Malsori. I had thought of the matter, but my memory must have deceived me; if I find that I am wrong, I will certainly correct the omission tomorrow.

## PAPERS LAID

The following Papers were laid on the Table:—  
The Dairy Commission Report, 1965

Coffee Marketing Board of Kenya—Annual Report and Accounts for the period ended 30th September 1965.

(By the Minister for Labour (Dr. Kiario) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenney))

Probation Service—Annual Report 1964.

(By the Minister for Labour (Dr. Kiario) on behalf of the Minister for Home Affairs (Mr. Mofi))

Statistical Abstract 1965

(By the Minister for Labour (Dr. Kiario) on behalf of the Minister for Economic Planning and Development (Mr. Mboya))

Nairobi Airport: Annual Report 1964

(By the Minister of State (Mr. Nyamweya))

## COMMUNICATION FROM THE CHAIR

## NOTICES OF MOTION

**The Speaker (Mr. Slade):** Before calling on any hon. Member to give notice of Motion, I would remind the House of the effect of a recent amendment to Standing Orders. Now, when an hon. Member, other than a Member of the Government, stands in this House to give notice of Motion it means that that particular Motion has been selected by the Sessional Committee for early debate and that it is the choice of the Member that that particular Motion should be debated, so it means that hon. Members may expect the Motion of which notice is given to be debated in the very near future. It is, in fact, a warning of an impending debate.

## NOTICE OF MOTION

**Mr. Mwangandi:** On a point of order, Mr. Speaker, in this case are these ones which have already been given the notice of? Mr. Speaker, Sir, I beg to give notice of the following Motion:

## INVESTIGATION INTO NON-AFRICAN OWNERSHIP OF COASTAL LAND

That in view of the fact that Africans in the Coast are all described as "Squatters", as if the Asian and Arab landowners were more African than the Africans themselves, this House urges the Government to form a special commission to investigate the historical background of how the Arabs and the Asians got these lands and to bring the findings to this House for discussion.

## ORAL ANSWERS TO QUESTIONS

Question No. 155

DEPUTY CHAIRMAN OF PUBLIC SERVICE COMMISSION: VACANCY

**Mr. Muliro** asked the President why the post of Deputy Chairman of the Public Service Commission had not been filled for the past one and a half years.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, the expatriate officers are only retained in the service in the absence of qualified—

**Mr. Muliro:** On a point of order, Sir, the Minister is not answering my question No. 155.

**The Speaker (Mr. Slade):** 155, Mr. Nyamweya.

**Mr. Nyamweya:** I am sorry, Mr. Speaker; I do apologize to the hon. Member for Trans Nzoia. It is because he has two questions on the Order Paper.

**Mr. Speaker, Sir,** the Government intends to fill the post of Deputy Chairman of the Public Service Commission as soon as possible.

**Mr. Muliro:** Arising from that reply, Sir, would the Minister indicate to the House when this will be done, since it has taken over a year and a half to fill this post? Might it be that the right person has not yet been found?

**Mr. Nyamweya:** It may be, Sir, that that has been the case in the past but we believe that the appointment can be made now, very soon.

**Mr. Ngala:** Arising from that reply, Sir, would the Minister explain the causes for the delay of one and a half years?

**Mr. Nyamweya:** Mr. Speaker, one of the reasons for the delay in making this appointment, as hon. Members may know, is the lack of suitably qualified persons. But we do hope that now the country is in possession of suitably qualified persons, from amongst whom the appointment can be made.

**Mr. Tanni:** Mr. Speaker, Sir, can the Minister tell us how many times this post has been advertised and candidates have failed to qualify?

**Mr. Nyamweya:** Mr. Speaker, Sir, the appointment of the Chairman or Deputy Chairman of the Public Service Commission is not advertised in the way the hon. Member thinks. It is an appointment which is made by the President himself.

**Mr. Gichoya:** Mr. Speaker, arising from the Minister's reply, that suitably qualified persons have not been available, may we know what are the basic qualifications needed for a person to be made Deputy Chairman of the Public Service Commission?

**Mr. Nyamweya:** Mr. Speaker, I have already said that that might have been the case in the past. We are now in possession of such people; and therefore the question of giving the necessary qualifications does not arise.

**The Speaker (Mr. Slade):** Next question.

Question No. 162

## CONTRACT EXPATRIATE CIVIL SERVANTS

**Mr. Muliro** asked the President how many senior expatriate civil servants whose posts had

been Africanized and who had been paid compensation by Kenya Government were serving Kenya on a contract basis, in which Ministries these expatriates were serving, and whether the Government contemplated getting more of these officers under these arrangements.

**The Minister of State, President's Office (Mr. Nyamweya):** Mr. Speaker, Sir, expatriate officers are only retained in the service in the absence of qualified African officers and, therefore, when a post has been Africanized, it follows that there is no vacancy in which the expatriate officer could be re-employed. That, Sir, is actually translating or interpreting the question of the hon. Member for Trans Nzoia as it reads.

However, I would like to make this qualification. There are two designated officers who have voluntarily retired under the retirement scheme and who have been re-employed on contract terms. These officers are both employed by the Ministry of Health, as nursing sister and senior entomological field officer respectively. Also there are four senior expatriate officers whose posts have been Africanized and who are working in Kenya in an advisory capacity under the technical assistance arrangements. These are in the Ministries of Finance, Home Affairs, Health and Labour where they had previously served as, respectively, Permanent Secretary, Commissioner for Prisons, Medical Officer and Assistant Commissioner for Labour. Officers working under this scheme are not regarded as civil servants and their salaries and their transport expenses are paid by the donor country, in this case, the British Government.

**Mr. Muliro:** Arising from that reply, why was it necessary to have Africanized these jobs and then have taken back these people to come and do the work again?

**Mr. Nyamweya:** Mr. Speaker, Sir, I really do not know whether I should answer this one but I do not want to appear discourteous to the hon. Member for Trans Nzoia. I thought I had explained the position very clearly, that these four officers were retained after their offices were Africanized. The purpose of their retention, Mr. Speaker, has nothing to do with any other reason save that of the benefit the country can gain from the experience these four gentlemen have.

**Mr. ole Tipis:** Mr. Speaker, Sir, arising from one of the Minister's replies, can he tell us the correct reply, because it says here, "... whose posts were Africanized and paid compensation by Kenya Government were serving Kenya on contract basis..." What I really want to know from the Minister is this: the number of officers



## REPUBLIC OF KENYA

### THE NATIONAL ASSEMBLY

# HOUSE OF REPRESENTATIVES

First Parliament—Third Session—(Contd.)

(First Parliament established by the Kenya Independence Order in Council, 1963)

Tuesday, 25th January 1966

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

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

#### PRAYERS

#### ADMINISTRATION OF OATH

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

Jackson Harvester Angaine.

Philip Nzuki Mbai.

#### COMMUNICATIONS FROM THE CHAIR

##### DEATH OF PRIME MINISTERS OF INDIA AND NIGERIA

The Speaker (Mr. Slade): Hon. Members, since the last sitting of this House, the world has lost two great men: Lal Bahadur Shastri, who was Prime Minister of India; and Alhaji Sir Abubakar Tafawa Balewa, who was Prime Minister of Nigeria.

During years of mounting strife, both at home and abroad, these two leaders of great nations stood out as mighty warriors; but they stood in the shining armour of those who fight for peace.

Mr. Shastri will be remembered by all of us as the little man with the great heart. In places of darkness, his small but radiant figure shed light—the light of indomitable faith, faith in the universal brotherhood of mankind. That light penetrated far beyond the borders of his own land. He died in the hour of achievement of what was perhaps his greatest ambition: peace between India and Pakistan. Whatever problems may yet face those two nations in solving their differences,

Lal Bahadur Shastri and President Ayub Khan have set an example for which, now and hereafter, millions of people of many countries will owe to both of them more gratitude than they yet understand. It may have been the very effort of such achievement that brought death; it may seem tragic that death should follow so swiftly upon triumph; but what more can a man ask, than to be gathered to his fathers at such a moment of glory?

Sir Abubakar, though a man of very different physical stature, had the like heart. He too shed a valiant light of faith—faith in the unity of Nigeria; and beyond that, like Mr. Shastri, in the brotherhood of mankind. Among all his other great works, we shall not forget that he was the very first Prime Minister to convene a conference of Commonwealth leaders outside the United Kingdom. And for what purpose? Simply to help in bringing peace to another country, not even his neighbour: Rhodesia. Though it may be too early yet to assess the achievement of that conference, few can doubt that it strengthened all of us who share his faith. Here again, but in much more tragic and brutal circumstances, death has followed swiftly upon great achievement; yet again death by martyrdom, at the hour of testimony, might well have been his own desire.

Men such as these leave behind them lasting influence towards the peace of the world, for which they fought and died. We thank them, their families, and their nations, for their enduring examples; and to those who knew them best, and will feel their loss most keenly, this House respectfully extends our deepest sympathy.

Let us now stand in silence, to honour their memory.

(Hon. Members stood for one minute in silence)

LIST OF MEMBERS—(Contd.)

Constituency Members—(Contd.)

88. † ODERO-JOWL, 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. † OSELU-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.
103. RURUMBAN, THE HON. P. L., M.P., Korossi.
104. † SAGINI, THE HON. L. G., M.P., Kitutu West.
105. SERONEY, THE HON. M. J., M.P., Nandi North.
106. SHIKUKU, THE HON. J. M., M.P., Butere.
107. SOL, THE HON. A. K. ARAP, M.P., Bomet.
108. SOMO, THE HON. A., M.P., Lamu.
109. TANSU, THE HON. J. K. K. ARAP, M.P., Baringo South.
110. THEGRI, THE HON. J. K., M.P., Nyeri.
111. TIPIN, THE HON. J. K. OLE, M.P., Narok East.
112. TOO, THE HON. V. K. ARAP, M.P., Marakwet.
113. TUYA, THE HON. F. B., M.P., Malindi.
114. TUWEI, THE HON. J. K., M.P., Uasin-Gishu.
115. † WAGYAKI, THE HON. DA. T. L. M., M.P., Nairobi North-East.
116. WAMUTHENYA, THE HON. A. K., M.P., Mathira.
117. WARIITHI, THE HON. H. C., M.P., Othaya-South Tetu.

Specially Elected Members

1. ALEXANDER, THE HON. R. S., M.P.
2. BALALA, THE HON. S. M., M.P.
3. † BOMETI, THE HON. E. K. K. ARAP, M.P.
4. CHIRCHIR, THE HON. W. K. ARAP, M.P.
5. JAHAZI, THE HON. M., M.P.
6. KOMORA, THE HON. J. G., M.P.
7. MALINDA, THE HON. T. N., M.P.
8. † MCKENZIE, THE HON. B. R., D.S.O., D.F.C., M.P.
9. † MOHAMMED, THE HON. J., M.P.
10. OCHWADA, THE HON. A. A., M.P.
11. SADALLA, THE HON. S. K. ARAP KOSCH, M.P.
12. TADAL, THE HON. M. C. M. OLE, M.P.

Total: <i>Ex Officio</i>	1
Elected Members	117
Specially Elected Members	12
	<hr/> 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. H. THOMAS, (vice MR. C. R. COELHO on leave)

Clerk Assistant:

MR. I. O. KIMORO

Acting Serjeant-at-Arms:

MR. J. BARASA

Assistant Serjeant-at-Arms:

MR. E. O. OLUOCH

Speaker's Secretary:

MRS. J. FRYER

Hansard Editor:

MRS. J. D. RAW

Hansard Staff:

MISS S. G. FROST

MISS M. Z. FONSECA, MRS. M. H. GORDON, MISS D. A. POTTER, MRS. R. ALI

\* 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.

†† Vice the Hon. J. H. Kerre, previous Member, deceased.

## LIST OF MEMBERS—(Contd.)

## Assistant Ministers—(Contd.)

- MINISTRY OF EDUCATION (The Hon. J. L. N. Konchellah, M.P., and The Hon. G. M. Mutiso, M.P.).  
 MINISTRY OF HEALTH (The Hon. D. C. N. Moss, M.P.).  
 MINISTRY OF LOCAL GOVERNMENT (The Hon. K. K. Njiri, M.P.).  
 MINISTRY OF COMMERCE, INDUSTRY AND CO-OPERATIVE DEVELOPMENT (The Hon. S. S. Olotipiti, M.P.).  
 MINISTRY OF WORKS, COMMUNICATIONS AND POWER (The Hon. E. K. K. Bomet, M.P., and The Hon. G. Godana, M.P.).  
 MINISTRY OF LABOUR (The Hon. J. Odero-Jowi, M.P., and The Hon. F. P. K. Kubai, M.P.).  
 MINISTRY OF INFORMATION AND BROADCASTING (The Hon. H. J. Onamu, M.P., and The Hon. J. Njeru, M.P.).  
 MINISTRY OF LANDS AND SETTLEMENT (The Hon. J. M. Gachago, M.P.).  
 MINISTRY OF NATURAL RESOURCES, WILDLIFE AND TOURISM (The Hon. Jan Mohamed, M.P.).  
 MINISTRY OF HOME AFFAIRS (The Hon. J. J. M. Njagah, M.P.).

## Constituency Members

1. ABDI-RUHMAN, THE HON. O. M., M.P., Garissa North
2. \$AHUNGU-OSOKA, THE HON. R. M.P., Nakuru Town
3. \$AOK, THE HON. E. O., M.P., Karachuonyo
4. \$AMIN, THE HON. S. M., M.P., Mandera
5. \$ANONGI, THE HON. J. H., M.P., Meru West
6. \$ANJINI, THE HON. Z. M., M.P., Maoge Bassi
7. \$ARISON, THE HON. P. A., M.P., Turkana North
8. \$AROWANOS-KODIKA, THE HON. C. M. G., M.P., Gemp
9. \$AYISI, THE HON. S. G., M.P., Kapiti-Kabondo
10. \$BBI, THE HON. M., M.P., Mombasa Mainland
11. \$BOLA, THE HON. O., M.P., Nvando
12. \$BORASA, THE HON. M., M.P., Elgon-East
13. \$BY, THE HON. A. K. \$KAP, M.P., Buret
14. \$BONAYA, THE HON. A. W., M.P., Isiolo
15. \$CHOGE, THE HON. S. K. \$KAP, 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 Voi
18. \$EKITELLA, THE HON. G. K., M.P., Turkana South
19. \$GACHIGO, THE HON. J. M., M.P., Kiharu
20. \$GACIATA, THE HON. A. L., M.P., Kiharu
21. \$GATUGUTA, THE HON. J. K., M.P., Nyanbena South
22. \$GICHUVA, THE HON. K. N., M.P., Gichugu
23. \$GICHUVA, THE HON. J. S., M.P., Limuru
24. \$GODANA, THE HON. E. D., M.P., Roadside
25. \$GODANA, THE HON. G., M.P., Marsabit-Molele
26. \$GODIA, THE HON. C. S. L., M.P., Hamus
27. \$HUKAL, THE HON. S., M.P., Nyanbena North
28. \$JAMAL, THE HON. A. H., M.P., Kasumu Town
29. \$JUBAI, THE HON. M., M.P., Garissa South
30. \$KAGATA, THE HON. B. M., M.P., Karatina
31. \$KALL, THE HON. J. D., M.P., Nairobi East
32. \$KAMAU, THE HON. W., M.P., Githunguri
33. \$KAMUREN, THE HON. W. R. \$KAP, M.P., Baringo East
34. \$KARIUKI, THE HON. G. G., M.P., Likipia-Nanyuki
35. \$KARIUKI, THE HON. J. M., M.P., Aberdare
36. \$KASE, THE HON. J. Z., M.P., Tana River
37. \*\$KENYATTA, THE HON. MLEE J., M.P., Thika-Gatundu
38. \$KERICH, THE HON. A. K. \$KAP, M.P., Belgut
39. \$KIMUVA, THE HON. J. W., M.P. (w.e.f. 20/2/66) Elgon Central.

## LIST OF MEMBERS—(Contd.)

## Constituency Members—(Contd.)

40. \$KHALIF, THE HON. A. S., M.P., Wajir North
41. \$KHASHAKHALA, THE HON. E. E., M.P., Emukhaya
42. \$KIAMBA, THE HON. D. I., M.P., Machakos Central
43. \$KIANO, THE HON. DR. J. G., PH.D., M.P., Kangema
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. \$KONANGE, 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
58. \$MATE, THE HON. B., M.P., Meru Central
59. \$MATI, THE HON. F. M. G., M.P., Kitui North
60. \$MBAI, THE HON. P. N., M.P., Kitui South
61. \$MBOGHI, THE HON. G. J., M.P., Embu North
62. \$MBOYA, THE HON. T. J., M.P., Nairobi Central
63. \$MOI, THE HON. D. T. \$KAP, 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 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. \$MVALWA, 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. \$MWATAMBA, 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. \$NIJERU, THE HON. J., M.P., Tharaka
82. \$NJIIRI, THE HON. K. K., M.P., Kigumo
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

- 1841 Bottom of Column. For "Mr. Onweri", read "Mr. Omweri".
- 1857 Delete "Oral Answers to Questions" where it appears and insert "Point of Order" and underneath, subtitle of "Delayed Answer to Question No. 502".
- 1857 Insert main title of "Oral Answers to Questions" before "Question No. 396".
- 1873 Top of Column. After "(The Division Bell was rung)", insert: "Point of Order: Quorum". After the Speaker says "... you may continue now Mr. Gichoya, insert "(Resumption of debates)".
- 1883 Top of Column. For "The Assistant Minister for Agriculture and Animal Husbandry", read "Mr. Mbogoh".
- 1920 For "Mr. Mungai" where it appears twice on this Column, read "Dr. Mungai".
- 1942 For subtitle under "Point of Order", read "Amendments which depart from Substance of Main Motion".
- 1978 Where the Speaker speaks, for "Mr. Oduva", read "Mr. Oduva".

# THE NATIONAL ASSEMBLY HOUSE OF REPRESENTATIVES

## LIST OF MEMBERS

(1st Parliament—3rd Session (Contd.)—1966)

### 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 FOREIGN AFFAIRS (The Hon. J. A. Murumbi, M.P.)
- MINISTER FOR ECONOMIC PLANNING AND DEVELOPMENT (The Hon. T. J. Mwangi, M.P.)
- \*MINISTER FOR 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. Koinange, M.P.)
- \*MINISTER FOR HEALTH (The Hon. J. D. Otiende, M.P.)
- MINISTER FOR LOCAL GOVERNMENT (The Hon. L. G. Sagini, M.P.)
- \*MINISTER FOR COMMERCE, INDUSTRY AND CO-OPERATIVE DEVELOPMENT (The Hon. E. N. Mwendwa, M.P.)
- MINISTER FOR WORKS, COMMUNICATIONS AND POWER (The Hon. Dr. Mwanjumba, M.P.)
- \*MINISTER FOR LABOUR (The Hon. Dr. J. G. Kiano, M.P.)
- \*MINISTER FOR INFORMATION, AND BROADCASTING (The Hon. R. Achieng-Oneko, M.P.)
- MINISTER FOR LANDS AND SETTLEMENT (The Hon. J. H. Angaine, M.P.)
- \*MINISTER FOR NATURAL RESOURCES, WILDLIFE AND TOURISM (The Hon. S. O. Ayodo, M.P.)
- \*MINISTER FOR HOME AFFAIRS (The Hon. D. T. arap Moi, M.P.)
- \*ACTING MINISTER FOR HOUSING AND SOCIAL SERVICES (The Hon. J. D. Otiende, M.P.)
- \*MINISTER OF STATE IN THE PRESIDENT'S OFFICE (The Hon. J. Nyamweya, M.P.)

### Ex Officio Member:

- THE ATTORNEY-GENERAL (The Hon. C. Njonjo).

### Assistant Ministers:

- 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 FOREIGN AFFAIRS (The Hon. R. S. Matano, M.P.)
- MINISTRY OF ECONOMIC PLANNING AND DEVELOPMENT (The Hon. M. Kibaki, M.P.)
- MINISTRY OF 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.)

\* Cabinet changes and reshuffle of Portfolios made on 12th December 1964.

† Acting Minister for Housing and Social Services vice Mr. Ngel, w.e.f. 22nd February 1966.

‡ Mr. Ngel, Minister for Housing and Social Services until 7th February 1966.



**CORRIGENDA TO THE OFFICIAL REPORT OF THE HOUSE OF  
REPRESENTATIVES (VOLUME VIII)**

*Col. No.*

- 113 For "Mr. Kasi", read "Mr. Kali".
- 191 Top of Column. For "Mr. Kibuga", read "Mr. Ngala-Abok".
- 211 For title under Motion should read, "Adjournment of Debate: Income Tax (Allowances, Reliefs and Rates) Bill".
- 279 Top of Column. For "The Speaker", read "Mr. J. M. Kariuki".
- 518 For "Mr. Godana", read "Mr. E. D. Godana".
- 568 Before Mr. Speaker speaks, insert heading "Communication from the Chair", and title underneath "Corrections to the Order Paper".
- 568 Insert "Oral Answers to Questions" as heading above Question No. 205.
- 733 Under title "Oral Answers to Questions", insert "(Resumption of Discussion on Question No. 220)".
- 767 Bottom of Column after the Deputy Speaker says, "... carry on now", insert below and before Mr. Mbogoh speaks, "(Resumption of debate)".
- 831 Top of Column, insert name of Member speaking, "Mr. E. D. Godana".
- 890 Top of Column. For "Mr. Soroney", read "Mr. Seroney".
- 932 Bottom of Column after Mr. Ngala-Abok finishes, should read in italics "(Resumption of debate on Motion to exempt Standing Orders)".
- 938 Before "(Resumption of debate)", insert title "Motion" and underneath, "Confidence in the President and his Government".
- 976 Mr. Anyieni speaking, "Mr. Speaker, if you give me about two years . . .", should read, "Mr. Speaker, if you give me about two days . . .".
- 1040 After "(Question proposed)" and before "(Head A1 agreed to)", insert title "Vote 1—The President's Office".
- 1069 Delete "Mr. Gichuru" for the Member speaking the second time it appears.
- 1096 For "Question No. 114", read "Question No. 144".
- 1112 Under "Question No. 250" for "Himisi" read "Hamisi".
- 1122 Top of Column. Under "Vote 8—Police", insert "Head J—Expenses of Criminal Investigation Department, etc.".
- 1315 For "Mr. Gutuguta", read "Mr. Gatuguta".
- 1369 For "Mr. Komoro", read "Mr. Komora".
- 1518 After "(The hon. Member withdrew from the Chamber)", read in italics "(Resumption of debate)".
- 1527 Title of Motion under "Notice of Motion", for "Election of . . .", read "Erection of . . .".
- 1534 Half-way down for "Mr. Oyodo", read "Mr. Ayodo".
- 1604 Under title of "Written Replies to Questions", insert "Question No. 327" before title of question.
- 1632 Where Mr. Mutiso speaks, insert "The Assistant Minister for Education" before his name.
- 1681 Title of Question No. 378 should read "Marketing Boards' Accounts".
- 1688 For "Mr. Onweri", read "Mr. Omweri".
- 1727 For title of Motion, read "Exemption from Standing Orders: Hours of Business".
- 1729 Under "Motion for the Adjournment—Forthcoming Kanu Elections", insert "(Resumption of debate)".
- 1765 After Mr. Mutiso has spoken and before the Speaker speaks, insert title as follows: "Question by Private Notice: Mistakes of the Computer in the Ministry of Education: K.P.E. Results".

## DAYS OF SITTING

<i>Day</i>	<i>Column No.</i>
Tuesday, 25th January .. .. .	1-52
Written Replies .. .. .	52-70
Wednesday, 26th January .. .. .	71-156
Thursday, 27th January .. .. .	157-225
Written Reply .. .. .	225-226
Friday, 28th January .. .. .	227-290
Tuesday, 1st February .. .. .	291-374
Wednesday, 2nd February .. .. .	375-456
Thursday, 3rd February .. .. .	457-508
Friday, 4th February .. .. .	509-566

## ADDENDUM

The House also met on Thursday, 28th April, and Friday, 29th April. These days have not been included in the Days of Sitting, nor in the Index which had already been printed when the House reassembled. For the convenience of Members, the Contents Sheets for those two days have been included in this volume.

Tuesday, 22nd February .. .. .	1231-1310
Wednesday, 23rd February .. .. .	1311-1390
Written Replies .. .. .	1390-1392
Thursday, 24th February .. .. .	1393-1464
Friday, 25th February .. .. .	1465-1526

Tuesday, 1st March .. .. .	1527-1604
Written Replies .. .. .	1604-1606
Wednesday, 2nd March .. .. .	1607-1675
Written Replies .. .. .	1675-1680
Thursday, 3rd March .. .. .	1681-1740
Friday, 4th March .. .. .	1741-1746

Tuesday, 8th March .. .. .	1747-1834
Written Replies .. .. .	1834-1844
Wednesday, 9th March .. .. .	1845-1912
Thursday, 10th March .. .. .	1913-1988
Written Replies .. .. .	1988-1990



REPUBLIC OF KENYA

---

THE NATIONAL ASSEMBLY  
HOUSE OF  
REPRESENTATIVES  
OFFICIAL REPORT

---

---

FIRST PARLIAMENT INAUGURATED  
7th JUNE 1963

Vol. VIII

---

---

*Third Session—(Contd.)*  
*Tuesday, 25th January 1966*  
*to*  
*Thursday, 10th March 1966*