

# KENYA NATIONAL ARCHIVES

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Description of Document LEGISLATIVE COUNCIL DEBATES. VOL. XXXVIII.

Covering Dates 8th to 25th Aug., 1950.

Reference No. From Legislative Council Library.

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Date of Reproduction 4<sup>th</sup> January, 1966.



COLONY AND PROTECTORATE OF KENYA

# LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT.

SECOND SERIES

VOLUME XXXVIII

1950

THIRD SESSION

8th to 25th August, 1950

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# List of Members of the Legislative Council

## *President:*

HIS EXCELLENCY THE ACTING GOVERNOR, MR. J. D. RANKINE, C.M.G.

## *Vice-President and Speaker:*

HON. W. K. HORNE.

## *Ex Officio Members:*

ACTING CHIEF SECRETARY AND MEMBER FOR DEVELOPMENT (HON. C. H. THORNLEY).

ATTORNEY GENERAL AND MEMBER FOR LAW AND ORDER (HON. K. K. O'CONNOR, K.C., M.C.).

FINANCIAL SECRETARY AND MEMBER FOR FINANCE (HON. V. G. MATTHEWS, O.B.E.).

CHIEF NATIVE COMMISSIONER AND MEMBER FOR AFRICAN AFFAIRS (HON. E. R. ST. A. DAVIES, M.B.E.).

MEMBER FOR AGRICULTURE (AND NATURAL RESOURCES (MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., M.C.).

ACTING DEPUTY CHIEF SECRETARY AND MEMBER FOR EDUCATION (HON. C. H. HARTWELL).

MEMBER FOR HEALTH AND LOCAL GOVERNMENT (HON. E. A. VASEY, C.M.G.).

## *Nominated Official Members:*

DR. THE HON. T. F. ANDERSON, O.B.E. (Director of Medical Services).

\*HON. F. W. CARPENTER (Acting Labour Commissioner).

HON. S. GILLET (Director of Agriculture).

HON. A. HOPE-JONES (Member for Commerce and Industry).

HON. SIR CHARLES MORTIMER, C.B.E.

HON. D. O'HAGAN (Acting Administrative Secretary).

HON. R. PATRICK, E.D. (Director of Education).

HON. J. B. HOBBSON (Solicitor General).

BRIG.-GEN. THE HON. SIR GODFREY RHODES, C.B., C.B.E., D.S.O.  
(Special Commissioner for Works and Chief Engineer, Public Works Department).

## *European Elected Members:*

HON. S. V. COOKE, Coast.

†HON. D. Q. ERSKINE, Nairobi South.

HON. S. G. GHERSIE, O.B.E., Nairobi North.

‡LT.-COL. THE HON. A. F. W. GOSSAGE, M.C., Rift Valley.

HON. W. H. HAVELOCK, Kiambu.

HON. J. G. H. HOPKINS, O.B.E., Aberdare.

MAJOR THE HON. A. G. KEYSER, D.S.O., Trans Nzoia.

§HON. G. R. PEMBRIDGE, Uasin Gishu.

HON. T. R. L. PRESTON, Nyanza.

HON. LADY SHAW, Ukamba.

HON. C. G. USLER, M.C., Mombasa.

\*Vice Hon. E. M. Hyde-Clarke, M.B.E.

†Resigned 17th August, 1950.

‡Acting Member in place of the Hon. M. Blundell.

§Acting Member in place of the Hon. L. R. Maconochie-Welwood.

**LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.**

*Asian Elected Members:*

HON. E. I. NATHOO (Central Area).  
\*HON. K. S. SAGOO (Central Area).  
HON. A. B. PATEL, C.M.G. (Eastern Area).  
DR. THE HON. M. A. RANA, M.B.E. (Eastern Area).  
HON. A. PRITAM (Western Area).

*Arab Elected Member:*

HON. SHARIEFF MOHAMED SHATRY

*Nominated Unofficial Members:*

*Representing the Interests of the African Community:*

HON. J. J. K. ARAP CHEMALLAN.  
HON. J. JEREMIAH.  
HON. E. W. MATIU.  
HON. B. A. OIANGA

*Representing the Interests of the Arab Community:*

*Temporary Acting Clerk to Council:*

E. W. M. MAGOR, M.B.E.

*Assistant Clerk to Council:*

E. V. BORRETT

*Reporters:*

Miss R. Seeley  
Miss E. Fraser

**ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS**

**8th August—**

Hon. Chief Native Commissioner.  
Hon. Member for Health and Local Government.  
Hon. Acting Administrative Secretary.  
Hon. Solicitor General.  
Hon. Special Commissioner for Works.  
Hon. Member for Ukamba.  
Hon. Member for Eastern Area (Dr. Rana).  
Hon. Arab Elected Member (Shariff Mohamed Shatry).

**16th August—**

Hon. Member for African Interests (Mr. E. W. Mathu).

**17th August—**

Hon. Member for Nairobi South.  
Hon. Member for Western Area.  
Hon. Member for African Interests (Mr. E. W. Mathu).

**18th August—**

Hon. Member for Eastern Area (Mr. A. B. Patel).  
Hon. Member for Western Area.  
Hon. Member for African Interests (Mr. E. W. Mathu).

**22nd August—**

Hon. Member for Western Area.  
Hon. Member for African Interests (Mr. E. W. Mathu).

**23rd August—**

Hon. Solicitor General.  
Hon. Member for Western Area.  
Hon. Member for African Interests (Mr. E. W. Mathu).

**24th August—**

Hon. Solicitor General.  
Hon. Member for Western Area.  
~~Hon. Member for African Interests (Mr. E. W. Mathu).~~

**25th August—**

Hon. Member for African Interests (Mr. E. W. Mathu).

\*Acting Member in place of the Hon. C. B. Madan.





COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

THIRD SESSION, 1950

**Tuesday, 8th August, 1950**

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 8th August, 1950.

His Honour the Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

**ADMINISTRATION OF OATH**

The Oath of Allegiance was taken by: F. W. Carpenter, Esq., Acting Labour Commissioner; Lt.-Col. A. F. W. Gosage, Acting Member for Rift Valley; G. R. Pembridge, Esq., Acting Member for Uasin Gishu; Kirpal Singh Sagoo, Esq., Acting Member for Central Area.

**COMMUNICATION FROM THE CHAIR**

**THE SPEAKER:** Members will no doubt have seen statements in the Press and have heard on the wireless remarks with reference to the opening of the rebuilt Chamber for the House of Commons. Early in the year I received certain confidential information, and I was able to make some arrangements on the basis of it. Shortly after the last session ended I had a letter from the Speaker of the House of Commons, which I will read to you.

"Dear Mr. Speaker,

With the approval of His Majesty's Government and the concurrence of all Parties in Parliament, I am sending a most cordial invitation to you and Mrs. Horne to be present on Thursday, October 26th, at the opening of the new House of Commons of the United Kingdom, replacing the building destroyed during the war.

It would give the greatest pleasure if you and Mrs. Horne would be the guests of His Majesty's Government in the United Kingdom for the last half of October. His Majesty The King has graciously intimated his readiness to receive a Loyal Address from both Houses, and it is proposed that after the new Chamber has been formally opened on October 26th, the Speakers from the Commonwealth countries should accompany me, walking in procession to Westminster Hall; to deliver the Address from the Commons.

I have asked Major J. G. Lockhart, Secretary of the United Kingdom Branch of the Commonwealth Parliamentary Association, to write to you fully about all the arrangements and to answer any inquiries you may wish to make.

I need hardly add my strong personal hope that you and Mrs. Horne will be able to be present on what will, I believe, be an historic occasion. If, however, it is impossible for you to be absent from Kenya at that time, His Majesty's Government, while greatly regretting your absence, would be pleased to see in place of you and Mrs. Horne, the Deputy Speaker and his wife, if they were able to come.

I would be most grateful for an answer by airmail.

I am,

Mr. Speaker,

Yours sincerely,

(Signed) D. CLIFTON BROWN,

Speaker."

**[The Speaker]**

I replied accordingly to the Right Hon. D. Clifton Brown as follows:—

"Dear Mr. Speaker,

Many thanks for your very cordial letter of the 26th May. With great pleasure Mrs. Horne and I accept your kind invitation to be present at the opening of the new House of Commons on the 26th October.

You have done me, Mr. Speaker, a considerable honour by inviting me to accompany you, and the Commonwealth Speakers, when you deliver the Loyal Address to His Majesty the King; and I believe that the members of the Kenya Legislative Council will consider that they too have been honoured by this invitation and will, in due course, entrust me with a message to your good self.

May I also ask you to convey to His Majesty's Government the acceptance of Mrs. Horne and myself of their kind invitation to be their guests during the latter half of October. I will, as you suggest, communicate with Major J. G. Lockhart as to the details.

I am,

Mr. Speaker,

Yours sincerely,

(Signed) W. K. HORNE,

Speaker.

Kenya Legislative Council."

As a consequence of this I arranged in the first place to leave Kenya about the 20th of this month, which I thought would be approximately the end of the present session. However, events have decided otherwise. First, the steamer has been placed earlier and leaves on the 12th, and Council is not going to continue to sit after to-day for one week, owing to the visit of the Minister of State, the Right Hon. Mr. Dugdale. However, I hope that the message which I have referred to in that letter will, if not ready to take with me, be arranged by this Council at some time later in the session and be forwarded to me in London, so that I can deliver it at the appropriate time.

THE ACTING CHIEF SECRETARY: Mr. Speaker, may I, with your leave, say that I feel sure—indeed I know—that I can speak for the views of all members

of Legislative Council—in saying how gratified we all are, sir, that you will be able to be present in London on this historic occasion. Certainly I am also sure that it will be the wish of this Council that we should send a message to the Speaker of the House of Commons by your hand, and a proposal will be made later on in this session that this shall be done.

May I, in conclusion, again speaking—as I know I can—on behalf of all members of Council, wish to Mrs. Horne and yourself *bon voyage* and a happy stay in London. (Applause.)

**MINUTES**

The minutes of the meeting of the 25th May, 1950, were confirmed.

**PAPERS LAID**

The following papers were laid on the table:—

**BY THE ACTING CHIEF SECRETARY:**

Economic Co-operation Agreement between the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America

Exchange of Notes between the Governments of the United Kingdom and the United States of America on the subject of certain amendments to the Economic Co-operation Agreement signed in London on the 6th July, 1948.

The East African Industrial Research Board Seventh Annual Report.

The East African Directorate of Civil Aviation Report for the year 1949.

Report on the Administration of the East African Airways Corporation for the year ended 31st December, 1949.

Report of the East African Commissioner for the year 1949.

**BY THE FINANCIAL SECRETARY:**

Schedule of Additional Provision, No. 5 of 1949.

**BY THE ACTING DEPUTY CHIEF SECRETARY:**

The Employment of Juveniles (Arabs and Africans) Rules, 1950.

**NOTICE OF MOTIONS**

THE MEMBER FOR COMMERCE AND INDUSTRY gave notice of the following motion:

This Council, being mindful of the need to develop the mineral resources of the Colony to the full, and realizing that, with regard to the particular case of gold mining, active encouragement and direct assistance are necessary if the industry in Kenya is to be placed on a sound footing, approves, subject to the financial position of the Colony permitting such a course, the payment of grants to cover a proportion of the cost of new and approved underground development in gold mines. It being understood that detailed proposals will be submitted for the consideration of the Legislative Council at a later stage and that the cost of operating the scheme will not exceed £40,000 in the first year of operation. The sums paid as development grants to be subject to a condition of repayment which will be invoked only if, and when, its implementation would impose no undue financial strain on the recipient of the original grant.

**BILLS****FIRST READINGS**

On the motion of the Attorney General and seconded by the Acting Chief Secretary, the following Bills were read a first time: the Coffee Marketing (Amendment) Bill, the Excess Profits Tax (Amendment) Bill, the Employment of Women, Young Persons and Children (Amendment) Bill, the Public Roads (Amendment) Bill, the Increase of Mortgage Interest (Restriction) (Repeal) Bill, the Public Order (Amendment) Bill.

Notice was given that all subsequent stages would be taken during the present session.

**ADJOURNMENT**

Council rose at 10.22 a.m. and adjourned till 10 a.m. on Wednesday, the 16th August, 1950.

**Wednesday, 16th August, 1950**

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 16th August, 1950.

By virtue of an Instrument appointing him to do so, Sir Charles Mortimer, C.B.E., took the Chair as President at 10 a.m.

The proceedings were opened with prayer.

**ADMINISTRATION OF OATH**

The Oath of Allegiance was taken by W. Padley, Esq., O.B.E., Temporary Official Member, and Sheriff Abdullah Salim, Esq., Temporary Nominated Official Member for Arab Interests.

**MINUTES**

The Minutes of the meeting of 8th August, 1950, were confirmed.

**PAPERS LAID**

The following papers were laid on the table:—

**BY THE ACTING CHIEF SECRETARY:**

The Development and Reconstruction Authority Quarterly Report for the period 1st April to 30th June, 1950.

**BY THE CHIEF NATIVE COMMISSIONER:**

The Report of the Committee of Inquiry into the Miraa Control (Amendment) Bill.

**BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:**

Department of Agriculture Annual Report, 1948, Parts I, II and III.

**BY THE ACTING DEPUTY CHIEF SECRETARY:**

The Report of the Select Committee on the Factories Bill; the Printing and Stationery Department Annual Report, 1949.

**BY THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:**

Sessional Paper No. 2 of 1950—Information Services.

**NOTICE OF MOTION**

THE CHIEF NATIVE COMMISSIONER gave notice of the following motion:

That the Report of the Select Committee appointed to examine the Miraa Control (Amendment) Bill, 1949, be adopted.

THE ACTING DEPUTY CHIEF SECRETARY gave notice of the following motion: That the Report of the Select Committee on the Factories Bill be adopted.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT gave notice of the following motion:

That this Council approves in principle the Select Committee Report on the Information Services, as modified by Sessional Paper No. 2.

MAJOR KEYSER (Trans Nzoia) gave notice of the following motion:

Be it resolved that this Council is of the opinion that the Land Control Ordinance, 1944, should be amended to provide that the Land Control Board be no longer empowered to refuse to give its consent to any transaction relating to the proposed selling price of the land to which the transaction relates, or to the rent to be charged for the lease of such land, or to any premium or other pecuniary consideration in addition to the rent to be charged or to the amount of money to be secured on such land by way of mortgage, charge or other encumbrance.

#### ORAL ANSWERS TO QUESTIONS

No. 35—COMMERCIAL COMPANIES UNDER AFRICAN CONTROL AND AFRICAN COMMERCIAL PARTNERSHIPS—ASSESSMENT FOR INCOME TAX.

MR. HAVELOCK (Kiambu):

(a) Will Government state if any commercial companies under African financial control and African commercial partnerships have been assessed for income tax during 1949 and 1950?

(b) If the answer to (a) is in the affirmative will Government give the number of African commercial concerns so assessed?

THE FINANCIAL SECRETARY: (a) Yes, (b) Four.

MR. HAVELOCK (Kiambu): Arising from that answer, is it a fact that those firms which have been assessed are those with comprehensive accounts? If so, is it Government's policy to penalize such progressive African firms, viz. viz many competitors who keep no accounts at all?

THE PRESIDENT: It will be convenient to dispose of subsequent questions together.

MR. PEMBRIDGE (Uasin Gishu): Is the shareholding of any individual African in any of the companies assessed likely to make him assessable as an individual?

THE FINANCIAL SECRETARY: Sir, the answer to the question raised by the hon. Member for Kiambu is in the negative, and the answer to the question asked by the hon. Member for Uasin Gishu is that if the member of the company receives a distribution of profits, naturally this share will come under the ordinary assessment as with other private individuals.

MR. HAVELOCK: Arising out of that answer, in order to prevent a feeling of injustice—that injustice has been done, will Government ensure that either a large number of firms are asked to pay their income tax all at once, or none at all.

THE FINANCIAL SECRETARY: Mr. President, I think I should make it clear that the total number of African firms registered is 59. The great majority of these were only registered from 1948 onwards, and all these firms are now under examination and assessment.

MAJOR KEYSER (Trans Nzoia): Arising out of that, would the hon. member tell us what he means by "firm"? Does he mean a limited company? Are there only 59 firms in the Colony that are not companies?

THE FINANCIAL SECRETARY: I am referring to African registered companies.

#### BILLS

##### FIRST READING

On the motion of the Attorney General, and seconded by the Solicitor General, the following Bills were read a first time and notice given to take the subsequent stages during the present session: The National Parks (Amendment) Bill; The Mandated and Trust Territories Bill; The Special Pensions Bill.

THE PRESIDENT: Bills for second reading. The Coffee (Marketing) Amendment) Bill.

#### THE COFFEE MARKETING (AMENDMENT) BILL

##### SECOND READING

THE DIRECTOR OF AGRICULTURE: Mr. President, I beg to move that a Bill entitled An Ordinance to Amend the Coffee

[The Director of Agriculture]

(Marketing) Ordinance be read a second time. Sir, it was quite obviously an oversight when the Coffee (Marketing) Ordinance, 1946, was drafted that the African grower was omitted from the provisions of this Ordinance. Be that as it may, in actual fact African-grown coffee has, up to the present day, been marketed through the Coffee Marketing Board by administrative arrangements. I know that no one will argue with me when I say that the African grower has benefited very substantially by the fact that the Coffee Marketing Ordinance is on the Statute Book and also that it has been admirably administered by the Board set up under the provisions of that Ordinance. I would like to take this opportunity of paying tribute to the members of that Board for the very excellent work they have done. African coffee growing is, however, rapidly expanding, and quite apart from the benefits which accrue to the African producer by being party to the Coffee (Marketing) Ordinance; it is true, I think everyone will agree, to say that unless the whole production of coffee in Kenya is placed on an organized marketing system there might be very serious repercussions which would adversely affect the industry as a whole.

I am confident that hon. Members Representing African Interests will support this Bill, but if they are in any doubt about the principles involved I would remind them that the Coffee Marketing Ordinance, 1946, expires on 30th June, 1952, the date when the present contract with the Ministry of Food also expires, and should a further Bill be introduced to continue the regulating of coffee marketing, as I personally sincerely hope it will be introduced, hon. members will have the opportunity of a full discussion of any further proposals which may come before this Council. Mr. President, I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

#### THE EXCESS PROFITS TAX (AMENDMENT) BILL

THE FINANCIAL SECRETARY: Mr. President, I beg to move that a Bill Entitled An Ordinance to Amend the Excess Profits Tax Ordinance, 1941, be read a second time.

It is within the knowledge of this Council that under the original Ordinance trades and businesses were liable to this tax, this excess profits tax, between the period 1st July, 1940, and 31st December, 1945, but to encourage the ploughing back of money for capital development the Ordinance provided under sub-section 8 and sub-section 10 of section G any expenditure employed for such purpose could be deducted from the total profits in order to arrive at the assessable profits. The condition was, however, that that expenditure had to be incurred before the 31st December, 1947. That was the operative date. It became clear, however, that owing to conditions then prevailing, many firms and businesses which were anxious to plough back money for capital development were unable to do so owing to the impossibility of securing the required equipment and so forth and so on. Therefore, in 1947 an amendment was introduced to the effect that provided the firms concerned or businesses concerned placed with the Commissioner of Income Tax by the 1st January, 1948, a statement to the effect that when conditions improved it was intended to incur capital expenditure of this kind and indicating the expenditure proposed, then a reasonable extension of time was given for the incurring of that expenditure. Nearly five years have elapsed since the tax was removed and it is considered that ample time has now been given for the incurring of expenditure of this kind. It is proposed therefore that the final time limit should be regarded as the 31st December, 1950. It is the purpose of the amendment to implement that proposal. I may say that both the territories of Tanganyika and Uganda have already passed an amending Ordinance to this effect. Mr. President, I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

#### THE EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN (AMENDMENT) ORDINANCE

##### SECOND READING

THE ACTING DEPUTY CHIEF SECRETARY: Mr. President, I beg to move that the Employment of Women, Young Persons and Children (Amendment) Bill be read a second time. I think it will be convenient if I summarize very briefly the history of the 1948 Ordinance which

[The Acting Deputy Chief Secretary] it is now sought to amend. Before 1948 this subject was regulated by an Ordinance passed in 1933 and under that Ordinance a child was defined as a person under 14 years of age. In the year 1947 the Government subscribed to a convention by which the age of a child was raised to 15. Therefore it became necessary to amend the 1933 Ordinance and the opportunity was therefore taken, as explained in the objects and reasons of the 1948 Bill, to redraft the legislation entirely. At the time the 1948 Bill was under consideration various members on the other side, particularly the hon. Member for Rift Valley, feared that the powers which were being taken under that Bill might interfere with the legitimate employment of children in the tea, coffee and pyrethrum industries. The Bill was then referred to a select committee, some amendments were made to it, and it was passed in its present form.

The important section is section 2, which defines an industrial undertaking. Paragraph (c) of the original Bill was deleted and paragraph (d) was amended, and the proviso which appears in the 1948 Ordinance was inserted. The report on the 1948 Ordinance was, in accordance with usual routine, sent to the Colonial Office. Attention was drawn by them to the fact that it might be held in an international assembly or somewhere else, that the Ordinance we had passed did not in fact fully implement the convention which we had subscribed to. It was, therefore, suggested certain amendments should be made to the 1948 Ordinance. The object of the present Bill is to make those amendments. The most important amendment is, as I have said, to section 2, paragraph (d) of the definition of industrial undertakings. Now, under the new law it will be the case that an agricultural undertaking can be an industrial undertaking because it may fall under paragraph (d); but by reason of the two provisos, provisos (i) and (ii), that will not make it impossible or illegal to employ children in plucking tea or coffee or pyrethrum, because under proviso (ii) it is stated that any undertaking of which a part only is industrial shall not for that reason be deemed to be an industrial undertaking, so that the factory part of those industries will become industrial undertakings, but not the other parts of the industry. The proviso

goes further and makes it possible, if the Governor considered that such and such an occupation should be excluded from the provisions of the Ordinance, that that may be done. We are quite satisfied—we have been into this very carefully—that this Bill will not interfere with the legitimate employment of children in those industries.

The other amendments are of much less importance. The amendment to section 4 of the Ordinance is consequential on the amendment to the definition in paragraph 2. The amendment to section 6 is purely a drafting amendment. It puts the provision round the other way. The amendment to section 12 in clause 5 of the new Ordinance, of the Bill, is a drafting amendment and clarifies the intention of the Ordinance. Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

#### THE PUBLIC ROADS (AMENDMENT) BILL

SECOND READING

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Mr. President, I beg to move that the Public Road (Amendment) Bill be read a second time. Sir, within the past few months Government's attention was drawn to a rather anomalous position that existed between the District Councils and certain people who had applied for roads of access. The position was that where a man had applied for a road of access and the District Council or Board had made an order for such road of access to be granted, an appeal could be made. That appeal allowed that the appellant could be the objector to the road of access, and the respondent, the party to whom the road was granted. In this particular case, however, the claimant for the road of access had had the road of access refused and there was not a right of appeal against the District Council's decision that that road should be refused. It became obvious to Government that this was a position that needed remedying. If a man claims that he is being unjustly treated by the refusal of a road of access it is felt he must have exactly the same right to test the case in court as in any other case. Because of that, sir, this Bill is now laid before this Council. I would stress that it does nothing except to grant to the individual the right to appeal to the

[The Member for Health and Local Government]

court against the decision of a Board refusing him something he has asked for and to allow the court to decide whether that decision was unjust or just. It is fairly obvious, sir, that the court will not interfere unless it has good grounds for believing that the decision was unjust. I beg to move.

THE SOLICITOR GENERAL seconded.

MR. HOPKINS (Aberdare): I, of course, agree with the object of this Bill which is to give an applicant the right to appeal against a refusal granting a road, but I would like to make one or two observations to show how this Bill does raise difficulties. Now clause 2, subsection (iii) of the Bill states that a Court of Appeal shall in its discretion be able to rule whether the cost of appeal shall be borne by the appellant or the respondent, the District Board. Now, a District Council acting in its capacity of a District Road Board is surely in a position of a court, and it seems quite wrong therefore that it should be cited as the respondent in an appeal against its own decision. Such appeals should surely be as between the two parties concerned and not between the party who feels he is aggrieved and the District Council.

Another point is the District Councils have neither the staff nor the funds to enable them to indulge in this type of litigation. Another point I would like to stress is that District Councils have specialized knowledge in regard to roads of their own areas, and they also have facilities for appointing committees and in getting evidence to enable them to find out all the facts of an application, and it seems to me that a magistrate's court is not altogether a suitable body to set aside their decisions, except perhaps on a point of law. If, for instance, a man applies for a road of access and the District Council refuses it, an appeal is then made to the court who may set aside the order. I would like to suggest, sir, that when a District Council has gone carefully into a matter like this and decided that a road should not be given, the next step should be to refer the matter to arbitration, not back to the District Council, and I do suggest that a magistrate should be empowered in his discretion to refer a dispute like that to arbitration.

These are only one or two of the difficulties which are brought to light by this amending Bill. But I do happen to know, as having been a member of a District Council and involved in disputes like this, that there are many difficulties in the main. Ordinance. I would ask therefore that the Government considers the advisability of appointing a select committee to look into the whole Roads of Access Bill, to take evidence on District Councils as to what their difficulties are, and also to consider the question of perhaps separating from the Public Travel portion of it the Access Roads portion.

MR. PRESTON (Nyanza): Sir, I do believe that the provisions made in this Bill in the main are very essential, because I believe that every man should have a final appeal to His Majesty's Courts, which is one of the principles of British justice. But, sir, I would agree with the hon. Member for Aberdare on the possible difficulties, particularly with regard to section 3, where it seems a little hard to make a public body bear the cost of appeal. And I would support the hon. Member for Aberdare in his plea for a select committee, or a committee to examine further the whole question of the main Bill dealing with roads of access in this Colony.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Mr. President, Government, of course, is prepared to let this Bill go to a select committee. I could not, however, on behalf of the Government agree, sir, that this particular amendment should wait whilst the whole question of the Public Roads Ordinance is gone into, but I can say that Government is prepared to consider the general point raised by the hon. Member for Aberdare.

I think, however, sir, I must clear up one or two points that have been made. The only manner, sir, in which a public body can finally be forced to realize its responsibility in making decisions is if it is taken to the court, and the result of their wrong decision shows that there is a misuse, if I may so put it, of the public funds. The argument put forward that because the Local Government Authority has special knowledge it shall be the deciding factor as to the rightness of a decision without recourse to the court is not one that would be accepted with regard to local government adminis-

(The Member for Health and Local Government)

And wherever you look, sir, in local government law you will find that the decision of the Local Government Authority can be challenged in the court. I suggest that it is essential that it should so remain.

However, sir, these points will, I think, be covered by a select committee, and if this second reading is approved, I will move that a select committee be appointed. I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: I beg to move that this Bill be referred to a select committee.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

#### MOTIONS

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. President, I beg to move:

That this Council being mindful of the need to develop the mineral resources of the Colony to the full, and realizing that, with regard to the particular case of gold mining, active encouragement and direct assistance are necessary if the industry in Kenya is to be placed on a sound footing, approves, subject to the financial position of the Colony permitting such a course, the payment of grants to cover a proportion of the cost of new and approved underground development in gold mines. It being understood that detailed proposals will be submitted for the consideration of the Legislative Council at a later stage and that the cost of operating the scheme will not exceed £40,000 in the first year of operation. The sums paid as development grants to be subject to a condition of repayment which will be invoked only if, and when, its implementation would impose no undue financial strain on the recipient of the original grant.

Mr. President, I suggest that the motion is so long that it might well serve as what I have to say in moving. However, emerging from the tangle of red tape, I feel that this motion does represent a very great deal of hard work and very hard thought. It is a very necessary thing, in my submission, that this motion be passed. It is necessary for this reason,

and I propose to bore hon. members with a few statistics.

In 1939, an average of 265 Europeans, 141 Asians and 10,777 Africans were employed in the gold mines of this Colony. In 1948, 76 Europeans, 93 Asians and 3,180 Africans were employed in the gold mines of this Colony. Now, these gold mines are not worked out. It is very interesting to look at the price of gold. Before the war the price of gold was Sh. 148 50 cents a fine ounce. In 1939 £600,000 worth of gold—a pound was then valued in relation to the dollar—was produced. In 1945, in spite of a 48 per cent devaluation during the first six months of 1950, only £118,000 worth of gold was produced. That is in spite of the 48 per cent devaluation.

Now, let us look at one or two other things which are of great interest. It is true that devaluation sent up the price of gold in terms of sterling by a very substantial figure. On the other hand, let us look at what has happened to the price of commodities utilized in gold mining during the period since the beginning of the war. I quote figures from the Colony's Index of Commodity Prices: Sulphuric acid, which is absolutely essential in the refining process, has gone up 90 per cent. Lead nitrate, which is absolutely essential, has gone up 147 per cent in price. Round and flat iron, which is essential again in the washing process, has gone up approximately 100 per cent. Even explosives, Mr. President, in spite of a relationship of demand and supply during the war, which should of course have reduced the price, have gone up by 31 per cent. Posho has gone up 425 per cent. Zinc 417 per cent, lubricating oil 75 per cent, and corduroy, which is essential, 355 per cent.

That is the picture, sir, of what the gold-mining industry has had to face in common. I may say, with almost every other industry. But owing to the fact that the price of that product, gold, is not fixed in any sense by demand and supply, is not fixed by, I would say, the wholesome operation of price control in this Colony, the price of gold, as I say, has gone up since the beginning of the war 67 per cent. The greater proportion of that could be reckoned to devaluation.

Now, sir, to refer to the motion standing in my name, it will be noticed that the object is not to subsidize the price

(The Member for Commerce and Industry)

That would be quite impossible. That would be against the agreements entered into at Bretton Woods and other places. But there is no reason at all—in fact, I comment it to hon. members—there is no reason whatsoever why we should not make it possible for developmental work to go on. By developmental work I mean diamond drilling. I mean cutting away the ordinary rocks so that we can get at the ore, in other words making it possible to exploit, in the interests of the Colony, what assets we have in gold.

These grants are development grants, they will be relative to the square footage cut out to arrive at the ore below. They will be related to the footage of diamond drilling.

Now, sir, it is essential that at this stage I should point out that whether we will be able to do this or not depends of course, as everything else does, particularly in these days, upon the financial position of the Colony, and of course detailed proposals will have to be submitted to this Council. We are not yet at the stage of doing that. A great deal of work has to be done to work out the needs. However, I feel most strongly, and Government feels it is absolutely essential that we come to you at this stage and put our cards on the table—face upwards!

Now, sir, the scheme of development grants, just to complete the picture as far as I can at this stage, which is designed to make grants to cover the cost of 56 per cent of approved development. Now, diamond drilling is the way one discovers where the ore veins are, and it also is proposed to pay Sh. 7/50 per approved development foot. I should add that the Chamber of Mines has gone into this in the greatest detail, has put in a great deal of work. It represents to them a very modest proposal. As the motion indicates, the expenditure will not be of an order that would cripple the finances of this Colony. The Board of Commerce and Industry has also gone into this matter in the greatest detail. In honesty, however, I should state that both the Chamber of Mines and the Board of Commerce and Industry felt that there should be no repayment force. Now, sir, I found that I had to disagree with the

advice of the Board of Commerce and Industry on this point. The reason why I felt I should was that public money is involved. I am quite certain that it is a good investment in the gold-mining industry, but if, as a result of what I consider to be a wise investment, profits do accrue—and everybody should realize what is needed in Kenya is that somebody should make a profit—when profits have been made and these loans could be repaid without any difficulty, then in my submission they should be repaid.

I do not feel, Mr. President, that I need say more, I hope hon. members will raise any points that I have failed to elucidate, but in moving a motion standing in my name I do commend it to the Council as sound economics, as good business, as something that should show a reasonable and, I hope, profitable return. I beg to move.

MR. PRESTON seconded.

MR. PRESTON: Now sir, this motion in my opinion has been long overdue, and we have seen a gradual but steady decline in the number of mines operating, particularly the smaller mines, going steadily on over the last few years. Now, if we bear in mind, sir, that during the bad slump some years ago there was a gold-mining industry that helped to carry this Colony through it, I think we must then look at the present situation and consider how utterly deplorable it is that so many of our mines have had to go out of business during the more prosperous times that we are now enjoying with other commodities in this Colony.

My hon. friend opposite has put the case so well I hardly think it needs very much more to be said about it. But there was no question in my mind that mineral wealth may well sway the balance as regards our trade balances from an unfavourable trade balance to a favourable trade balance, but in order to do that people must be given the opportunity to explore fully the mineral resources of this Colony, and with the present price of gold there is no inducement at the moment to sink the new shafts and to follow up reefs. Therefore, sir, I hope that this motion will receive the support that it deserves.

THE PRESIDENT: The motion was proposed by the hon. Member for Commerce and Industry and has been seconded, and is now open for debate.



**LT. COLONEL GILRSIE:** Mr. President, I rise to support this motion, and I feel that the relief which has been suggested by the hon. mover will ensure the mineral wealth of this Colony is being properly exploited, and should result in the future of large payments in the form of dividends to this Colony. It is very difficult to obtain finance to-day for the mining industry in view of the very high cost of development. Mining must be regarded as a gamble, and it does require a considerable amount of money for development purposes. It should be realized that mining involves the working of a wasting asset. Whereas it is impossible to see beyond the last blasting operation, a mining company may be paying a 10 per cent dividend per annum, but it is not until it has done so for ten years that it can be sure of securing its original capital. Now, sir, there is not sufficient inducement for mining to-day in view of these high costs, and the inclination is to work the rich deposits in the oxidized zone, and to leave the more permanent reef and the lower-grade reef in the sulphide zone, with the result that thousands of tons of ore are left under ground and are never worked at all. I do think the hon. mover might have gone a little further in his suggested bonus or rebate on development, which of course must be administered very carefully and properly, and it should be on the basis of the grading of the actual footage.

Now, sir, you made a reference to boreholes. I submit, sir, that what you should also consider is the actual shaft development. Because it is not everybody who engages in mining and commences by sinking boreholes. Where the industry commences—that is, the prospecting stage the smaller worker—he is not capable of engaging on boreholes at all and his method is by prospecting and then shaft sinking on the reef, and I consider he should receive similar consideration to the bigger companies who undertake development by the sinking of boreholes. I beg to support.

**THE MEMBER FOR COMMERCE AND INDUSTRY:** I will reply very briefly, indeed. I have noted the point made by the hon. Member for Nairobi North. As I said, detailed schemes for the rebate will be submitted to this Council at a later date and I will certainly look into the points he has raised. I do not wish to say any more except I should have

said in moving that a great many people do a lot of hard work on this, otherwise I would not be in a position to move this motion, which I agree is overdue.

The question was put and carried.

**THE PRESIDENT:** It is now ten minutes to eleven. There will, I expect, be considerable debate on the next motion. Perhaps we might dispose of one or two speakers before the usual interval.

**THE ATTORNEY GENERAL:** If it would be equally convenient, sir, I suggest we might take the committee stage of the Bills which have been given a second reading, so as to allow a clear run for the motion. They are not on the Order Paper, but if hon. members have no objection perhaps we could do that.

**THE ATTORNEY GENERAL moved:** That Council do resolve itself into committee of the whole Council to consider clause by clause the following Bills:—

The Coffee Marketing (Amendment) Bill.

The Excess Profits Tax (Amendment) Bill.

The Employment of Women, Young Persons and Children (Amendment) Bill.

**THE SOLICITOR GENERAL** seconded.

The question was put and carried. Council in Committee.

The Bills were considered clause by clause.

**THE EXCESS PROFITS TAX (AMENDMENT) BILL**

*Title and Preamble.*

**THE ATTORNEY GENERAL moved:** That the title and preamble be amended by deleting the comma and the figures "1941".

The question of the amendment was put and carried.

The question of the title and preamble, as amended, was put and carried. *Clause 1.*

**THE ATTORNEY GENERAL moved:** That clause 1 be amended by deleting the figures "1941", and by substituting for the marginal note "No. 14 of 1941" the following "Cap. 255".

The question of the amendment was put and carried.

The question of the clause, as amended, was put and carried.

*Clause 2.*

**THE ATTORNEY GENERAL moved:** That clause 2 be amended by substituting for the figures "33" the figures "32".

The question of the amendment was put and carried.

The question of clause 2, as amended, was put and carried.

**THE EMPLOYMENT OF WOMEN, YOUNG PERSONS AND CHILDREN (AMENDMENT) BILL**

*Title and Preamble.*

**THE ATTORNEY GENERAL moved:** That the title and preamble be amended by deleting the comma and the figures "1948".

The question of the amendment was put and carried.

The question of the title and preamble, as amended, was put and carried.

*Clause 1.*

**THE ATTORNEY GENERAL moved:** That Clause 1 be amended by deleting the figures "1948", and by substituting for the marginal note "No. 70 of 1948" the following, "Cap. 111".

The question of the amendment was put and carried.

The question of clause 1, as amended, was put and carried.

**THE ATTORNEY GENERAL moved:** That the Coffee Marketing (Amendment) Bill be reported back to Council without amendment and that the Excess Profits Tax (Amendment) Bill and the Employment of Women, Young Persons and Children (Amendment) Bill be reported back to Council with amendment.

Council resumed and the Member reported accordingly.

## BILLS

### THIRD READINGS

**THE ATTORNEY GENERAL moved:** That the Coffee Marketing (Amendment) Bill be read a third time and passed.

**THE SOLICITOR GENERAL** seconded.

The question was put and carried and the Bill read accordingly.

**THE ATTORNEY GENERAL moved:** That the Excess Profits Tax (Amendment) Bill be read a third time and passed.

**THE SOLICITOR GENERAL** seconded.

The question was put and carried and the Bill read accordingly.

**THE ATTORNEY GENERAL moved:** That the Employment of Women, Young Persons and Children (Amendment) Bill be read a third time and passed.

**THE SOLICITOR GENERAL** seconded.

The question was put and carried and the Bill read accordingly.

Council adjourned at 11.05 a.m. and resumed at 11.20 a.m.

## REGISTRATION OF PERSONS ORDINANCE—COMMISSION OF INQUIRY

**THE PRESIDENT:** During a previous sitting of the Council the hon. Acting Chief Secretary had moved "That the report of the Commission of Inquiry appointed to review the Registration of Persons Ordinance, 1947, and to make recommendations, be adopted". The hon. Attorney General had seconded, and debate had proceeded for some time, when it was adjourned in the middle of a speech by the hon. Member Representing African Interests, Mr. Jeremiah. Several members have already spoken during the course of debate, and as Kenya memories are proverbially short, I will mention the names of those hon. members who have already spoken. On the Official side:—

The Hon. Chief Secretary.

The Member for Agriculture and Natural Resources.

The Member for Commerce and Industry.

On the Unofficial side:—

Major Keyser,

Mr. Mathu,

Mr. Patel,

Mr. Erakine,

Dr. Rana,

Mr. Blundell,

Mr. Ohanga.

Mr. Nathoo.

Mr. Welwood,

and Mr. Jeremiah, who was still speaking when the debate was adjourned. I will now call upon Mr. Jeremiah to resume his speech.

**MR. JEREMIAH (African Interests):** Mr. President, at the time of the adjournment on Wednesday the 17th I was speaking on the Commissioner's recommendation that the alternative to finger-printing will not be extended to aliens, and I was wondering whether that was a sop to the non-English-speaking Africans and

[Mr. Jeremiah]

illiterate Africans to make them believe that to some extent they are on a level with non-British Europeans, and therefore should consider themselves highly privileged at seeing that they are not the only people required to be registered by finger-printing. This recommendation, sir, is rather amusing, if not illuminating, because it shows clearly that the Commissioner himself is not satisfied with this method, but being a man of experience, and perhaps one who does not wish to hurt the feelings of anybody, he has, I am afraid to say, been compelled by force of circumstances to produce an alternative. Otherwise I do not see why there should be such proviso, that aliens should not be allowed to register themselves by signature. The Commissioner, in dismissing the argument put forward against the provision of an alternative, said that in the case of the man who is definitely illiterate, a finger-print is recognized, not in Kenya alone, but all over the world. This is definitely so, but the suggested alternative has not been proved to be beyond abuse. The Commissioner, in his desire to please some people, has suggested an alternative which is contrary to the definitely illiterate, because there are so many literate people who will not be given a chance of an alternative. Our main objection to the alternative is based on the desire to safeguard the identification system against abuse, because we have got to be definite as to whether the identification system is necessary at all, and if it is, it must be by finger-printing.

The hon. Member for Uasin Gishu in the Council at that time maintained that the Europeans in this country are few and, according to their attainment, are easily identifiable. And so are the aliens. In fact, apart from the Registration of Persons Ordinance, and apart from that obnoxious scrap of paper the *kipande* almost all male persons are registered one way or the other by the means of poll tax, and personal tax, and other means. Therefore it is not only easy to trace Europeans but equally easy to trace almost every African in this country, but such method was not accepted as sufficient record of identification. This contention was accepted, and the best method of registration was introduced which it is intended should now be mixed with those which are totally

unreliable. How absurd. Government will, with regard to the *kipande* which is recommended to be reintroduced, be making a great mistake if this recommendation is accepted. The record of employment of an employee should be provided, if not already provided, in the labour card, but best of all, in my view, it should be by way of testimony which is usually used in many countries but which unfortunately the employes in this country seem to be unwilling to give or too lazy to issue.

It will be remembered, sir, that when the Registration of Persons Ordinance was about to be introduced, Government took a great deal of trouble to explain to the people, especially the Africans, that the *kipande* or registration will be done away and be substituted by the present registration, which would apply to everybody, irrespective of race. Now it is proposed that we should be given both *kipande* as well as registration. I am prompted to ask what motive lies behind that substitution? Why are you anxious that we should have the *kipande*? We cannot believe that it is for our interests at all, because we have suffered very much from the *kipande*, and whatever name you try to cloak it in, we know it better and we hate it.

Our reason therefore, sir, for objecting to the alternative is because we know that it will be very difficult for the people, and the Africans especially, to believe in future what Government tells them about anything at all, because we shall always remember that Government has not kept faith, and therefore, sir, I think we must be very careful indeed to see that we do not create such a situation, and who would deny, that when the Government of the country is held in distrust, it is not a setback.

In conclusion, may I offer my congratulations to the brave, far-sighted Member for Nairobi South, the hon. Mr. Erskine, and all those who opposed this retrogressive motion, especially my hon. friend Mr. Mathu who, in spite of his bitter feelings on this matter, conducted himself most admirably. And, sir, if there is any honesty in this matter, I honestly oppose the motion.

MR. USHER (Mombasa): Mr. President, I should like to congratulate those responsible for producing this printed account of what took place earlier in the

[Mr. Usher]

debate, and I can only hope that the machines of the Government Press have not suffered irreparable damage in their efforts to produce this in so short a time as three months. It enables us, of course, to refer with accuracy to what hon. members who have taken part in the debate have already said.

May I make the general observation that I am somewhat perplexed at the arguments that have been produced by those who are opposing this motion. They seem to have a fine lack of cohesion. I am not quite sure whether finger-printing is good in itself or bad in itself. Some say one, some say the other—some say both. There are good arguments, I know, and I have listened to them with care and appreciation, in favour of the registration by finger-printing, but I am supporting this motion because I think what has been proposed in the Glancy Report is preferable. But if I might sum up the arguments, they seem to me this, in regard to finger-printing itself: that something that is good in itself becomes bad if it is not applied to all classes of the community, and something that is bad in itself becomes good if it is so applied. So I can see a line of witnesses to truth and reason leaning over the Bar of Heaven—I can see them from Aristotle to Mill, and I can see the sad smile that comes over their faces at this strange flight from reason.

Let me, if I may, be allowed to read so that I may quote accurately what the hon. Member for African Interests, Mr. Ohanga, said on page 16 of this account:

"In a country like this one, where you not only have mixed races, but also mixed cultures and standards of education, it is only necessary to come down to what would be a fair common denominator in all matters of general policy, and it seems to me that on this particular point under discussion and the recommendations that have been put forward with regard to the use of different types of identification and so on, it has not come down to a common denominator."

I do not know from whence such a doctrine can have been derived. I do not think it comes from behind the Iron Curtain, I do not think it comes from behind even the Bamboo Curtain. It is

a form of egalitarianism which is rather prevalent to-day, but does not appear in any of the text-books. It is symptomatic, I think, of our times to refuse to recognize that people and classes of people, and individuals themselves, can only achieve what they want by long and painful struggle.

May I refer also to what was said by the hon. member Mr. Nathoo, on page 19. The hon. member suggests that if the Glancy Report were accepted and effect were given to it, there would be serious repercussions. Surely, sir, this is not a matter of such vital importance as all that. Surely the hon. member does not give sufficient credit to the good sense that exists generally outside and to the capacity of the leaders of the communities to lead them.

This argument was, I think I am fair in saying, also used by the hon. Member for Nairobi South. On page 11 we get this:—

"I feel that there will be the greatest possible trouble in this country for all of us if it is not rejected."

I cannot believe this, sir, and I was so disappointed that the hon. member, who had good reasons which he did adduce, detracted from them by the vehemence with which he put his case. It seems to me that the balance of his mind had become, as it were, disturbed by the Society for Civil Liberties, and I was reminded very much of what Dr. Johnson said of somebody else, that "he exhibited"—I think it was "all the contortions of the sibyl without the sibyl's inspiration".

I would like to refer also to what the hon. Member for African Interests, Mr. Mathu, stated in conclusion, because it seemed to me to be statesmanlike. He suggested that the existing law should be given a run for three years. I think there is much to be said for the principle. What I now feel is that we should make an amending law for such period as to enable us to see it is thoroughly tested. Whether it works depends very largely upon the capacity of the leaders to lead. They should try to see, and I think they will try to see, that reason and tolerance dominate in this situation. I know that a remark like that is liable to the retort that there was a law, and certain people would not accept it. I think it is regrettable that

[Mr. Usher] that was the case (hear, hear) but I would say this; that the people that objected had no idea, as a whole, of passive resistance. I only know of one person who was prepared to go to prison or whatever it was. I do know of one other who felt so strongly about it that he said, rather than accept it, very sadly, "I shall leave the country". That was a fair and honourable course for him to take. Passive resistance I think would not have been, and so I would say myself, with most people who opposed it, that they would have very willingly accepted the recommendation if it had been the other way—that is, to sustain the law in its present existing condition.

May I end on an appeal to all to accept whatever is the result of this motion with tolerance, and to try and lead the people, whom they should instruct rightly in these matters, remembering that it is of the utmost importance in these days that we should have some unanimity and some unanimity of purpose, and that above all things they must see to it—we must all see to it that our actions are informed with the charity upon which, in the evening of our life, we shall all be judged. Sir, I beg to support.

MR. CHEMALLAN (African Interests: Mr. President, I think that all we have to say against this motion has been said, and I will only have a few words to say in opposing it. As we know the original Ordinance went unanimously through this Council in 1947, and it is only recently after agitation amongst a section of the European community who have more or less taken their attitude towards the finger-printing registration to a violent standard that we now have this motion before us. We are accused, sir, of switching the motion into a racial issue. Well, I do not think this is really our fault. This is because the law as it is going to be now is going to divide registration into two classes. All sorts of arguments have been advanced against this motion and I am not going to try to go over them again, but there is only one thing I should like to mention. After all, it seems we are going over an unnecessary sort of measure in this country, whereas, over the border in Uganda and Tanganyika the Governments do not find it necessary at all. Instead of trying to

shuffle about I think we should drop the whole thing altogether and just behave and do as the other Governments do. It has been recommended that those who would be registered according to the alternative will have to have with them sponsors. Well, this is really something which is going to waste public time and money, and I am sure those people who act as sponsors will certainly get into other unnecessary troubles when it appears the law has been outwitted. The other thing is the recommendation that the *kipande* should be retained for the purposes of an employment record. Just now the situation of the *kipande* is absolutely in disgrace. Some people still retain the top or the bottom, or just the opposite side, and I am sure those poor Africans of ours who are going to retain it or throw it away will simply be in the same position. They are going to be in trouble when looking for employment and they will never be accepted as having the proper pieces of the *kipande* which belong to them, and the only thing I would suggest, without causing unnecessary inconvenience to people looking for work, is that the whole thing should be absolutely forgotten. The African has agitated for very many years indeed against the use of the *kipande*, with the result that the time has come when the thing should go. The Labour Department gives out what they call a labour card. Perhaps that card might be made in a special way. This could act as a sort of testimonial certificate which he would always carry with him from one employer to the other, and that sort of thing would work satisfactorily, rather than retain the *kipande*, which we oppose.

I am going to make a request. About two years ago this Council had a report from a select committee on increased pensions, and when the report was put to the vote, and the Government knew this side of Council was going to be divided in its attitude towards the report, they withdrew from voting. The reason advanced by the Government then was that it was after all, on the initiative of the Unofficial Members that that select committee was appointed to investigate into increased pensions. This is, I think, a motion of a similar nature. The Commission was appointed after the initiative had come from this side of the Council, and I should think that it would be

[Mr. Chemallan] appropriate that this side of the Council only should be left to fight over the voting on this motion. Sir, I beg to oppose.

MR. HOPKINS: Mr. President, the difficulties in which we find ourselves to-day are not of our own making, but are due rather to mistakes made in the past for which we are not responsible, and in the word "we", I of course include hon. members on the other side of the Council as well. As these mistakes have mostly been dealt with by previous speakers I am not going to enlarge upon them now, but I would like to say I think it is a very great pity that when Government first realized the justifiable opposition which was growing up to the Native Registration Ordinance they did not then repeal it and replace it with some simple measure for the identification of Africans. Any such measure would of course have had to include finger-printing, but I think it could have been made entirely non-irksome and provision could also have been made for the exemption of certain classes of people. Now I have had long experience of the working of the Native Registration Ordinance and I can assure hon. members that the opposition which has grown up to it over the years was not born of any inherent objection to being finger-printed or being identified on the part of the African, but it was due to the many and complicated offences which were created by this Ordinance: offences which in a great many cases could not possibly be understood or avoided by the unfortunate illiterate African. Government knew for many years that it was extremely difficult to ensure that this Native Registration Ordinance was administered sympathetically or even that it was not to be abused, and it is within my knowledge that on quite a number of occasions this Ordinance has been used merely to harry a population because there happened to be rather an outbreak of crime on the idea that generally to harry a population would reduce the incidence of crime. I think, sir, even as late as 1947 when the Identification of Persons Ordinance was brought in, it would have been far wiser had Government replaced the Native Registration Ordinance by some simple means of identification for Africans, rather than to have tried to appease the justifiable

opposition of Africans by extending finger-printing to the other communities. The time will no doubt come when all Africans will be more easy to identify because they are educated, because they have more stable homes, more specific employment, but above all because they have adopted universal registration of birth, marriages and deaths.

Now I would like to stress the last point because I think it is one of the factors which enables the identification of the Asian and the European to be so much easier than the identification of the African. The time will also undoubtedly come when there are a great many more Europeans in this country than there are at present, with a large floating population which will make them more difficult to identify. I do not believe that these conditions will arise for quite a long time, but when they do I think there will then be justification for apply the same method of registration to all races. At present I believe, however, that finger-printing is necessary as a means of identification for the vast majority of Africans, for quite a number of Indians also, and for some Europeans such as aliens. I should like to make it clear that I personally, even at this stage, would like to see this Registration of Persons Ordinance repealed and replaced by the simple measure of identification for Africans to which I have referred. As, however, we have been forced into a position which seems to call for a reasonable spirit of compromise on the part of almost all members, and as the Glancy Report seems to provide that reasonable compromise, it is my intention to support this motion.

In conclusion I would like to say that I sincerely hope that all hon. members, whether in debate they have spoken for the motion or against it, will loyally accept the decision of the majority of this Council and in the interest of tranquillity in the Colony, and that they will do their utmost to see that the people whom they represent accept it also. Sir, I beg to support.

LIEUT.-COL. GHEENSIE: Mr. President, I had hoped that the views expressed by the hon. Member for Trans Nzoia would have been accepted as representing the views of all European Elected Members, but, in view of subsequent speeches as we understand the position that is not so today. I am only intervening in this



[Lt.-Colonel Ghesie]

debate to make one or two observations on certain speeches that have already been made. First, I would like to support the remark made by the hon. Member for Mombasa in reply to remarks made by Mr. Mathu. He, Mr. Mathu, did suggest if the amendment is accepted the implementation should be delayed for three years. Surely it should be the reverse position. If this report is accepted it should be introduced forthwith, and if it is found unworkable then will be the time to reconsider the question of the reintroduction of fingerprinting. As I understand the position, this Council unanimously accepted the appointment of a Commissioner. We are all aware that the Commissioner is an able and experienced person and he gave his undivided attention to the preparation of his report in studying the problem before us. I submit, Sir, it would be an insult to his intelligence as well as a waste of public funds, if this report was not at least accepted in principle. I am sure there is nobody in this Council who wishes to force on any section of the community any legislation which is undesirable, and I think we all agree that in view of the present state of development among the average African, in any event he must be identified by fingerprinting, but I submit the majority of Africans have not the slightest interest in the method by which Europeans are identified. In view of which I suggest that some of our own members are adopting a rather dog in the manger attitude with regard to the kipande and the red book, which may be likened to a birth certificate and a testimonial. I am aware of many excellent Africans who bitterly oppose the alteration in the law whereby they were deprived of what they regarded as their history of good service, as they are now placed in the position where, until they again prove themselves, they have no advantage over the inexperienced worker and even the spiv. Sir, I support the motion.

MR. PRESTON: Mr. President, Sir, I support the motion on the grounds that it is a liberal interpretation, and it does give people alternatives. Sir, much has been said about the kipande, and I think it would be fair to say that certain hon. Members speaking have rather endeavoured to give the impression that the kipande, according to the Commissioner's

Report, is to be compulsory, and, Sir, I would like to make it quite clear—unless I have misread the Report—that it appears to me that it is an entirely voluntary measure, and an alternative, Sir, which I welcome, because in the constituents I represent—there are a great number of African people who infinitely prefer this document. Moreover, it is a treasured and valued possession, and I think it is only fair that they should be allowed if they so wish to retain it. Sir, I beg to support.

MR. HAVELock: Mr. President, there are one or two points that I would like to make in this debate. First of all, it has been suggested by other speakers—although I am afraid I have not had the time, or possibly the interest to go through the full Report that has been laid this morning as the hon. Member for Mombasa has obviously done. But I do seem to remember that certain members said that there was a great flaw in the argument that was put forward by the hon. Member for Trans Nzoia in that any Report of any Commission should be accepted by this House. Of course there would be a flaw, Sir, if the argument was put forward exactly like that. But I think the argument was this: that when this matter came up for debate, that is, the matter of whether we should appoint a Commission of Enquiry or not, it was very obvious that as far as the exemption of certain sections of the population from finger-printing was concerned, that there was only a yes or a nay, there could be no other real answer; either there was a way in which exemptions could be made or there was not. And if hon. members on this or any part of this House were convinced at that time that there could never be any practical method of exemption, then I suggest that they should not have voted for the Commission. Because they were completely prejudging the Report. I think it is true to say that the majority of the European Elected Members voted for the setting up of this Commission with a very open mind. And it has been stated by other members here on this side of the House that after going into a very detailed examination of the subject, and the taking of evidence all over the country from every section of the population, as we expected the Commissioner to do, that we would be prepared to accept this ruling or arbitration because he, the Commissioner, had the

[Mr. Havelock] opportunity to sound the country even more than we had. So if he had reported that the only possible basis for National Registration were the fingerprints, then I think the majority of us would have accepted that.

Sir, another argument that has been brought forward is that as fingerprinting is the only really efficient method of Registration, then no other method should be accepted. I would like to suggest, Sir, that if that philosophy were followed, then we would be in the position of a dictator country. There are many many laws in this country which are not perfect administratively, because of the feelings of different sections of the population, because in British practice, the feelings of minority groups are always respected if they possibly can be, and compromise is reached. We do not have the most efficient administrative system—which would be much cheaper, and would be much easier for Government to work—we do not have that, because there are strong feelings against it by certain sections of the population. And so we have to put up with a rather difficult machinery in other ways in order to meet those feelings, and that, Sir, I believe is the attitude with which we should approach this subject.

It also has been said, Sir, that it is only a hysterical minority of a certain section of the population who dislike the idea of giving their fingerprints. I would say categorically that that is untrue. I know that there are many many very sincere citizens of this country, very good solid people, who did not write letters to the paper or shriek hysterically at meetings, but who want very sincerely that some method should be found as the Commissioner has found.

And I believe, Sir, that the very few hon. Members in this debate have really touched upon the reasons, and the very well balanced reasons for the recommendations of the Commissioner. Many other arguments have been brought up, but it does not seem to me that many other hon. Members have really studied the reasons for the recommendations. I would put it this way: the recommendations for acceptance, Sir, fall under three headings. One is that photographs should be supplied. The second that a form should be filled up and signed, and the third, the sponsors.

Well, to me it sounds a very practical solution. For all ordinary everyday occurrences I believe a photograph would be a very simple method of identification of anybody of any race. However, there do arise occasions in the ordinary way of carrying out business, etcetera, when rather more than a photograph is necessary, because sometimes they are a little indistinct, and when something like money or some valuable is concerned, then something more is required, not just a comparison of a man's face with a photograph—there a signature will come in. There it will be possible for officers in Government service to compare the signature on the Identity Card of the person who is carrying it with the signature he appends to the receipt for the valuable which he wishes to collect. That is a simple way of doing it, quite simple and easy. But there may arise occasions when the authorities want to establish even more closely the identity of the man concerned. Even photographs and signatures can be tampered with, or can appear to be not quite what they are, and that is where sponsors are called upon.

I see the hon. Commissioner of Labour's head is shaking, and no doubt he is thinking of the fact that at the moment there is no legal provision for the signature to appear on the Identity Card itself. I realize that, but I hoped that that could be rectified.

Now, Sir, I do understand very sincerely, I understand the doubts of the hon. African Members as regards the difficulties that Africans will have in providing the necessary means for gaining this exemption, I quite understand it. But on the other hand, I believe that they have made rather a lot of it. Is it really so difficult to obtain a photograph? A few hours hard work would probably obtain the money sufficient for that. Is it really difficult for anybody to get a sponsor? It will be difficult to some extent to get the sponsors to appear, it is going to be inconvenient for them, but that will apply to all races. The difficulty is, of course, filling in this form and signing their name, but even that will not be so very difficult, I believe. The majority of the particulars required, I understand, will be very simple particulars, a lot of them will be merely a matter of figures, dates, etcetera, and I really believe that if it does provide some stimulation for any member of the population to

[Mr. Havelock] work a little on his own to improve himself slightly—only slightly—to the standard where he can really fulfil this requirement, then that stimulant is a very good thing.

And I do not see, Sir, that it is really racial discrimination that matter has been dealt with by other speakers. It is, as Mr. Chemallan put it, or, the hon. Mr. Jeremiah, class discrimination, not race, classes of people who can or cannot fulfil the requirements.

I just want to touch again, Sir, on the greatest disadvantage which to my mind, will be non-racial, and that is persuading people to act as sponsors, because not only will they have to appear before the Registration Officer, but also when their protégé's identity is in doubt the sponsor will probably have to appear before an Officer of the Government to prove the man they have sponsored. That in itself again will be an inconvenience that is, of course, completely non-racial, and I believe that it is justified in that if people do not want to comply with the rather more simple requirements of the Ordinance, that is fingerprints, if they wish to have the exemption, then I think it is fair enough for Government to ask them to put themselves to some inconvenience.

I think, Sir, the hon. Member for Mombasa has dealt sufficiently with the point of the lowest common denominator, which was raised by Mr. Ohanga. I only want to say I was very disappointed to hear that argument produced by the hon. Member, because if that philosophy is applied to a policy on other subjects, then it is going to be very difficult for this country to advance. In other words, surely, Sir, it is a matter of self-improvement, and those who do raise themselves above others are entitled to certain privileges. They should not be levelled down.

I also, Sir, am rather puzzled about the attitude as regards the kipande. As I understand it the Commissioner found that very many Africans liked the kipande, and that he suggested the bringing back of the kipande in a voluntary form for the convenience of those people. It is not for the convenience of anybody else. And I certainly support the remark made by the hon. Mr. Chemallan that the present system seems to be in a state of complete chaos. It will be more convenient for a man if he wishes, to have

his record of employment all in one piece, and not lots of little cards hanging about in his pocket getting dog-eared and marked and so on. I think it is a most inefficient system at the moment, and I am sure that the majority of employees will welcome a simplification of the system. If it is merely because the kipande will return in its old form, because of the old form people will dislike the idea of using it, well, then, may I suggest that it may be altered, in some small way, say a different shape or colour, but the principle of having a convenient whole voluntary record should be returned.

Sir, I presume, in fact it is obvious, that this is not the end of this subject in this House. We are debating the Report of the Commissioner, and I personally would like to congratulate him on producing something which I think is practical, after a very great deal of hard work. I presume that if this Report is accepted, that further Amendments to the Ordinance would have to be produced and laid before this House. At that time many of the details to which objection has been taken by the hon. Members in this debate may not appear, and if they do, another opportunity will be provided for suggestions from this side of the House anyway, for an easier, simpler and more generally accepted system.

Therefore, Sir, I do hope that those who believe in principle in an exemption for those who are more easily identifiable in principle, those who believe that such an exemption should be allowed, then I hope that those hon. Members, Sir, will vote for this motion, and will not vote against this motion just because they have doubts on detail. Sir, I beg to support.

**THE ACTING CHIEF SECRETARY:** Mr. President, I knew when I introduced this motion that there would probably be quite a number of arguments on the one side and on the other for and against fingerprints. But I did not anticipate that passions would be roused to the extent that they were. I must say, I found it—maybe I am a more placid person than the others—but I found it very difficult to appreciate that there really is in this Report of Sir Bertrand Glancy's anything to cause the fire and brimstone which has come down upon us since we started to talk about it. (Hear, hear.)

[The Acting Chief Secretary]

Therefore, as there have been a number of speeches and we have had a very long debate, I propose to be as short as I possibly can in winding it up.

I am not at all sure that it is not one of those subjects of which one can truly say that the less said from now on the better.

Before I deal with the various points made by individual speakers, I would like to deal with one or two general questions which have been raised by several speakers. More than one hon. member for instance, almost in the same breath as he congratulated the Commissioner on his report and said how fortunate we had been to have been able to call upon the services of so able a man as the Commissioner, immediately went on to say that of course, he was not a free agent, and that he had started off on his task with some sort of instructions which they did not elaborate, that he was to give some sort of effect to what a small majority of one section of the population wished. I think that most of those speakers had in mind an organization which was named by the hon. Member for Nairobi South. But I would just ask them whether—they probably did not, I do not think I should have done it if I had been here—whether they had read some pamphlets which were issued round about that time on this question of fingerprints. These pamphlets reached me in London where I was on leave, and I did have the leisure to glance at them. But anybody who had read those pamphlets would have seen in them that this particular organization, in the evidence which its supporters were going to give to the Commissioner, were very strongly opposed to a National Register.

Now, if, as has been suggested, the Commissioner, for some reason best known to himself, felt that he must follow out to the letter the views of that minority, it would be strange to find him recommending as strongly as he does in this report that there should be a National Register. He comes down very firmly on the point and this, noisy minority, if I am remembering correctly what was written in some of these pamphlets, was opposed to there being a National Register. I say this in fairness to the Commissioner and I say in fairness to him that he was under no obligation whatever to report in any

terms on this issue. (Hear, hear.) He had a job of work to do and he, believe me, is not a man who would be dictated to before he started doing it. Another general point which has been raised by more than one member, refers to the number of persons who came forward to give evidence. It has been suggested that the Commissioner would have a very different impression of what the country really wanted if more people had come forward, particularly if those who like the present law as it stands had come forward and told him so and told him their reasons for holding this view; but I do not think one can blame the Commissioner because people who had views on this matter—and quite a lot had views on it, I am told, about a year ago—did not come forward and give him the benefit of those views, and I really was quite astonished at the suggestion made by the hon. Member for Nairobi South, which, I feel, is unlikely to be appreciated by his constituents, that because there was a law in existence, the Registration of Persons Ordinance, it never occurred to them that this law was likely to be altered and, therefore, it would not be likely to occur to them that they should come forward and give evidence to the Commissioner, suggesting it should be maintained as it is. It seems to me, having regard to the fuss and bother which took place a year ago, that no intelligent person whatever could have assumed it was a *fait accompli* that the present ordinance would remain without any recommendation being put forward for its amendment. I was not here when the matter was debated, but it is perfectly clear from the Hansard record of the debate that every member in Council thoroughly understood that the whole point of the appointment of this Commissioner was to inquire and to see whether there was any practicable and unobjectionable alternative to finger printing and it is quite incredible to me to suggest that anybody, after that debate and after the newspaper reports of the debate, could possibly have assumed that nobody would suggest amending the law or that it was a *fait accompli* that the Commissioner would recommend no change. Another general point that I would make refers to the recommendation that there should be a National Register. The only hon. member who still feels in doubt on that point was the hon. Mr. Patel and he stated—he

[The Acting Chief Secretary] may know this and I am not contradicting him—that the Government of Tanganyika and Uganda got along very well indeed without a National Register. Well, that may be so, but I am not aware that this is the official view of the Governments of these territories. I may be quite incorrect, but I am certainly not in a position to confirm the correctness of the hon. member's statements. I would also like to refer to the recommendations in this report about the voluntary record of employment—I prefer to call it that because I know that "Kipande" is not a word which is at all appreciated by Africans—on these recommendations I would say, having regard to what the hon. members representing African interests have said, that the Commissioner had no doubt whatever, as has been said by other speakers, that there were a large number of Africans who badly wanted some form of voluntary record of their employment; and it seems to me quite outrageous and to be a "dog in the manger" attitude, to say to those good workmen, and there are plenty of them, that because some people do not like you to be able to prove how good a workman you are, you are to be denied any form of proof. It just does not make sense, and I cannot see myself that there is any difference between that voluntary record of employment and a perfectly ordinary testimonial without which no officer, for instance, is ever admitted to the Colonial Service. As I see it, a voluntary record of employment is a testimonial and that anybody who wants to have a testimonial from an employer ought to be entitled to have one, and I do not see that there can be any serious objection whatever to that recommendation. I would emphasize, though it has been emphasized before, that it is a voluntary record. Nobody who does not want it need have it. It is not going to be pressed on anybody, but so far as I am concerned, it will not in future be denied to anybody that wants it.

I might also, perhaps, just say, and I do not see why I should not, in view of the fact that the hon. Member for African Interests, Mr. Mathu, has said that he and his colleagues gave evidence before the Commissioner and were strongly opposed to any alternative to finger-printing—and as I do not think the Commissioner would take any objection to my saying it, that I understand that when discussing

this particular question about the voluntary record of employment, those hon. members in this Council who do represent African Interests gave evidence before the Commissioner and informed him that this proposal was in their view without objection. I do not quite know what can have happened since to have caused them to change their minds.

Now Sir, there are, I think, one or two points that I should take up arising out of the speeches which have been made. No member of this Council is of course, automatically committed to accept any recommendation by any Commission which it may set up; but all that has been said on this side of Council by myself, when I moved the motion, by my hon. friend the Member for Agriculture and, I think, the Member for Commerce and Industry, is that when you do appoint a distinguished person to do a very difficult job of work, it is at least reasonable to give a run to the solution which he, after great care and trouble, sees fit to put forward, and nobody on this side of Council, and certainly not the Member for Trans Nzoia has suggested that because a recommendation has been made, there is any automatic requirement of this Council that that recommendation shall be accepted. Mr. Mathu certainly did not undertake last August that he would accept any recommendation that might be put forward by the Commissioner. No one would have asked him to do so but the hon. member was perfectly well aware that the whole purpose of that Commission was to see whether any alternative to finger-printing could be found; and if, as he would have had us believe when speaking to this motion, he felt that because this Council had passed an Ordinance in 1947, and because as he emphasized very strongly, Government had instructed the Labour Department and its officers to go round the country explaining that law—that because of all these things there should be no question of considering at a later date any amendments to that law, then it seems to me that the only possible line he could have taken a year ago was to oppose this investigation, but he did not do it, and I am quite unable to be persuaded that any member of Council did not fully understand what the purpose of that Commission was. I have been told that the Government, and I take the greatest umbrage at this, that the Govern-

[The Acting Chief Secretary] ment will be accused of breach of faith because its officers in 1947 and 1948 went around the country explaining a law which had been passed by this Legislative Council. If at some future date this Council should seek to amend it, and if such a thing should happen, then it would be the duty of those same officers to go round the country and explain once again what were the wishes of this Council. Why there should be any question of breach of faith in explaining to the country the laws which this Council, had passed and any possible amendments which this Council might later wish to make to those laws, I completely fail to understand. Anyhow, as regards the Government position in this matter, it has been made perfectly clear by myself already, by my hon. friend the Member for Agriculture also, and by the hon. Chief Secretary last year, that we were completely content with that 1947 Ordinance and it is down here in black and white in the record of that debate.

The hon. Mr. Mathu talked about the Commissioner having been forced into a situation where some people wanted an alternative system of registration, and again a little lower down "but as the Commissioner was forced by a minority to produce an alternative. . ." There was no such compulsion at all and the Commissioner has made it perfectly clear in his report that amongst the witnesses who advised him and urged very strongly that there should be some alternative to finger-prints were members of the African, Asian and European community. He has gone further and he has told me—and it may be of interest to hon. members to know this—that if the witnesses who appeared before the Commissioner were divided into communities, and if the proportion of those who favoured an alternative to finger-printing were collated separately for each community, the highest percentage of persons urging an amendment to the Ordinance would not be the Europeans.

The hon. Mr. Mathu asked "What are the Africans going to say about the promises Government gave to them when they went round, through the Labour Department, explaining their intentions to them?" If there should be any question of amending the law, those same officers

will do their best to explain the reasons why the law has been changed. That is their duty. And I very much hope that it will not come about as he says, that the Labour Department and Government or anyone else concerned with this issue will be accused of a breach of faith.

The hon. Mr. Mathu also objected that there was something of a criminal tint in finger prints. Well, I do not know, I am one of those who, possibly because I was away last year, have not yet been registered. But I propose that I shall be registered, and nothing in this world will induce me to sign any more forms than I already have to sign in my present employment! And I shall be extremely offensive if anybody suggests to me that because I put my finger-prints down there is any criminal tint about me. (Laughter.)

Are we as a responsible Legislative Council going to set our faces against a procedure or some useful innovation for Government purposes just because in an emergency the Police, when looking for criminals, might be able to take advantage of that procedure? I personally think it outrageous to suggest such a thing, and indeed, if we here, or anybody else, are going to object to anything in the registration arrangements which might in an emergency be useful to the Police, we could produce precisely the same argument about the photograph. I do not see how one can really attach any importance to that particular point.

The hon. Mr. Mathu, looking fearfully at me, as I then was Member for Education, said "All Africans throughout the country want to have English teaching so that they can be exempted from this Law". Well, he may think that I need more English teaching, but I have no intention of seeking exemption from that law, and on this point those Africans who either would not want or would be unable to avail themselves of this alternative method of registration which has been suggested would be no worse off, they would be in precisely and exactly the same position as they are under the Law as it now stands. As regards our plans for educating them, I would only say now to my hon. friends opposite that they will have every opportunity next week of approving plans for doing precisely that.

**[The Acting Chief Secretary]**

On the question of a second best, I would only say that Sir Bertrand Glancy has put forward this alternative as something which, in his view, is perfectly practicable. That was what he was asked to do.

My hon. friend Dr. Rana was a little nervous of the possible consequences of his being asked to be a sponsor. But I will remind him that what the Recommendation of the Commissioner says is this: "That the sponsor should be required to certify something to the best of his knowledge and belief". I have not, as I possibly should have done, consulted my hon. and learned friend on my left about this, but I hope he will agree with me when I say that I do not think that, having regard to the terms of that Recommendation, the hon. Member will have to arrange to be present at the birth of everyone of his constituents who might later ask him to be a sponsor!

On the questions raised by Mr. Jeremiah as to why any special arrangements are necessary in the case of aliens, I would suggest that there is nothing really very surprising about this. There are many varieties of aliens in our midst, some of them very delightful and charming people, and perfectly good and admirable citizens. But this is not necessarily so of all of them, and at a time like the present I think probably hon. members will agree that it is not unreasonable that aliens should be required to comply with the provisions of the present law. (Hear, hear.)

The hon. Mr. Ohanga asked me very pointedly whether it was true or not that statements were made that the Government would see to it that this law requiring finger-prints should be applied to all communities alike. I have already explained why Officers of the Labour Department a year or more ago went round the country explaining the law, and I do not think I need refer any more to that subject. I do not think also that I need discuss now any of the other points raised by hon. members, except to say that where suggestions have been made those suggestions will be carefully considered by Government before we come to the next stage in this issue, that of preparing legislation.

It is now necessary for me to explain what is the attitude of Government to this Motion now that all those members who

wished to speak upon it have had their opportunity to do so. I would repeat that the reason this motion was brought forward was that the Government believed that in doing so it would be complying with the wishes of all hon. members opposite who had all been in agreement with the appointment of the Commission. Now, we have heard what the views of hon. members are. What we do not yet know is whether any hon. members who have already spoken have in any way changed their minds on this matter in the light of what has been said by other members, or in the light of anything which I have said during this speech in reply to the debate. We therefore propose that this motion shall be put to the vote, and Government members will vote in support of it. In saying that, I must just refer to a suggestion—I will not put it any higher than that—that came from the hon. Member for Nairobi South. I think he actually made a demand that certain constituents of his—of whom I am one—on this side of the Council should be allowed a free vote on this issue. On that, Mr. President, I must be entirely flat-footed, and state that as for the time being, Leader of the Government, that demand is something which I could not possibly in any circumstances accept. We on this side have responsibilities to govern, though we are in a minority in this Council. That alone sometimes makes things difficult for us. But if I was to be told that I must on any particular issue give to members of my small team an opportunity to do as they like and to vote freely on a Government motion, then, I am sure that hon. members will agree with me, the situation would be quite impossible, and completely intolerable.

I would also explain that the reason why we have brought this motion, and the reason why we shall support it as a Government, is that we want to know precisely, and we shall only finally know this in the light of figures on a Division, exactly what are the views of the hon. members opposite on this issue. I want also to make it absolutely clear in case there should be any possibility of misunderstanding that Government will consider itself as entirely free in framing the policy which will be reflected in the draft legislation, which would have to be passed into law to give effect to any of the recommendations in this Report.

MR. ERSKINE: Explain what that means.

THE ACTING CHIEF SECRETARY: I will try and explain what that means. If this Report is accepted by this Council, it is for Government then to consider the next stage. The next stage is the preparation of legislation, which would have to be brought before this Council under the terms of our constitution before the Registration of Persons Ordinance could be amended. Is that clear? As soon as we can, we shall come forward with a Bill for consideration in that Council. But we are not as a result of this Debate committed in any way as to the provisions which will be put into that Bill.

MR. COOKE (Coast): Mr. President, on a point of order, I did not like to interrupt the hon. gentleman, but was he in order in mentioning evidence which was not available to this Council? Was he in order in mentioning that?

THE PRESIDENT: I was not aware that the hon. Member had said anything that was not in order. I rule that he was in order in saying what he did.

MR. CHEMALLAN (African Interests): It is not true to say that when the African members gave evidence before the Commissioner they accepted the presentation of the *kipande* as a voluntary employment record. That was not the case, Sir.

MR. COOKE: That is a point I raised, Sir.

THE ACTING CHIEF SECRETARY: May I say that all I said was that my understanding was that this particular recommendation in the Report was accepted by such of the hon. Members opposite representing African Interests as gave evidence as being without objection.

MR. COOKE: My recollection, Sir, was that Sir Bertrand Glancy had told them that that was what the hon. members had said in evidence.

THE PRESIDENT: I think the hon. Member was quite in order to say what Sir Bertrand Glancy had told him. He made it clear he had no knowledge of the subject except what the Commissioner himself had told him. The Commissioner

may have been mistaken in his view, or he may have somewhat misrepresented the situation, but I cannot imagine that was so. However, I think we must regard that incident as closed.

The question that the Report be adopted was put and carried on a division by 25 to 10: Ayes—Messrs. Anderson, Carpenter, Cavendish-Bentinck, Cooke, Davies, Gherstie, Gillett, Gossage, Hartwell, Havelock, Hobson, Hope-Jones, Hopkins, Keyser, Matthews, O'Connor, Padley, Patrick, Pembridge, Preston, Rhodes, Lady Shaw, Messrs. Thornley, Usher, Vasey, 25. Noes—Messrs. Chemallan, Erskine, Jeremlah, Nathoo, Ohanga, Patel, Rana Sagoo, Sallim, Shatry, 10. Did not vote: Mortimer. Absent: Messrs. Mathu, Pritani, 2.

**ADJOURNMENT**

Council rose at 12.55 p.m. and adjourned till 9.30 a.m. Thursday, 17th August, 1950.



**Thursday, 17th August, 1950**

Council assembled in the Memorial Hall, Nairobi, on Thursday, 17th August, 1950.

The President took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

**MINUTES**

The minutes of the meeting of the 16th August, 1950, were confirmed subject to the correction of the following omission at the foot of page 3 against clause 2 of the Excess Profits (Amendment) Bill which should read: "The hon. Attorney General moved: That clause 2 be amended by substituting for the figures '33' the figures '32' and in the marginal note substituting for the figure '33' the figures '32'."

**PAPERS LAID**

The following papers were laid on the table:—

By THE ACTING CHIEF SECRETARY:  
Sessional Paper No. 1 of 1950.

By THE ACTING SECRETARY TO THE TREASURY:  
Schedule of Additional Provision No. 1 of 1950.

Schedule of Additional Provision No. 2 of 1950.

**NOTICE OF MOTIONS**

THE ACTING CHIEF SECRETARY gave notice of the following motion:

That this Council approves in principle the report of the Committee on African Education in Kenya as modified by Sessional Paper No. 1 of 1950.

THE FINANCIAL SECRETARY gave notice of the following motion:

Be it resolved that a sum not exceeding £150,000 be made available from the general revenue and other funds of the Colony as a loan to the East African Airways Corporation; that such loan shall be covered by the issue of stock bearing interest at not less than 3½ per cent per annum and subject to redemption in not more than 25 years from the date of issue and shall be secured against assets of the Corporation.

THE FINANCIAL SECRETARY gave notice of the following motion:

That this Council approves recovery being waived of the sum of £1,936 0s. 60c. advanced under the provisions of the Farmers' Assistance Ordinance, 1936.

**BILLS****FIRST READING**

On the motion of the Attorney General, the following Bill was read a first time: The Exchange Control Bill.

**PUBLIC ORDER (AMENDMENT) BILL****SECOND READING**

THE ATTORNEY GENERAL: Mr. President, I beg to move that the Public Order (Amendment) Bill be read a second time. This is a short and simple Bill which will provide a penalty up to six months' imprisonment or a fine not exceeding Sh. 1,000, or both, for contravention of sections 4 or 5 of the Public Order Ordinance, 1950. Those sections deal respectively with the carrying of offensive weapons at public meetings and offensive conduct at public meetings. A penalty for contravention of those sections should have been provided in the principal Ordinance, but it was omitted by an oversight. That came about as follows. It was originally intended to put those sections in by way of amendment of the Police Ordinance. The Police Ordinance contained a general penalty section which would have covered those sections. It was afterwards decided to take them out of the Police Ordinance Amending Bill and put them in a Bill by themselves, and it was then overlooked that it would be necessary also to transfer the general penalty section.

Offences against section 6 of the principal Ordinance will normally be dealt with under that section, and section 126 of the Penal Code, which does already provide a penalty.

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

MR. PEMBRIDGE: Mr. President, as Government is aware, before a public meeting can be held it is necessary to obtain the consent of the senior police

[Mr. Pembridge]

officer in the district in which the meeting is to be held. It has been represented to me that at certain meetings held lately in Eldoret certain groups of members of the public appeared at those meetings carrying light sticks and it is feared that this action has influenced the conduct of the meetings. Will Government provide by regulation under this Ordinance, or the appropriate Ordinance, that the police officer responsible may, at his discretion, when granting permission for a public meeting to be held, make it a condition that all sticks and other implements of like nature shall be left outside the place of meeting. In my opinion, Mr. President, it is better to avoid breaches of the peace than to prosecute afterwards.

THE ATTORNEY GENERAL: Sir, the point raised by the hon. Member for Uasin Gishu arises, I think, more appropriately under section 30 of the Police Ordinance, than under the Ordinance which is at present before the Council. That is the section which authorizes a police officer to impose conditions, and I will certainly draw the attention of the Commissioner of Police to what has been said by the hon. member, and suggest that that matter should be borne in mind when conditions are being imposed. I do not think, sir, subject to your ruling, that it strictly speaking arises in considering this Ordinance, but I trust that the assurance I have given will satisfy the hon. member.

The question was put and carried.

**NATIONAL PARKS (AMENDMENT) BILL**

MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. President, with leave of the Council I would rather, if I might, postpone the second reading of this Bill, because a matter has arisen this morning, which I have not had time to give consideration to, which may mean an extra amendment.

THE PRESIDENT: Unless any member is against it, I propose to grant the Member of Agriculture permission to defer the reading of this Bill to a later stage. The leave is granted.

**SPECIAL PENSIONS BILL**

THE ACTING SECRETARY TO THE TREASURY: Mr. President, in introducing the second reading of this Bill I am afraid that I must ask hon. members to give some consideration to what is now largely a matter of past history. The Kenya-European-Civil-Service and Kenya Asian Local Civil Service were formed in 1935. Before that time the only superannuation arrangements available to officers of the Government were either "free" pensions or gratuities depending on the terms of their appointment. When these services were introduced it had always been the intention that members of them would be able to qualify for pensions on a contributory basis. Contributory pensions funds of course have to be framed on actuarial principles, and the Government Actuary requires a considerable amount of information before he can advise regarding the rates of contribution, the pension constant and other relevant matters. It was known it would be some time before contributory pension funds could be established and, in the first instance, the two services I have mentioned were provided with Provident Funds, to which members were allowed to contribute, as a purely interim arrangement. In the meantime the information required by the Government actuary was being collected, but before the collection was complete we found ourselves involved in the second world war, and we were dealing with more important and pressing matters. It was not until after the war, in fact, in 1946, that the European-Civil-Service-Contributory Pensions Fund Ordinance actually came into operation. I am afraid the proposed new fund for Asians was never introduced.

To-day, however, with the introduction of the new terms of service under which all European and Asian officers of the permanent staff become eligible for free pensions, the European-Contributory-Pensions-Fund Ordinance has now become redundant, and the need for an Asian Fund Ordinance has disappeared.

In 1942, when it became clear that it was inevitable that some time would elapse before the Contributory Pension Fund could be set up an arrangement was made whereby officers retiring from

[The Acting Secretary to the Treasury] the Local Services could be awarded pensions on an interim basis by resolution of this Council. It was decided that these interim pensions should be based on the provisions of the Railway Superannuation Fund Rules which, to a large extent, would in fact have been our guide for Contributory Pensions Fund Ordinances, and indeed were, as far as the European Ordinance was concerned. Pending the Government Actuary's advice, however, it was decided in the first place that interim pensions should be only at the rate of three-quarters of the pension for which the officers would have qualified had they been retiring from the service of the Railway Administration instead of from the Government service. I am afraid this is rather conditional—I cannot help it. This in fact was the equivalent of a 1/800th pension constant, because the Railway Rules provided for a 1/600th constant. These interim pensions came into being for Europeans in June, 1942, and for Asians in May, 1943. Later, as a result of one of the recommendations of what is known as the Surridge Committee set up in 1943 to examine the terms of service of the Kenya European Civil Service, it was decided to abolish the three-quarters arrangement so far as interim pensions for Europeans were concerned, and from that time they were calculated on the 1/600th constant applicable to the Railway Superannuation Fund. Again, at a later date, it was decided to alter the Asian constant to 1/600th. This constant was chosen because correspondence with the Government Actuary had indicated that the proposed Asian fund would probably bear a constant of this order. A further recommendation of the 1943 Surridge Committee which was approved by the Government was that the arrangements for the award of interim pensions should be extended to all officers who had retired since the inauguration of the Kenya European Civil Service in 1935, provided, of course that they qualified. Still later it was decided that this extension should apply to Asian officers. For a variety of reasons, however, the extension of the arrangement was never actually put into effect, and no interim pensions have in fact been awarded to officers who retired earlier than June 1942.

This Bill, sir, seeks to provide for the confirmation by Ordinance of some of the pensions already awarded on an interim basis, for confirmation combined with adjustments of others, and again for the initial award to those who, it is felt, should have been, but have not in fact been, awarded interim pensions. The officers who will be affected by this Bill are named in the schedule.

To recapitulate very briefly, each of these officers retired from the service between the inauguration of the Local Civil Services in 1935 and the 1st January, 1946, when the new terms of service came into operation. Each of them would have qualified for a pension if the proposed Contributory Pensions Fund Ordinances had been enacted before they retired. The pensions which they will receive in accordance with the provisions of this Bill are the same as they would have received under the proposed Contributory Pensions Fund Ordinance. As far as the specific provisions of the Bill are concerned, it will be noted that, subject to a few overriding provisions, the Bill has been linked with the Pensions Ordinance, 1950. These provisions are necessary to bring the pensions into line with those which would have been paid under the Contributory Pensions Fund Ordinances if the Ordinances had been in operation before the officers retired. It will be noted from clause 7 that the pensions which are to be awarded under the Bill if it becomes law are to be in lieu of any interim pensions already awarded by resolution of this Council and any Provident Fund moneys or gratuities which officers received on their retirement from the Service will of course be refunded. The pensions are therefore in fact contributory.

I hope, sir, there are no other points on which hon. members would like me to make special comment, fascinating as this subject may be, but I commend the Bill to the Council for its favourable consideration.

THE MEMBER FOR COMMERCE AND INDUSTRY seconded.

The question was put and carried.

#### BILLS

##### IN COMMITTEE

THE ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider

[The Attorney General] clause by clause the following Bills: the Public Order (Amendment) Bill and the Special Pensions Bill.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

Council in Committee. The Bills were considered clause by clause.

*The Public Order (Amendment) Bill*

The question was put and carried.

*The Special Pensions Bill*

The question was put and carried.

THE ATTORNEY GENERAL moved: That the Public Order (Amendment) Bill and the Special Pensions Bill be reported back to Council without amendment.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

Council resumed and the Member reported accordingly.

#### THIRD READING

THE ATTORNEY GENERAL moved: That the Public Order (Amendment) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read accordingly.

THE ATTORNEY GENERAL moved: That the Special Pensions Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.

The question was put and carried and the Bill read accordingly.

#### MIRAA CONTROL (AMENDMENT) BILL

##### SELECT COMMITTEE REPORT

THE CHIEF NATIVE COMMISSIONER: Mr. President, I beg to move: That the report of the Select Committee appointed to examine the Miraa Control (Amendment) Bill, 1949, be adopted.

Hon. members will recollect that the existing Miraa Control Ordinance of 1946 provided that no one could sell or deal in or cultivate or consume Miraa without a permit in writing either issued by the District Commissioner or, in certain instances, by the native authority of the Meru or Embu districts. The

purpose of the Bill which was considered by the Select Committee was to tighten up those existing regulations so that, in fact, Miraa might only be possessed by people in the Embu and Meru districts who had permits so to do. Under the proposed legislation there were provisions for stringent control in enforcing this prohibition. The reasons underlying these provisions were first, that Miraa had an extremely injurious effect and this injurious effect has, in fact, been widespread all over the country; and secondly, that there had been a great increase in the cultivation and use of Miraa in the Meru district, and that both these aspects required control. Now the Select Committee took evidence upon these points and the hon. Member for Aberdare took great trouble. He went to Meru and went into the conditions obtaining there on the spot and made a very valuable report to the Select Committee. As a result of their deliberations and examination of the evidence that they heard the Select Committee came to various conclusions. These were first of all that the injurious effects of Miraa had been in fact overstressed and over-exaggerated, except in so far as Miraa seemed to affect the tribesmen of the Northern Province. Secondly, they came to the conclusion that the control of Miraa, as it had been attempted under the provisions of the existing Ordinance, 1946, has in fact led to the creation of a black market. They also came to the conclusion that existing African customs in the Meru District did provide for adequate control of the use of the plant although they thought that it might be as well to bolster up and strengthen this existing custom by the local African District Council by laws.

As a result of those findings the Select Committee have made specific recommendations, and those recommendations are these: First, that the Miraa Control Ordinance, 1946, be repealed. Secondly, that the Miraa Control (Amendment) Bill, now before this Council, be withdrawn. Thirdly, that the Embu African District Council be invited to pass a resolution similar to that already passed in Meru, which confines the use of Miraa to certain age grades and prohibits its use to young people. Fourthly, that both the African District Councils in Meru and in Embu should

[The Chief Native Commissioner] be invited to pass by-laws which would control the planting of new Miraa trees. Finally, that in so far as possible the use and possession of Miraa should be prohibited in the Northern Province.

Now, if those recommendations are accepted by this Council it will be necessary for a Bill to be prepared and presented to the Council, first of all to repeal existing legislation on the subject, and also to provide for the prohibition of the use of Miraa and possession of it in the Northern Province. These conclusions, Mr. President, are conclusions which have been reached—factual conclusions which have been reached after the Select Committee took all the evidence they could on the subject, and I would commend them to the approval of the Council.

Before I sit down I would like to take this opportunity of thanking my hon. friend the Director of Medical Services for taking the Chair of this Select Committee at extremely brief and short notice. I would also like to thank the Member for Aberdare for all the trouble he took on the subject in going to Meru and writing a very comprehensive and extremely useful report. Finally, I would like—I think I can do this without reproach—I would like to comment upon the form the report took. It was most convincing. As I had no part in it myself or in the deliberations of it, I think I might say that without reproach: Mr. President, I beg to move.

THE ATTORNEY GENERAL seconded.

SHERIFF ABDULLAH SALIM (Arab Interests): I want to know, sir, whether Miraa and Murungu is one and the same, or is it different. The word used for Miraa is Murungu, and unless that word is included in the report of the Bill I do not think it will have any effect, because it will just have a different name altogether.

CHIEF NATIVE COMMISSIONER: Mr. President, Miraa means the shrub *Catha Edulis*, and includes any tree, plant, leaf, stem, shoot, or any derivative or allaloid thereof.

The question was put and carried.

## INFORMATION SERVICES

### SELECT COMMITTEE REPORT

MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Mr. President, I beg to move that Sessional Paper No. 2 be approved in principle.

This Sessional Paper, sir, deals with the report of the Select Committee of Inquiry into the Information Service, which resulted from a motion by the hon. Member for Trans Nzoia in August last.

MR. HAVELOCK: Mr. President, is the hon. Member in order? I understand that this Council approves the principle of the Select Committee on the Information Services as modified by Sessional Paper No. 2. He did not say that, he did not say that he was moving that.

THE PRESIDENT: At this stage the motion is in the hands of the hon. Member himself, and I believe I am right in saying that under Standing Rules and Orders he may amend the phrasing provided he does not alter the sense.

MR. COOKE: Only by consent of the Council, sir, surely?

THE PRESIDENT: We will ask the hon. Member which are the words he will adhere to.

MEMBER FOR HEALTH AND LOCAL GOVERNMENT: I adopt the words on the Paper, sir.

I think, sir, that I moved that the Sessional Paper should be approved in principle, and that is, sir, what I am moving. This—as I was saying when the hon. Member for Kiambu so sharply interrupted me, sir—the result of the motion by the hon. Member for Trans Nzoia in August last. The Select Committee Report was laid on the table of this Council and Government had to consider its attitude towards that report. Finding that it was unable to accept the report as a whole, it has adopted the policy of laying a Sessional Paper which modifies in one or two respects only the recommendations of the report.

I think, sir, the first thing to be done is to turn to page 6 of the report, chapter V, in which the Select Committee laid down what it felt were the principles on which the Information Services should be operated.

[The Member for Health and Local Government]

"We accept the view held by His Majesty's Government that the provision of adequate machinery for information work is an integral part of modern Administration."

That, sir, is accepted by Government. It is interesting and I think perhaps wise to put on record the following remarks:

"We also consider that it is essential to ensure that the machinery installed in Kenya is suitable to the peculiar needs of the country, with its multi-racial composition at different cultural levels; and its varying and limited Press channels. We have had to take into account the problem presented by limited funds, and unlimited opportunities for instruction in the African field; and are very conscious of the number of services of a desirable nature which could properly be deemed part of the functions of an Information Organization, but for which it would be impossible, in our view, to provide funds."

That, I think, sir, shows the attitude that the Committee has adopted and would, I suggest, underline their remark in chapter 4, that many criticisms levelled at the Information Service relate to failings to achieve objectives not within the scope of the Organization as constituted. Nevertheless, there is evidence to conclude that the Information Service, having regard to the establishment and funds available, has not fully achieved its objectives.

At that point, sir, the Committee moved to its next conclusion:

"We believe that in the circumstances outlined above, it is necessary to concentrate on providing a machine geared appropriately to the task of promoting the accepted policy of raising the standard of living of the majority of the inhabitants of this country as soon as possible, and to the maintenance of tranquillity and good relations."

They have, I think, sir, in that sentence disposed of a lot of the idea that the Information Service should indulge in propaganda, and they have pinned the idea of an Information Service down to its proper focal point, I think, the provision of information and assistance in

raising the standard of living of the majority of the inhabitants through its educative and instructional process.

I think, sir, it is important to move then to paragraph 3 on page 7.

"We believe that in order to maintain tranquillity and good relations, it is of first importance that the policies, actions and future intentions of the Government should be conveyed to the public; and that on the other hand, the Government should be apprised of public opinion, as far as this is possible, on all matters of importance."

I think, sir, that no one can disagree with that, that the object behind the Information Services must be to inform the people of the policies, the actions and the future intentions of the Legislative Council. Of course, whilst a Government is in a minority, the policies adopted are indeed the policies of the Legislative Council.

Government so far has had no reason to disagree with the conclusions of the Select Committee. They make, I think, one very important statement when one comes to consider at a later stage the manner in which they have suggested these Information Services should work:

"We believe that the responsibility for making known the Government's policies and achievements must rest with the Members; and that as the membership system grows, this responsibility will be more clearly recognized and accepted. It is suggested that the Administrative Secretary, who is in attendance on the Executive Council, should be charged with the responsibility of bearing the publicity aspect in mind during the Council's deliberations, and of representing the case for publicity to Members on appropriate occasions."

I think, sir, that contains something of importance, because it is obvious that when the Committee later recommended the establishment of the Press Officer, they did not intend that the Press Officer should stand between the Member responsible for any particular portfolio or group of portfolios and the Press. And I think that that is a very important factor in establishing a true basis of relationship between the Press and the Government.

[The Member for Health and Local Government]

It is obvious, sir, at this point that the Committee began to realize that these Services, if they were to fulfil the objects enunciated in the paragraphs I have just read, should be split into two groups, and on page 7, under chapter V, I find the idea emerging, the Functions of a Press Officer. The Committee came to the conclusion that a Press Officer was required for the functions set out in chapter V, paragraph 4. They felt that that Press Officer should be accommodated in the Secretariat, and not be part of the Information Services, which at a later stage they recommended should be called the African Information Services. They say that it should be no part of his duty to provide up to date news for overseas, and he should not come between the Press and Government offices. It is on this point of the provision of up to date news for overseas that some considerable debate has taken place. It is, I think, recognized that it is not the duty of Government as Government to turn itself to the provision of what I think during the deliberations of the Committee was so often called "hot" news. And with that view Government concurs. But of course Government believes that it is essential that there should be someone who should have the duty of seeing that the facts about the country, the country's development and the country's policy, should be available for overseas publication. A large proportion of that is, I think, met by those annual reports which emerge from departments every two or three years. (Laughter.) Those reports are, however, dry reading, and not presented in the form that is likely to receive publicity in newspapers overseas. And Government is of the opinion shown on the Sessional Paper on page 3, paragraph 3, when it says:

"Government considers that in addition to these objects, the European and Asian people of Kenya and the people of England should be kept informed of Kenya problems and policies."

It may be argued that this to some extent covered and was in the minds of the Select Committee. But I think it is wise to emphasize it in view of the statement made in paragraph 9, page 9, of the report that—

"such funds as can be devoted to the Information Service should primarily be utilized in the African field."

One feels that it must qualify that to the extent that I have mentioned.

Having agreed that a Press Office should be appointed, and having agreed that he should be stationed, as it were, spiritually as well as physically in the Secretariat, we see that he is to be divided to a large extent from the second branch of the Committee's proposals for an African Information Service. The Committee felt, fairly obviously, that there was some reason to believe that the Information Services had lacked Central direction. They have made a suggestion in their report that there should be a sub-committee of Executive Council which should meet once a year with the recommendations of the Provincial Commissioners and the men in the field before them, and that that sub-committee should decide upon the programme of work which the African Information Service should undertake during the year. That is a proposal which Government accepts.

They also went on to point out that every Government officer in the field is to some extent a Public Relations Officer, and that all have a part to play in the instructional sphere. That, I think also is, and has been in the past, accepted as part of the duty of every Government officer.

Having dealt with the Central direction through a sub-committee of Executive Council, the Select Committee then dealt with the point of district teams. They laid emphasis on the fact that a large amount of work should be done through district teams. And there is no doubt in the minds of the Government that as much work as possible of this kind should be done through the district teams who are in direct touch with the people; it is intended to reach with this information.

The next point is one which has already been discussed by this Council on a previous occasion, and agreed—that is that a Government vernacular newspaper should not be set up as long as there is a reasonable expectation that reputable papers in the vernacular will be published; that the position should be reviewed in a year's time. Not so long

[The Member for Health and Local Government]

ago this Council came to the same conclusion, and there is apparently in the opinion of the Committee no need to move further along those lines at present.

They then refer to, however, a particularly valuable activity that has been increasing in size, in the provision of district news sheets. They respect the opinion that it should be the policy to retain Government control over district news sheets while endeavouring to make them self-supporting, that has already been the policy of Government, and Government will be only too glad to continue it.

On the next point there is a slight modification, and that is that the present mobile cinema vans should be replaced by light portable units controlled by the district teams. Government of course agrees with that as a policy, but it does feel that with the present vans in existence it would be wasteful to wipe them out by the stroke of a pen. It therefore proposes, on grounds of efficiency and economy, that the existing vans should continue in service, but should be replaced by light units as they wear out. The aim would be the provision of a light unit for each district of any size. One of the existing type of vans should be retained for use in the Settled Areas. I think so far it can be said that in fact where there has been a modification of any kind it has been a slight modification which need cause no member of this Council any qualms. (MAJOR KEYSER: Question.)

However, when we come to the next one it is quite possible there may be a slight divergence of opinion. Paragraph 6 on page 4 of the Sessional Paper, or paragraph 23 on page 19 of the Report, points out that the Committee recommends that "the Photographic Section should be abolished and photographic needs met by resort to photographic firms and the efforts of officers in the field". Government has considered this point extremely, carefully. It has, after a lot of investigation and discussion come to the conclusion that it would be unwise at this stage to accept such a recommendation. The grounds for Government not accepting that particular recommendation are two, both of

which I feel sure will appear to hon. members opposite. One is economy and the other is efficiency, because, of course, unless a unit is both economic and efficient it is extremely wasteful of the public funds. It was obvious that the hon. members of the Committee were thinking of resort to private enterprise as being something which could fill this particular need. However, the Government went into the matter perhaps a little bit more in detail than did the Committee of which I was a member, and they found that for the type of film strip produced by the Information Office, when they produced them—

MR. HAVELOCK: When did they?

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: They have produced them—the hon. member knows that. They found that for a film strip produced for a tea estate in this country for a comparable number of photographs the cost was £150. That meant that some twenty-four film strips would cost some £3,600 plus the additional cost of maintaining for other work people on the staff, inasmuch as you could not merely say to a commercial photographer, "Go out and do a film strip". You would, of course, have to have somebody to see the job through; to write the scenario, to test the result of the work. It is therefore felt that on the grounds of economy in this particular branch, which I think all members agreed was one of the most efficient branches in its conveying of information to the African—the Film Strip branch—that in regard to that alone, from an economic point of view, the Photographic Section should be retained, but there is also the question of efficiency. (Hear, hear.) I doubt whether it is possible to get any man efficient unless he knows his subject. I think even the hon. members opposite would feel inclined to agree that a knowledge of a subject on which you are working is a great aid to efficiency. The commercial photographer would be thrown into the field to take photographs, working spasmodically and without full knowledge of the object behind the exercise, the best points at which photographs could be collected, and those photographs which would best reach the people concerned. This is a subject on which I can speak with a reasonable



[The Member for Health and Local Government]

amount of personal knowledge, since, for a long time I had something to do with the entertainment industry and one of the greatest mistakes that was made in the opening phase of film propaganda to what I might call immature groups of people was to assume that they reacted in exactly the same way to the same type of film as did a more advanced person. It was the experience of the Colonial Film Unit, for instance, that the moving picture which conveyed an idea to an advanced European audience did not convey the same idea to an immature African audience. A completely different technique was necessary—the movement had to be slowed up considerably in order that the mind of the more immature group of people could grasp what was needed.

MAJOR KEYSER: Mr. President, I do not want to interrupt the Member, but I am getting a little bit confused. Are these the views that as a member of the Committee he expressed to the Committee when he was sitting on it, or are they views which have occurred to him since?

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: These are the views which have occurred after further consideration—and investigation. (Laughter.) If I may say here, sir, since it is obvious that the type of hit that the hon. Member for Trans Nzoia and the hon. Member for Kiambu have tried to make against my changed position will occur often, I would remind them there was a time when I sat on the opposite benches and I can only say that in some degree I saw them as "through a glass darkly". If, therefore, I now put forward a more enlightened type of argument, they must admit that it is a tribute to the Information Services I am trying to argue should be provided. (Laughter.)

So, sir, the commercial photographer cannot, I think, be employed as efficiently on this particular work, if one looks beyond the provision of the actual photograph. I am not saying that quality for quality the commercial photographer would not be as good, or even better. I would not like hon. members to fall into that particular trap, but I would say, having regard to the eventual object—and that after all is the test of whether

the money is usefully spent or wasted—the effect it has on the mind of the recipient—having regard to that, the photographer who works all the year round by the side of the man in the field by the side of the man in charge of the Information Services, who knows what he is endeavouring to get over to the people concerned, is more efficient in his achievement of the final objective than the commercial photographer can be.

I think, too, that there is another point which must be considered, and that is that one of the best things that the Information Service has been able to do with regard to overseas work has been to provide, very often free of charge, photographs of projects of development and work in this country for overseas organizations. If we were to attempt to get a commercial firm to provide a library sufficient to have all those subjects at hand when our friends and our critics from overseas want arguments confirmed or refuted we should, I think, find the price an extremely heavy one. Indeed, in 1949, the Photographic Section produced some 14,000 prints available for this purpose. I have no doubt, sir, that certain of the hon. members opposite feel that they must adhere to their feeling that the Photographic Section should be abandoned. I do suggest to them that, in the light of further investigation that has been made—

MR. COOKE: Who by?

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: By Government, and in the light of the information which they have been given, and in view of the fact that there are not sufficient commercial photographers available to send out on *safaris* of three weeks to a month at a time without a very high cost to the community, they should consider whether Government's arguments are not right, and there is not sound reason for the continuation of this section.

I now turn, sir, to broadcasting, and the Government agrees with the Select Committee on the question of broadcasting. It has already decided that the policy of concentrating broadcasting on towns shall be carried out. It is already investigating the possibility of radio diffusion. I think that those are the only important modifications that I would

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consider of major interest, but I think there is one which is likely to cause the hon. members opposite some concern and I will deal with it, although, in my opinion, it is largely a matter of administration. It is the statement at the bottom of page 4, that Government considers that the Executive officer of the Information Services should be directly responsible to the Commissioner for Social Welfare. My hon. friend the Chief Native Commissioner, who was outstanding in his work in the Information Office of this country during the war period and the immediate post-war period, will answer that point, but I myself would like to say that I believe that it is wise that the Executive officer should be made directly responsible to the man whose duty it is to see to the direction of social welfare. Now a lot of this information work, if we are to accept—as we do—the arguments, proposals and conclusions of this Select Committee in regard to Information Services, are distinctly of the social welfare type. It is for that reason that Government has recommended to this Council that the Commissioner for Social Welfare shall be responsible for the day to day co-ordination of what is called in the Sessional Paper "propaganda", but what I believe is information about what Government is doing for the social welfare of the people. The Commissioner for Social Welfare will, in his turn, be responsible to his Member, but as I have discovered since I came to this side of the Council, Members are busy people, and unless they have officers underneath them who can bring them co-ordinated picture of the work of one of their groups or one of their activities, a great deal of time is wasted which could be put to better use. I think it is an administration matter, and I give it as my personal opinion that the administrative suggestion made in the Sessional Paper is one well worth adopting.

Now, sir, in conclusion I would like to say I have talked continually about Information Services rather than propaganda. I have tried to point out that social services—the services of social welfare which are going on continually—are the things which should be the

basis of that information. It is not necessary, in my opinion, to indulge in propaganda. It is necessary, however, to tell the people of this country and of the outside world, the deeds that are being done.

Words cannot actually replace actual services. The real effort to improve the standard of living of any people lies in what you do and not in what you say—(hear, hear)—but in a modern world we have to accept, as did the Select Committee, that an information service is an integral part of the modern administration, that it is no good doing these things unless you go out and tell the people that they are being done, because unless it is pointed out to them what is being done, they who only see their own small fraction of the picture, who do not know what is happening to the right and to the left, grow discontented because they have a feeling of inaction. That is why Government believes and agrees with the Select Committee that Information Services are essential—that although words cannot replace actual services, they can explain the reasons and ideas behind what is being done and what is more important, at times, they can explain the reason why certain things cannot be done. They play an important part as an educative and institutional factor to help in the development of people. Information Services such as the line of those visualized now in the African Information Service, can by information about better methods of agriculture, by information about preventive steps and by hygienic steps in regard to public health, save us a lot of money in the time to come. From a medical point of view and from a Public Health point of view, I would say that it is no good just prosecuting people time after time because of uncleanness. If a policy is to be effective as a policy, but it—Public Health—must get down and explain to the individual those things necessary to protect, not only his own health, but the health of the community. In that aspect alone, I think that the Information Services have a great part to play. Its objectives should be not to indulge in propaganda, because we do not need it, but to place the facts before everybody, the African in particular because he has not access as have other races to a great quantity of literature

[The Member for Health and Local Government]

or to a balanced press in his own vernacular on any large scale. I believe that when all the facts are seen, then this country need not be afraid of judgment on a broad picture of what it has done and what it is trying to do as against the limited resources available, but the facts as facts must be made known, and it is because of that that I have moved that this Sessional Paper should be approved in principle, modifying as it does the report of the Select Committee of Inquiry in the light of what Government believes as essential to see the job carried through to the best of our advantage at the least possible cost. (Applause.)

THE SOLICITOR GENERAL seconded.

MR. USHER: Mr. President, I speak both as a Member of the Committee and upon instruction on behalf of my colleagues, the European Elected Members, I am to put certain matters before you in the light in which they and I see them, although the manner in which I put them will be my own. I should like to go directly to the modifications proposed by the hon. mover, on behalf of the Government, and to indicate what is the view of the not fully enlightened upon this side of the Council, who merely "knowing part and understanding part"—and first of all, may I take the modification in paragraph 2 on page 3 "Government considers that the Commissioner of Social Welfare should be responsible for the day to day coordination of propaganda": I think perhaps it will be convenient to read with it also, the last sentence of paragraph 7 on page 4, which reads, "Government considers that the Executive officer of the Information Services should be directly responsible to the Commissioner for Social Welfare". It is upon these two modifications that I think I may say we chiefly join issue with the hon. mover. Let there should be any confusion of thought, I think perhaps it is well to emphasize the fact that the Select Committee distinguished between information and, what I may call, instruction. That is, information in regard to the Government's intentions and activities and particularly in the sphere of Social Welfare, and instruction in such matters as hygiene and so on. I do not think that

throughout the report the word "propaganda" was used, but the hon. member has made quite clear what he intended by that term. Now it will be within the memory of hon. members that there was an exhausting and exhaustive debate upon the subject of welfare officers and welfare services during the discussions on the last Budget—I believe there was one the year before as well. I do not want to go over that ground, naturally, it is fresh in the memory of us all, but one point I want to emphasize, that is, whatever these officers were to be called, it was, I think, quite accepted by spokesmen upon the opposite side, that the welfare officers not only were, in fact, but could be considered in theory a part of the Provincial Administration. We do not, on this side, dispute at all, that members are busy people and that they cannot, perhaps, initiate all the activities, for which they are responsible, themselves, but we do feel that because they are busy, it is not to be an excuse for settling up what I should, personally, describe as some sort of "Imperium in Imperio". What the Select Committee's report envisaged and what I, personally, and I believe my colleagues, feel, is this, that the information side of the service, that is to say, as to Government's activities, should be, as it were, put across by a Press officer working in co-operation with the Administrative Secretary, who would be in a position to give him such information as was thought desirable as a result of the determination of policies in Executive Council. The Member for Administration would, at the same time, be responsible for the other side, that is, the instructional side, but it is the apparent divesting of responsibility to which we, sir, must object. I will pass from that to paragraph 3—"Government considers that in addition to these objects, the European and Asian people of Kenya and the people of England should be kept informed of Kenya problems and policies". We do not deny it, nor did the Select Committee. If I may refer to pages 7 and 8 and paragraph 4, I think that is well covered as part of the duties of the press officer for East Africa and that that modification is acceptable. Now for paragraph 4. That also, I may say, is acceptable on this side.

[Mr. Usher]

Paragraph 5, I think, is certainly acceptable provided, and I think the hon. mover did make this clear, that the existing mobile cinema vans should be operated by the teams. If that was not clear, I should like an assurance that that would be so. We agree that the vans should not be immediately replaced but that they should, at the same time, be operated by the teams.

Now as to paragraph 6, I think I had better refer, as the hon. mover did not see fit to do so—(hear, hear)—to the report itself, on this subject. Perhaps I may read from page 3, paragraph 3 (e)—Photographic Section—because it is on these facts that the Select Committee came to its conclusion.

"This section is geared to produce in 1950, 24 film strips and 15,000 prints for all purposes at an estimated cost of £4,322. The photographs are utilized for overseas articles and Press work, as well as for purely African use in film strips, picture sheets, and photo sets for wall display. Of these activities we were most impressed by the value of the film strips and it was therefore all the more disappointing to note that not one of these had been completed by the end of October, though 12 were in the process of preparation. We realize that the blame for this disappointing output does not entirely rest with the Information Office, but must to some extent be shared by the departments concerned with the script. We feel, nevertheless, that full value for the money provided was not obtained from the Photographic Section in 1949."

Now, sir, it has been suggested by the hon. mover that the photographer, if he were a commercial photographer, would not have at his disposal the knowledge which would be available to the present photographer and his section. I cannot understand that.

MEMBER FOR HEALTH AND LOCAL GOVERNMENT: If the hon. gentleman cannot understand perhaps I may be—I did not say that he would not have the knowledge available to him, I said, he would not have the knowledge in him, because he would not be continually at work on that subject.

MR. USHER: I do not think the present photographer can be said to

have the knowledge in him if he has to get it from somewhere else. The machinery has not been functioning properly but the hon. mover hoped now that it would function properly.

The allusion to motion pictures was a "red herring" if I may say so. We have already agreed, I think, that the African is better served by film strips than by moving pictures. It is really on performance that the Select Committee judged in this matter. I have not been at all convinced by the hon. mover's argument that we should not adhere to the recommendation of the Select Committee. The hon. mover in speaking to the last of the modifications to which I have already referred said one great saying, "It is largely a matter of administration". We want that part of it to be wholly administration.

THE PRESIDENT: Now it is two minutes to eleven. I think it is time for the break. Council will reassemble at 11.15.

Council adjourned at 10.58 a.m. and resumed at 11.20 a.m.

The debate continued.

MR. CHEMALLAN (African Interests): Mr. President, I support the Government Sessional Paper except on one point, where in the last paragraph on page 2 it says: "The time may come; however, when the legislature will have to consider granting powers to the Governor in Council to suspend papers guilty of deliberate and persistent misrepresentations of fact". (Chapter V, paragraph 17.) I actually put in a minority report on that view and in my report I entirely disagreed with the recommendation of the majority. I quite believe that at the present moment papers which persistently misrepresent facts can be charged in a court of law for sedition or deliberate misrepresentation. On the other hand I should regard this as an interference of the freedom of the Press, which I do not think is at all democracy. I believe that hon. members of Council will see some sense in my objection to that part of the report and will give some support. With the exception of that I entirely agree with the report and I support it.

MR. NATHOO (Central Area): Mr. President, I would like to support the argument by the hon. Member for

(Mr. Nathoo) Mombasa with regard to the photographic section being abolished and being given to commercial photographers. In the past, not only in this country but in many other countries, if we go into the matter carefully, we find that the Government photographers of the Information Offices are generally living in the clouds and are putting over things which the common people are not interested in, and when they are interested in them it is put in a way which they cannot understand. In that respect I would like to point out that there is an equal tendency for the Government photographer to make mistakes as much as for commercial people, but the one thing about contracts is that if they do not do their job properly we just stop the contract and give it to somebody else. I hope, sir, that the people whom we want to convince about what we are doing are as gullible as the hon. Member for Health and Local Government, who has changed his views so quickly.

There is another point on which I would like to get an assurance from the hon. Member. That is that whilst appointing the officers in this section, particularly the press officers and other people who it is essential should possess a knowledge of the job they are doing, that the posts will not be filled just for the sake of filling them, but that when the particular people are appointed to that post they are in possession of that technical knowledge and other matters which are essential to their official posts.

LADY SHAW: Mr. President, as you have heard from the hon. Member for Mombasa, the Elected Members support the report, but not necessarily as amended by the Government and as moved by the hon. Member for Health and Local Government. I was a member of that Committee. I was not there when the report was actually signed, but I was there during the whole of the time when the evidence was being taken, and, if I may say so I was a member who attended practically every meeting—which is not entirely the case with the Member for Health and Local Government. Therefore possibly I was in a position to have heard a very great deal of evidence—I have no doubt the Mem-

ber for Health and Local Government had a précis of it afterwards. We did on that Committee go exhaustively into the evidence at our command. We discussed everything, we received a very large number of witnesses, and incidentally in the case of all the technical witnesses we went and investigated their work in their offices and we came to the conclusions which are set out in the report. We gave very considerable weight to these questions, for it was largely because of the inefficiency in relation to its actual cost of the old Information Office that this motion asking for the appointment of a Select Committee was actually brought before this Council. One of the expensive sections, and we thought an inefficient one was the Photographic Section. I have no doubt it would be magnificent to run a photographic section with great efficiency and economy, but I do honestly believe in the interests of efficiency and economy that it is necessary to produce useful photographs—and that is one of the things which have been rather noticeably lacking on the part of the photographic section—I have no doubt they have produced large numbers of photographs, but not of the kind that were expected and desired by the Information Services, which were in fact the film strips, which were regarded as very much the most important.

Most of our witnesses told us the ordinary stills stuck up on a wall were not nearly as effective as a film strip. Most of the evidence we got (we received it from District Commissioners, welfare officers and every sort of person) they took the view that generally speaking the still photographs, other than film strips, were not of very great use to African Information Services. This, I maintain, is the point of view which this Committee took, and which I think the Government in its Sessional Paper has accepted, that the main function of this Information Office should be the African Information Services. With a view to that fact, and in view of the fact that this rather expensive and apparently not very efficient photographic section at the moment has not been able to supply the type of photograph which was required, in itself damns that section and for that very reason makes an excellent case anyway for the investigation of the

(Lady Shaw) possibilities of another form of supplying these photographs, the particular ones desired—in other words—the film strips. When I went to this Information Office Committee I had never heard of a film strip, but I was convinced from all the evidence we received that the film strip was a very admirable form of publicity especially in many cases when a particular line, such as perhaps agricultural work, perhaps strip farming, perhaps terracing and so on was necessary to put over. I am not arguing against that form of publicity. I am arguing against the method of supplying those film strips. I think if some other way can be found—I can hardly believe a more expensive one—of supplying those film strips, it would be very well to attempt it, if only because we shall then get the film strips, which at present we have failed to do. Therefore I cannot accept Government's attitude about the photographic section. If commercial talent were used and proved to be a failure then, I think we have good cause to say that that attempt was a failure and that we must go back to the old method if a photographic section is still required.

About the library, there is no question. We have never suggested the library should be allowed to disappear or be neglected. We regarded that as a very important item.

On this question of supplying "hot news", of course Government agrees that the supply of this so-called "hot news", if it ever was hot, is not a necessary function of the Kenya Government, but I would suggest to you, sir, that neither is it a function of the Kenya Government to supply photographs to the *Illustrated London News* of Masai dances and that kind of thing. No doubt they are very attractive photographs for which the *Illustrated London News*, or such papers, will pay large sums of money, but I cannot really believe they are doing the thing the hon. Member opposite suggested was necessary—telling people what we are doing. We are always told we spend too much time dancing, and it might be wiser if we did not emphasize that particular point.

Then this question of administration. Again I want to reiterate the words of the hon. Member for Mombasa, who

said we do not expect the Member or even the Chief Native Commissioner himself, to do the whole of the work which it is proposed should be in his hands. We expect him to have a section officer. The question is what section officer. The one suggested in the White Paper is the Commissioner for Social Welfare. I personally am not prepared to believe such a body is necessary in this set up at all—I do not want to discuss that now—but if you consider broadly the sort of person who may be made Commissioner for Social Welfare, he is very likely to be a person who has no very great knowledge of the requirements of the districts and to my mind that is a very essential function of any man who has any right or power to guide the work of the officer we propose setting up—this Executive Officer of the Information Services. It does seem to me a man who is full of excellent theories on social welfare may have very little idea about the ways in which the type of thing required can be put across. When I say, this type of thing, it may be agriculture, it may be locust control—a hundred and one things which are not what I believe are strictly called "welfare", though I am quite sure they are essential to welfare. I do not believe a man who has probably been divorced for many years from district work—and by that I mean who has not been out in the field in the district—is necessarily the right person to tell the man who has a technical knowledge of how to put it across, what is required in these different districts. That I do not and cannot believe, and it was for that very reason we wished the Chief Native Commissioner to be in charge, direct charge, of the Executive officer who, in turn, is in charge of Information Services. To interpolate between him and the Chief Native Commissioner a man who may have very little knowledge of administration is, to my mind, a very retrograde step, to say the least of it. I believe that the Chief Native Commissioner needs somebody probably as his stooge—perhaps that is not a Parliamentary term, but I use it for want of a better—someone to do that type of work, but I do not believe he needs the Commissioner for Social Welfare if so be that Commissioner for Social Welfare continues to exist.

[Lady Shaw]

To revert to the question of supplying news about the activities of Kenya, I believe it is necessary to keep the people at home informed as to what is going on in Kenya, but again, how is it going to be done? Is it going to be done in the way I understand it was being done in the Information Office? That is for instance—local interest was a very good thing—it would be very wise to supply Bristol with a little information about Kenya, so Bristol or Wigan or Warrington, or somewhere like that was told. "Would they please let the Information Office know where an inhabitant of that town might be found". They are found and various activities of theirs are then publicized in an article. That may be a matter of local interest, but I cannot believe that is a thing on which the Kenya Government should spend money. I am not trying to be unpleasant about the people who worked in these offices, for I believe they were entirely without any knowledge of what was wanted. The central direction of the whole thing is the most essential part of the set up of the Information Services. If the Information Services are going to be mainly directed into the two channels which we have recommended—one, a purely administrative matter, the African Information Services, and secondly the work of the press officer, then I believe that suitable people must be found for both those jobs, and the very best people that can be found, and I agree with the hon. Member for the Central Area, Mr. Nathoo, that unless people can be found suitable for the jobs it is better to do without them. Nothing is worse than information wrongly given, or the wrong information. I think to set up an Information Office for the sake of setting it up without the recognized and suitable personnel is very much worse than having none at all.

I will read a bit out of the Bible to finish the hon. Mr. Vasey's quotation for him—in fact he still perhaps sees through a glass darkly on this matter. I would like to suggest to him that if he finished his quotation, it says: "For now we see through a glass darkly but then face to face. Now I know in part, but then shall I know even as also I am known". (Applause.)

Mr. HOPKINS: Mr. President, I have read with the greatest interest the report of the Committee who went into the workings of the Information Services, and I think it contains some very wise and far reaching recommendations which I hope will be made effective. As however, so much of the material which emanates from the Information Office is destined for use in the native reserves I was rather disappointed to find that nowhere in the report or in the Sessional paper was emphasis laid on the necessity for someone at the head of the African section of the Information Services who had wide administrative experience of, at any rate, the main tribes and groups of tribes which live in this Colony. Any one who has had experience of these different groups of tribes, will realize how fundamentally they differ in customs, background, susceptibilities, etc., so that what is a good approach for one is often quite unsuitable for another. I mention this point to show the difficulties which the Information Services are up against, in the African areas where we have so many different types of tribes, and to emphasize the need for some really sound administrative advice in the set up. I visualize somebody who has had very wide administrative experience, who would be able to consult with the Chief Native Commissioner and then give a broad outline of the type of propaganda—or if you do not like that word, information—which is suitable in a particular native reserve. I gather, sir, it is the suggestion of the Committee that the initiative as to the type of information which should be put out in a particular district should, in the first instance, come from the officers working in that district. This, I think, is an extremely sound recommendation and one which will make for the smooth working between Information Services and the district teams.

While I like this term, district team, as much as anybody else in that it at any rate expresses the co-ordination between the various departmental officers which it is hoped to achieve, even if it is not actually being achieved at the present time, I am, however, just a little worried at the implied assumption that once the dissemination of information is taken up by a district

[Mr. Hopkins]

team, all is going to go smoothly. Owing to transfers through sickness, promotion and various other such like factors, very few officers these days stay long enough in one place to get to know anything about a particular tribe. Fewer still are in any way suitable for the dissemination of information amongst Africans and I think this is a point that has got to be borne in mind. It is dangerous to set information or propaganda loose amongst a district team. They are not all suitable for it and many can do far more harm than good. It is difficult enough to put across information in a way which will be understood and appreciated even amongst educated Europeans, and in support of that I need only refer to the notorious pamphlet on finger-printing. In the native reserves, however, when the wrong approach is made the damage done is likely to be very, very much more serious and to defeat the ends of the information which we are putting out.

Now there is another very important side of the information work which I think has been very seriously neglected in the past. I am still talking about the information in African areas, because I am more competent to talk about that than about information in European and Indian circles.

The hon. mover referred to the importance of letting people know what was being done at present, what was happening now, and what was going to happen in the future. I agree with that. But I think it is almost more important in the African areas to let the population know something about what has happened in the past. Without some background of knowledge of what has happened in the past, it is extremely difficult for anybody to judge whether the present is an improvement on the past or otherwise. It is in many ways a fortunate characteristic of the human mind that it is prone to forget the unpleasant memories of the past and to cling only to what was fortunate and happy and humorous. But nobody who has worked amongst the Africans as long as I have can fail to be impressed—and indeed perturbed—with the rapidity with which the African seems to have discarded all knowledge and all memory of the trials and tribulations and

the dangers and difficulties under which his tribe suffered before the Europeans came to this country. It is a manifestation, I think, of our failure to teach the African what happened in the past when he says that before the Europeans came here the various tribes had plenty of land both for cultivation and for the depasturing of stock. This kind of talk, and the mistaken beliefs that give rise to it, are bound to cause trouble and misunderstanding between the communities. I submit, sir, that it is the responsibility of the Information Services to see that Africans are helped to realize that they are actually beneficially occupying far more land now than they did in the past, but that due to famines, child mortality, epidemic diseases, and other suchlike ills, the populations then were so small that even the restricted areas which they could occupy with safety were more than sufficient for their needs. It should be explained to them that these areas were restricted because between almost any two tribes there was a large area of neutral ground, which was not occupied. This was even the position when I first came to the country a little more than 35 years ago. In these vast neutral areas, no man's land, it was dangerous for anybody of either tribe to go and live, because if they did sooner or later, and generally sooner, the man and his family would be murdered and his stock and possessions taken. They should also be helped to understand, sir, that for much the same reasons that kept populations small, their herds were small also, and that in almost all tribes there were many people who refused even to keep cattle on the grounds that to do so was to invite a raid from hostile neighbouring tribes.

Sir, I have referred to only one or two of the things about the past which I think should be made known to Africans, but I do think it is extremely important, and unless we take steps through our Information Services to let the African know how he lived in the past and what happened in the past, I think we are over optimistic in expecting that he will appreciate the blessings of Pax Britannica.

Mr. OJANGA (African Interest): Mr. President, from the beginning I should like to declare my support to the Report before Council, and the Sessional



[Mr. Ohanga] Paper on it. I personally am a very strong supporter of the Information Services of this country so far as they affect the Africans because I know certainly that they are doing a part of an essential duty which, if it is not tackled efficiently and quickly, the progress of the whole country will inevitably be very slow, and that is the education of the adult African, which at the moment is not being undertaken in any organized form at all, but is left to haphazard means.

Before I start on the Report, and the actual subject of it, I would like to ask permission to go a little out of the way to comment on a statement which in my opinion is a bit far fetched, and irrelevant to the Report from the hon. Member who has just sat down.

THE PRESIDENT: I permitted the hon. Member for Aberdare to go quite a long way, but I allowed him to make remarks on the kind of information that he thought ought to be disseminated by the Information Services. But I cannot allow a general debate upon the land question in relation to the African occupants to develop on this particular motion. So I would ask the hon. Member to try to avoid chasing that particular hare, and confine himself to the terms of the motion before the Council.

MR. OHANGA: Mr. President, it was not my intention to chase the hare very far! I thought that I would be wanting in my duty if I did not give just one statement on this particular observation that he made, that Africans occupy far more land in this country now than before the emigrants came in. I should like to say that it is absolutely untrue. Who else was there, Africans were the only people, there was nobody else, therefore that statement cannot be true. That is all on that question, sir, thank you very much.

Now, to come to the real business before Council. I should like to begin from the beginning, where the Committee very wisely had dealt with what seems to me the most important aspect of the Information Services as regards the Africans. First, the Press. The Committee have quite rightly pointed out that

the general standard of African Press is very low, and that constructive assistance is needed for the editors and many who are responsible for the production of these papers. I could not agree with them more, but, it seems to me, that when it goes to the recommending of what should be done, their recommendations, in my opinion, did not go far enough.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Just in order to clear up a misapprehension, so that there should be no unnecessary debate on the point in the Minority Report by Mr. Chemallan, I would point out that all the Committee did was to express an opinion, not make a recommendation.

MR. OHANGA: Actually I did not have the Minority Report in mind when I was making this observation. But I wanted to say that I agree with the recommendations which have been made with regard to the assistance which is needed to help raise the standard of publicity among Africans in their own papers. The kind of help which these editors need, I think, may not be given easily and efficiently by a visit to the office of the Information Services, or a visit to the office of that particular editor who edits a certain paper, but by a general organized course of some kind which could perhaps be given, a centre where all Africans who are concerned with publicity could be given some instruction as to how that should be done. I think that is really a detail which could be considered when people who are responsible for this take up the matter. It seems to me that something much more drastic than simply seeing the officers is needed in order to raise the standard of the African Press.

The next point, the broadcasting: I myself live in the Reserve, and I know how scanty the audience for the broadcasts from Nairobi are from day to day, and I can endorse the remarks made by the Committee that perhaps public funds are being wasted in maintaining these services. But I could not go as far as they did when they recommended that in future these services should be withheld because of the meagreness of the attendance, and my reasons are these: first, it seemed to me that the attendance is low, not because people do not want to listen to news from the

[Mr. Ohanga] broadcasts; but because they do not know; if they knew, they would come in larger numbers. Some form of information is usually given out in the case of cinemas beforehand whenever they are visiting centres, and the result is that you have a very, very large attendance to these wherever they are held. But that is not so in regard to broadcasts. In my knowledge, broadcasts, and times for them, are never given sufficient publicity in the rural areas to help raise the attendance. Secondly, it is the times of broadcasting. The times which are chosen for broadcasts for Africans, in my opinion, are usually not the best, and the most convenient for the majority. Some of them are during the midday, soon after or before one o'clock. In the townships, those are hours when everybody is having a little bit of a rest, either in his hotel, or in his own house, or he is busy trying to get through a cup of tea before going to work. They have hardly time to think of leisure. I do not think that audiences at that time of the day can ever increase either in the Reserve or in the towns, and I think most of the important news coming through the air to the Africans comes at that time of the day. I feel that that is one fact that accounts for it. I should like to make only one observation on the particular recommendation of the Committee, that while recommending that these now be concentrated in the townships and urban areas, I think they lost an opportunity for exploring and making such recommendations as would counteract the existence of that particular situation. They should have, in my opinion, recorded the reasons why the attendances have been meagre, made some recommendations to help it out. It seemed to me, sir, that if they are going to get over that, I hold that the best thing to do is to carry on with this and to help raise the attendance wherever the wireless sets are put. Some money and some effort will have to be spent in getting the people to know where the services are, and also encouraging them to go along to listen to them. It seems to me that we do not have a very large number of people going about to tell the people about the news which is coming next week or during the next month. The people who happen to know,

they are either the readers of the public Press or they are people who happen to live somewhere central, who are in touch with people who are acquainted with the Press. But there is nobody in my opinion in the field just now with the responsibility to get the Africans to know that some such topic is coming through the air at this or that time.

And with that in mind, I should like to jump to the end of the recommendations of the White Paper, where a recommendation is made at a future date to appoint an African who would be known as an African Assistant Broadcasting Publicity Officer. It seems to me that this appointment would be the key to the efficiency of all our Information Services in the Reserve, and in the absence of such an appointment whatsoever we do we shall always find that there is something missing somewhere, because some people do not know. It seems to me that this appointment if possible should be given some priority. I agree with the list given of the officers necessary for the whole service, but if it is a question of funds, and the country or the Government or we cannot make it, I should like to suggest that perhaps it might be wise and helpful to withhold temporarily for the time being the appointment of one of the three European clerks in order to give place to this key man without whom so many services are, in my opinion, ineffective.

So much for the broadcasting. Now, I want to deal with the appointment of the press officer. I am quite sure that it will be definitely a progress to appoint this man. Without him we shall lack a most necessary guidance. But since he is a general press officer, and not necessarily an officer for the Africans' service, I should like to refer to one point made in the Report, Page 8, about one of his functions. The Report says that one of these functions would have been "To provide assistance and technical advice to African editors with a view to improving the standard of their papers". I have referred to this more than once, and I think that that recommendation goes to show that the Committee is serious about the need for improving the standard of African papers. But the other view is that this particular officer is a press officer, not necessarily for the

[Mr. Ohanga] Africans, but for all. It might appear that he is going to deal mainly with the African papers, in other words, to interfere with the freedom of the African Press. And that I am quite sure will be resented through and through. It would be wise, in my opinion, not to appoint him specifically for the African Press, but general. But to stress one point that an officer should be appointed to look after the African papers specifically might make it a little unfortunate when that suggestion was put forward, in the minds of the African pressmen concerned.

The next thing is the news sheets, the district news sheets. Already the Committee are satisfied that there is no need for a Government paper—that the papers which there are will suffice—but district papers in my opinion are useful, just as the Committee have said. In those areas and districts where already you have adequate African papers which are capable of putting forward news in a way in which it would be considered correct, these papers should be allowed to remain and the news sheets should be withheld. I should like to recommend that Government use these African papers wherever they are in existence for the dissemination of the news which they may have; but in the absence of these, the district newspaper or news sheet is a very useful thing and should be continued; but wherever there is a paper I should not like further money to be spent on the publication of this paper which, after all, finds a very difficult market. I have been connected with the dissemination of news for some time, and I can remember how very difficult I found it to get people to buy a paper for news only that they did not have any personal interest in at all. I know that it is going to run at a loss for many years before it can come anywhere near recovering its costs fully. Because of that, I think it would be a wise thing if the ordinary papers were used and that money spent in other ways.

On the whole, I support the paper and I am very glad that the Committee has put forward the report and that Government has accepted it.

MAJOR KEYSER: I should very sincerely like to congratulate the hon. mover on the way he performed a very

difficult task. Having abandoned the freedom of expression of thought that he enjoyed on this side of the Council, I thought he performed a wonderful task in expressing the restricted views and provided thoughts that he had to do this morning from the other side, and I think he performed a very difficult task in the most admirable manner. The hon. Member for Ukamba mentioned that one of the important things about information is that it should be the correct information given in the right manner, and I think she forgot to say "and also at the right time", and it seems to me rather deplorable that Government should forget that question of right time when they are going to indulge in a debate of this sort on Information Services, and provide us with Sessional Paper number 2 on the eve of the debate on the Information services. (Hear, hear.)

Now, sir, I have had to make a protest about the dilatory way in which we get information—having proposed legislation thrown at us a few days before a debate is required—time and time again, and I do think that we on this side of the Council have very seriously got to consider at future sessions refusing completely and absolutely to debate motions or legislation which is put across to us a week or a few days before we are expected to debate it. I have made that protest time and time again, and I do hope the hon. Chief Secretary will remember that and will not think too hardly of us when the time arrives and we refuse to debate some subject that is put at us with no notice.

There is one point I would like to refer to, because it was mentioned, I understood, by the hon. Mr. Chemallan. I am referring to the remarks in the bottom paragraph of page 2. The sentence reads: "The time may come, however, when the legislature will have to consider granting powers to the Governor in Council to suspend papers guilty of deliberate and persistent misrepresentations of fact". He said, while he agreed with that he thought action of that sort might quite easily interfere with the freedom of the Press, and therefore he felt he could not support those remarks. I do think one of the great errors of the Information Service has been to neglect the correct interpretation

[Major Keyser] of the freedom of the Press because it has been used in this country and in this Council and in the Press constantly in the wrong way, unless, of course, I do not understand myself what the freedom of the Press means. I understand the freedom of the Press to mean the liberty of the Press to bring to the notice of the public the truth on any subject. If it is considered that action taken against any paper for misrepresentation of the facts or for the publication of untruthful facts is considered as interfering with the freedom of the Press, then I think it is time that some explanation was given of the real meaning of the freedom of the Press. I should be extremely sorry to think that any member of this Council was supporting, under the guise of supporting freedom of the Press, the publication of deliberate untruths in the Press. I do think that it is time some statement was made by the Information Office or Government on the exact meaning of the freedom of the Press, and let us get rid of this nonsense we hear talked every day about it.

Finally, sir, I would like to say that I am not going into any of the points either of the report or of the Sessional Paper No. 2, because I think they have been very adequately covered by members on this side of the Council, but it must be quite obvious to members on the other side that we are not prepared to accept—in fact, we will not accept—Sessional Paper No. 2 as it stands, and at a later stage in the debate an amendment will be moved to set the motion before the Council, and I hope that Government will see its way to accept our amendment. Otherwise, sir, I regret that we shall have to vote against the motion.

THE CHIEF NATIVE COMMISSIONER: Mr. President, I naturally speak on this subject in an entirely unbiased way. There are one or two points which I should like to try to deal with. First of all, the criticism that has been made about the position of the Commissioner for Social Welfare in this set up. I find this difficult, because I frankly believe we are all after the same results, but when I read section 12 on page 9: "It seems to us logical and appropriate that the African Information Service should

be placed under the person or authority responsible for advising the Government on the direction and promotion of community development and form part of the organization included under the Head, Provincial Administration."—Then they recommend, "The African Information Service would thus fall within the portfolio of the Member responsible for Provincial Administration, but would be subject naturally, to the more immediate attention of the Chief Native Commissioner". Criticisms have been made that the responsibility of the Member apparently is to be pushed off, that it is the intention of Government it should be pushed off upon the Commissioner for Social Welfare. I can assure members there is no such intention whatever. The Commission for Social Welfare's job, as I see it by the intention of Government it should be pushed off upon the Commissioner for Social Welfare. The Commissioner for Social Welfare's job, as I see it by the intention of the Sessional Paper, is that he shall be in charge—that the Executive officer of the Information Services shall be responsible to him, and that he shall in fact form that link which I suggest is needed most desperately now between the field and the production of news. I, as Chief Native Commissioner, can only say I cannot get around anything like as often and as much as I should like to do, and the Commissioner for Social Welfare—who is an administrative officer, who has recently been appointed and for that purpose, is an administrative officer, and therefore the administrative side of this matter shall have the very fullest information—he can do so. That officer has the opportunity and the duty of going round and producing that tie up between what the district teams require—the angle that the district teams want put upon subjects, the technique of the presentation of a subject, and so on, and he can come back and put that across to the Information Services who are responsible for the production. In such a light I think that this suggestion in the Sessional Paper, that the Executive Officer of the Information Services should be directly responsible to the Commissioner for Social Welfare is correct.

[The Chief Native Commissioner]

There were one or two points made by the hon. Member for Aberdare. He said there were local differences between the various tribes, and the presentation of the same story might have to be changed *vis-à-vis* different tribes. I entirely agree, but there is, of course, a certain limit to the number of productions that you can produce, and you may have to use one film strip, for instance, covering 83 projectors, which may mean using probably the same film strip, and expense alone is a limiting factor as to what you can produce for differing tribes. The correct medium, I think, for a particularly local technique is probably to be found in the district news sheet where there are local pictures of local people who are known, and I think that is an important point in photography. They can be published and local articles written in those district news sheets.

The hon. Mr. Otanga said that he would like to see broadcasting going on in the districts. My own impression is that the limits of broadcasting are first of all bad reception. There is tremendously bad reception in a lot of this country and particularly in the Lake Basin you get a funny thing called "skip". No one seems quite to have discovered how to avoid it. And you certainly have in this country bad local reception. Secondly, we are, of course, very short of listening sets. It is quite absurd to expect 650,000 people in North Nyanza to listen to half a dozen broadcasting sets. Those two are, I think, very distinct limiting factors to what you can do with country wide broadcasting. I think you should carry on with broadcasting in towns and learn more and more about that and produce more machines for listening to broadcasts in the towns.

The hon. Member also said the times for broadcasting were wrong. An attempt has been made to get those times arranged. Midday time is suited for people in the reserves and the evening times do suit people in the reserves and the evening times do suit people in the towns. In reserves at midday you usually find large numbers of people in markets and other places where they assemble, and that time was suggested as one which seemed to be

most useful for country listeners. This is a matter of detail which can be gone into, and I am sure the Information Services would be very grateful for advice on the subject.

The appointment of an African Assistant Publication Officer was suggested in the Sessional Paper. I entirely agree that African advice, of course, is required for all these matters of presentation—what should be put over, how it should be put over, and the Africans serving on the district teams I hope will play a big part in that advice.

Now comes the subject of the Photographic Section, upon which I will make a plea. The main objections, I think, to the Photographic Section as it now stands, are first that it has failed to produce the goods, and by goods I mean in particular, film strips. I do not know whether I should explain to hon. members what a film strip is—I expect by now all hon. members know—I was taught in 1939 by the Director of Education. It is, of course, the modern magic lantern slide. Instead of having a thing on a slide you have it on the film and you turn the film round once. The production of a film strip is not an easy matter and it is not a short matter. First of all your committee of the Executive Council is going to lay down the main lines which instruction and information shall follow during the coming year. Your district teams, and I hope your Commissioner for Social Welfare who is in touch with them, will be able to give the local aspect of the way in which those subjects should be treated. Then you can take one subject and you get all the people in on it who are interested, and believe me, there are very, very many. I have done this often and I have suffered from having technicians of all kinds—people interested in the medical side, in the agricultural side, people who insist on having pictures of poultry, pictures of pigs—all in the same thing. You have got somehow to get out of that the main story which has to be told. One of the most important people who has to be got in on these deliberations, I suggest, is the Commissioner for Social Welfare, who will give the plan of the district. Your photographers must be in on it because they must know what they are going to take and what they

[The Chief Native Commissioner]

have got to do, so there I think it is most important that your photographer is a man who has got that local knowledge. Various remarks have been made to-day about the photographer who is at present in the Photographic Section of the Information Office, and I would like to say that personally I consider he is thoroughly conversant with a large number of these aspects of public health, agriculture, and so on, and that is knowledge which he has picked up within several years. I personally have known that gentlemen ever since he started, and I have seen him develop—I have seen his mind develop, and I know he has in his head as much of the background as is absolutely necessary for this work, which I do not think you would get in any commercial photographer whom you happen to pull in at the moment.

MR. USHER: Sir, on a point of explanation, nothing that I said was intended as a reflection upon the local knowledge of the officer in question. I merely intended to convey that whoever does that photography must get his information, and the manner in which it is to be put across from consultation with the departments concerned.

THE CHIEF NATIVE COMMISSIONER: Further to the production of a film strip, having got your script, as a result of your long deliberations, you have to go and take the pictures, you have to take them possibly over a longish period of time. You may be taking pictures of dams, you may have to build a dam. One picture I can tell hon. members of, when we were filming we had to build a dam, which unfortunately broke, and had to be rebuilt. The performance of all that takes time, and if you are dealing with a subject such as soil conservation, you may very well have to show pictures before and after treatment. Now, that takes a good long time. And it is not possible to produce a film strip in a brief time, that is my point. As far as the production of film strips last year was concerned, the Information Office I know did not produce film strips until I think it was October of last year. They were working under conditions when I know that some of their own services—the water supply, for instance, was such that they have had to do with a tap outside. They are now at least in

decent premises. They can do the work. In fact they were working up for the production of film strips, quite a number of them and they have produced 19 film strips since last October. But I do not want to give members the impression that because they produced 19 between October and August they are going to produce 19 in so many months. My point is that the production of film strips is a long process, and when you have got a number ready, then you process them all together, and then you can produce them together and economically.

As far as using commercial photographers is concerned, I would say that they may be better than our own photographers, and they are probably better at producing an artistic picture. Now, one of the main difficulties in taking these film strips—and I have done it myself—is to persuade the photographer that what you want is something instructional, and not something artistic. The other thing the commercial photographers are extremely good on, and of course references have been made to this already, is what I would call the red ochre angle. Now, we do not want that, that is something which we have seen far too much of. But we do want, I suggest, pictures for use in Britain and elsewhere as well as here, the pictures that have been produced by the Information Office—eight hundred of them in 1946—and I found there was a tremendous demand for them, and I found that they were of very great use in lecturing to the people of the country. The Imperial Institute were avid for that kind of material as well as our own East African Offices in London, and I would suggest that the production of pictures for Europe, America and so on is of very great importance.

I know that—and I agree, too—the Photographic Services as they stand at the present have taken too many pictures. I would not deny that for one moment, and it is set down in the Sessional Paper that, while Government considered that the Photographic Section should continue, it feels it is most important that the photographer should concentrate on the task set him as a result and in no circumstances should he come between the Press and Government officers. I agree, but I do not agree

[The Chief Native Commissioner] that most photographers—who will not be available too—and will not have the local knowledge—will be able to carry out the work that we must have done by our Photographic Section.

Finally, hon. members, I would like to make this plea, because I have seen this Photographic Section in existence, I have seen it being built up, and I am perfectly convinced that we have got something, that the picture, as a means of instruction and as a means of information, is of enormous value. I do not believe that we can get those pictures how we want them any other way than by having our own Photographic Section, and I do ask members very seriously to consider this, because it would be fatal, I suggest, if we scrapped our Photographic Section of the Information Office, and then had to build it all up again, premises, men and equipment. Those are not easy things to get—and above all, we should have to get experience.

MR. HAVELOCK: Mr. President, there is no doubt at all that there has been very close investigation of this report by hon. members of Government, and I suggest, sir, that one result of these close investigations is shown on the first page of Sessional Paper No. 2. Paragraph 7, which is supposed to be a quotation from the Committee's Report, but no doubt has been altered by Government after close consideration, and there I see—

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: If I may interrupt, Mr. President, this does not pretend, except where it is in italics, to be a quotation from the report. The first line, sir, says "The following is a summary of the Report":

MR. HAVELOCK: That rather strengthens my case. Therefore this particular paragraph, sir, is a result of the close investigation of Government: "It was the general view of witnesses that there was a need for a weekly broadcast for Africans of the Pamoja type";

I have never heard of the Pamoja tribe, sir, or type. I might suggest, sir, for the consideration of the hon. members that "broadcast" might really mean broadcast—

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: I am delighted to have the correction pointed out, sir—"broadcast sheet".

MR. HAVELOCK: I would like to refer to one remark by the hon. Member Mr. Ohanga, where he stated that he considered that something more drastic might be done about the African Press, more drastic than just the recommendation that a Press officer should be appointed. He then did go on to say that on the other hand, the appointment of the Press officer might be taken to mean the intention to interfere with the freedom of the African Press. I do not quite see how those two tie up, but I do hope that his first remark was what he felt, and that Government will take note, because I am sure that the African Press needs a great deal of help, and it would be improved out of all recognition if they would accept technical help. I am not referring to any more than that. I hope the hon. Member will press that upon the people responsible for the African Press.

Now, sir, I do intend to move amendments to the Sessional Paper. There are four, actually, sir, and I would rather move them separately than together because some hon. members may agree with one and not the other, and so on. But if I could give notice now and then speak to them whilst I am standing up. Thank, you, sir.

I wish to give notice, then, sir, I would move that the following words be added to the motion: That the following part of Sessional Paper No. 2.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: On a point of order, Mr. President, am I to understand that the hon. Member is moving four amendments at the same time and speaking for them? I will ask you, sir, if that is in order. This, of course, is taken as being the hon. Member's speech in the main motion, and he moves the amendment before he sits down. If he is attempting to move four amendments in one, I suggest that he will find himself out of order.

MAJOR KEYSER: Is not the hon. Member in order in giving notice of the amendments that he is going to move? He said he was giving notice now.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: On a point of order, he can give notice of one amendment and move it, but once he has spoken in one debate he cannot give notice of another amendment.

THE PRESIDENT: I think I am right in saying the hon. Member is proposing to move an amendment in four parts, and I must support the objector that the hon. Member must make his speech all in one. Having spoken to an amendment and having moved an amendment, he has spoken to the main motion and cannot again move a further amendment.

MR. COOKE: I understood the hon. Member was mentioning the amendments he was going to move, he was not going to formally move them until later on.

THE PRESIDENT: When is he going to move them?

MR. HAVELOCK: I understand the difficulty. In my main speech, I will deal with the points which I wish to cover on the amendments and then will move one amendment before I sit down.

If I may refer, sir, to paragraph 2 on page 3 of the Sessional Paper. This has been referred to, sir, before by the hon. Member for Mombasa and the hon. Member for Ukamba, and there are one or two points which worry this side of the Council which have been expressed. I do not want to take up too much of the Council's time, but I will just repeat them quickly. The first thing is that we do not see the necessity for the Press Officer to come under the Commissioner for Social Welfare. He should come under the Administrative Secretary, which was the recommendation of the Committee.

Then there is the rather contentious point which the hon. members on the Government side do not seem to wish to accept, that is that the Executive Officer of the Information Services—African Information Services—should not come under the Commissioner for Social Welfare. This point has been made, that it is considered that there definitely would be a block between the Administration and the Information Service in the form of that Commissioner for Social Welfare. We want to see the Executive Officer directly responsible to the Member for Administra-

tion. The Commissioner for Social Welfare is now responsible to the Member for Administration. These two can co-operate and collaborate, but we do not want to see the Commissioner for Social Welfare in charge, and in fact senior to and able to give orders to Executive Officers of African Information Services. For those two reasons, sir, I will move later that that paragraph be deleted.

Sir, if I may turn to paragraph 3 on the same page, the points have been made on this too by the hon. Member for Mombasa, and the real reason why it seems to me that it should not appear in the Sessional Paper is that it is already covered in the report. There is one matter I would like to refer to there, sir. This matter of the Government's suggestion "that in addition to these objects, the European and Asian people of Kenya and the people of England should be kept informed of Kenya problems and policies". Now, the whole reason why the Committee said that the first priority must be given—or in its own words "such funds as can be devoted to the Information Service should be primarily utilized in the African field" the reason why the Committee said that was because it very well realized that funds would be very short. We know that well enough—in every debate we realize how short funds are. We consider that if we were to allocate a fair proportion of the funds available to the Government for expenditure on Public Services, that the Information Office vote should be cut to a considerable extent, and that would not provide sufficient funds to give any sort of Service visualized in Government's comments on this paragraph. In other words, it would be much better for the very limited funds which we would be able to spend on the Information Services be spent on the African Information Service primarily, and the cost of a service to the Asians and Europeans and the overseas governments—if we were to be of any use at all would be much too great to be faced at the moment in the stringent circumstances we are in.

The other comment, sir, was on paragraph 6 on page 4, which of course is this contentious subject, photographs. Now, sir, we have heard well-intentioned and very detailed speeches



(Mr. Havelock) from hon. Members on the other side supporting the views put forth in this paragraph. I personally am afraid I have not been convinced. One looks at the report of the Committee where they deal with the Photographic Section on page 3, which I think has already been drawn to the attention of the hon. Members of Government: "This section is geared to produce in 1950, 24 film strips and 15,000 prints for all purposes at an estimated cost of £4,322". First of all, is it necessary that 15,000 prints should be produced in one year? It seems to me a fantastic number, especially as it has been realized by the Committee, supported by the Government, that the most important part of the Photographic Section at work is that of film strips. It was definitely brought to the notice of the Committee, sir, that the actual photographs used in Information rooms, etc., were quite a nice form of decoration, but not very much more than that. And I believe that to consider producing 15,000 prints in one year is ridiculous extravagance. Now, if we take the cost, sir, £4,322, if we say that it would cost approximately 6d., 30 cents to produce a print—I think it is fair figure you will find that to produce 24 film strips it will cost something in the region of £4,000 just under. Now, that figure, if divided by 24, will show a very much larger figure than that quoted by private enterprise which, as the hon. member has told us, was £150 for a film strip. Also, of course, the pension element of the officers in charge of this Section, or employed in this Section, I presume is not included in the total of £4,322. Also the Passages and Allowances are not included, so the real proper cost of producing these photographs and film strips will be more than shown in this report. And I am quite convinced myself that we should accept the recommendation of the Committee which did go into this matter very thoroughly—without pressure being brought upon them from any Government Department, of course—we did go into it thoroughly, and I believe that this Council should accept that recommendation, and it is for that reason that paragraph 6 of the Sessional Paper should be deleted.

There is only one other part of the Sessional Committee Report to which I take objection, and that again has been brought to the notice of hon. members on the other side. The last sentence on page 4, paragraph 7, and that of course ties up with the argument on paragraph 2 on page 3.

Sir, I understand that there are certain hon. members on this side of the Council who would definitely support the deletion of the paragraph referring to the Photographic Section, and so as a politician alone I will ask another hon. Member to put forward the amendment for the deletion of that Section. I will now put forward a motion for the deletion of the other sections to which I referred.

I beg to move, sir, that the following words be added to the motion: Provided that the following parts of Sessional Paper No. 2 be deleted—

Paragraph 2 on page 3.

Paragraph 3 on page 3.

The last sentence of paragraph 7 on page 4 reading—"Government considers that the Executive Officer of the Information Services should be directly responsible to the Commissioner for Social Welfare".

May I read that again, sir?

THE PRESIDENT: Will you also refer in more detail to the precise paragraphs on page 3? Which are included in your motion?

MR. HAVELOCK: The whole of paragraph 2 on page 3. It is number 2. The whole of paragraph 3, sir, on page 3, and the last sentence of paragraph 7 on page 4.

MAJOR KEYSER seconded the motion.

THE ACTING CHIEF SECRETARY: There are Government spokesmen who would like to discuss this amendment which has been proposed, and I would suggest, if hon. members agree it might be a convenient time for us to adjourn.

THE PRESIDENT: The amendment having been moved and seconded, I will formally propose it, and then we will take the opportunity of adjourning.

### SELECT COMMITTEE

THE ACTING CHIEF SECRETARY: Before we adjourn I would like to take the opportunity of reporting to Council that Sessional Committee has appointed the following to constitute the Select Committee on the Public Roads (Amendment) Bill.

#### Chairman:

The Hon. Member for Health and Local Government.

#### Members:

The Hon. Solicitor General.

The Hon. Mr. Preston.

The Hon. Mr. Hopkins.

The Hon. Mr. Sagoo.

The Hon. Mr. Ohanga.

THE PRESIDENT: It is now time for the adjournment. I understand it is the wish of the hon. members that Council should resume its sitting tomorrow morning at 10.30, and not 9.30 as usual. Council will therefore adjourn until 10.30 tomorrow morning.

### ADJOURNMENT

Council rose at 12.40 p.m. and adjourned till 10.30 a.m. on Friday, 18th August, 1950.

### Friday, 18th August, 1950

Council assembled in the Memorial Hall, Nairobi, on Friday, 18th August, 1950.

The President took the Chair at 10.30 a.m.

The proceedings were opened with prayer.

### MINUTES

The minutes of the meeting of 17th August, 1950, were confirmed subject to the correction of the following: Page 2, line 7, for "Acting Financial Secretary" read "Acting Secretary to the Treasury".

### ORAL ANSWERS TO QUESTIONS

No. 43—PETROL AND KEROSENE OIL PRICES

MR. HAVELOCK:

Will Government issue a full statement giving the reasons why the price of petrol and kerosene has been increased lately and the basis on which the price of these commodities are fixed.

THE FINANCIAL SECRETARY: The recent increase in the selling price of petrol and kerosene is due to an increase in the average c.i.f. value Mombasa of each of these commodities.

Once every three months the oil companies submit to the Price Controller a statement showing the changes in the c.i.f. value Mombasa of petrol and kerosene during the three-monthly period. The average c.i.f. value of each commodity over this period is then struck. The difference between this average and the c.i.f. value pre-war (August, 1939) expressed as a percentage of the pre-war c.i.f. value is computed. This percentage gives the relevant factor in the First Schedule to the Defence (Control of Prices) Regulations, 1945 (Government Notice No. 109 of 1945). To arrive at the permissible maximum percentage of profit which the oil companies may take the pre-war gross margin of profit on landed cost is multiplied by this factor.

The average c.i.f. value Mombasa of petrol and kerosene for the period April, May, June, 1950, showed an increase, and the resulting rise in the selling price was actually less than the maximum permissible under the Price Control Regulations.

**MR. HAVELOCK (Kiambu):** Arising out of that answer, will the hon. member state on which basis the c.i.f. value is made, and also if that c.i.f. value is altered according to consumer demands in the United States of America.

**THE FINANCIAL SECRETARY:** Mr. President, the world price of petroleum products is fixed by a device which is known as the Platts Oil Gram. This system seeks to fix the average price at the Gulf—by that I mean the Gulf of Mexico. The device co-ordinates such factors as the cost of production. It also takes into consideration world consumption and demand—particularly demand in the United States of America, as the hon. member has indicated. Any upward change in that demand—for instance, if the international situation gets difficult, and there is a tendency to stockpiling, there is a tendency for the Platts Oil Gram price to rise. In addition to that, there are other factors involving additions to the Gulf mean fixed through the Platts Oil Gram. There is linkageage, and that may vary, and also to a much lesser extent there is the variation which may arise from insurance charges.

**MAJOR KLYSEK:** Arising out of that answer, will the hon. member tell us whether the price is related to any fixed rate of profit that the company is allowed to make?

**THE FINANCIAL SECRETARY:** As I indicated in the answer to the first question the profit which they are allowed to make is related to the pre-war profit which is multiplied by the factor devised as indicated in my reply to the hon. Member for Kiambu.

**MAJOR KLYSEK:** Arising out of that, I asked whether it was related to any fixed rate of profit. The answer did not give me my reply, sir.

**THE FINANCIAL SECRETARY:** Inasmuch as the level of profit which was being made pre-war, that is August, 1939, was a fixed entity, naturally in order to get the profit now permissible against the factor system you use a fixed profit in order to start your calculation.

**MAJOR KLYSEK:** That is not the answer.

## INFORMATION SERVICES

### SELECT COMMITTEE REPORT

**THE PRESIDENT:** Council will now proceed to the motions on the Order Paper. The Member for Health and Local Government had moved:—

"That this Council approves in principle the select committee report on the Information Services, as modified by Sessional Paper No. 2."

The debate was proceeding on that motion when the hon. Member for Kiambu proposed an amendment as follows:—

"Provided that the following parts of Sessional Paper No. 2 be deleted:—

Paragraph 2 on page 3, paragraph 3 on page 3, and the last sentence of paragraph 7 on page 4 reading: 'Government considers that the Executive Officer of the Information Services should be directly responsible to the Commissioner for Social Welfare.'"

I was about to propose the question, but did not actually do so, when Council adjourned. I believe I am right in saying, although I did not notice it at the time, that the amendment was seconded by the hon. Member for Trans Nzoia who had in fact already spoken during the debate on the substantive motion, and was therefore out of order in seconding an amendment. So the position at the moment is that the amendment has been moved and not seconded.

**LIEUT. COLONEL GOSSAGE:** Mr. President, I second the motion.

**THE PRESIDENT:** The amendment is now before the Council. I will propose the question. The debate will proceed.

**THE CHIEF NATIVE COMMISSIONER:** May I once again try to explain why Government considers that the Executive Officer of the African Information Services should be responsible to the Commissioner for Social Welfare. This latter officer, despite his title—and perhaps we might call him the Commissioner for Community Development—is a senior administrative officer, and is in touch with what the districts need. He is the man who should be able to direct the production of the material which the districts do need. He is responsible to the Chief Secretary; also he comes under what is called the Chief Native Com-

[The Chief Native Commissioner] missioner's umbrella—that is, his immediate attention. Such a set-up the Government does consider necessary, and in no way detracts from the authority of the members or puts any extra body between the Administration and the production office—it merely gives the man who is in touch with the Administration and can speak for them day to day authority to get the production the districts need.

In so far as the Press Officer is concerned, Government does not consider that the Press Officer, as such, should be responsible to the Commissioner for Social Welfare.

**LADY SHAW (Ukamba):** Speaking to the amendment, I must reiterate our views about this question of the officer responsible for Information Services not being directly responsible to the Commissioner for Social Welfare. I think that the last speaker has put his finger straight on the reason for our objections. He says that the Commissioner for Social Welfare is a senior administrative officer. So he is at the moment, but I do not think we have to cast our minds back very far to remember he has not always been a senior administrative officer. The last holder of this post was in fact a gentleman who had never been in the Administration and had no administrative experience of that kind whatever. I am quite sure that under our present Chief Native Commissioner, the Commissioner for Social Welfare will always be an administrative officer; but we have no guarantee that policy will always be adhered to. We have not even any guarantee that the present Chief Native Commissioner will always be with us. I feel we cannot necessarily pin our ideas of what a Commissioner for Social Welfare should be to his ideas, much as we may approve of them. At the same time I cannot agree that this man (the officer in charge of the Information Services), who is holding an extraordinarily responsible post, should be directly responsible to the Commissioner for Social Welfare, whoever he may be, but should, in view of the vital importance of the African Information Services, be directly responsible to the member responsible for Administration. We are not being obstructive—we are merely trying to thrust home a point we believe to be extremely important. I cannot help

but feel that the fact that the present Commissioner for Social Welfare is a high-grade administrative officer—I do not want to call it a red herring—that suggests the intention of drawing something across the trail—but it does in fact not really meet us when that point is made and remade again, because there is no guarantee he always will be. We feel that the whole thing must directly be tied up with the Administration. We do not argue for one moment that the member responsible for Administration should not have an additional body, probably a very senior body, to help him, but not the Commissioner for Social Welfare. Much as he may do in the course of his labours to oversee what is going on, he should not be tied up with it in this way in our view.

I support the amendment.

**MR. JEREMIAH (African Interests):** I am afraid I must oppose the amendment, especially the proposal to delete paragraphs 2 and 3 on page 3. With regard to photographs in the field I believe the departmental set-up would be more economical than using private firms.

**MR. HAVELOCK:** On a point of order, the amendment I do not think concerns the Photographic Section.

**THE PRESIDENT:** I think the hon. member is under a misapprehension. Paragraphs 2 and 3 on page 3 do not refer to the Photographic Section.

**MR. JEREMIAH:** I am sorry, sir. Anyway, in my opinion it is proposed that Government seek, whenever necessary, to get the aid of private firms on these information matters, and I think it will not be economical at all, but to employ a Government department for that purpose would be more economical. Besides that, a Government department, especially as it has been suggested by the Government that it should be under the Commissioner for Social Welfare—I think he is the proper person to know the needs of the Africans and what kind of material should be presented to them. An outside person, I think, is not in a position to be acquainted with all the needs of the Africans specially, and as we are particularly concerned with African information I myself support the Sessional Paper and the proposals laid down by the Government.

**THE ACTING CHIEF SECRETARY:** I would like to say on the subject of this amendment that as it is clear from the report of the committee, and indeed from this Sessional Paper, that the responsibility for these services, reorganized as proposed in that report, will be with the Chief Secretary, so it would be extremely unfair of this Council to attempt, as this motion does attempt, to dictate to him as to how he should organize the staff with which he will have to carry out these responsibilities. The member who will be the Chief Secretary, will be the single person responsible to this Council for the efficient working of these services, and it seems to me that if in the opinion of that member the organization best calculated to enable him to carry out those services is that the executive officer in charge of the Information Services should be immediately responsible to the Commissioner for Social Welfare, or whatever you like to call him, then it would not seem to me fair or right that this Council should seek to hamstring the member of Government responsible for these services by requiring him to arrange things otherwise. I would plead with Council that they are going to create difficulties if they attempt to dictate to the members of Government responsible for these matters the precise form in which they should organize the staff deemed necessary to enable them to carry out those responsibilities. There is no doubt whatever that the officer filling the post of Commissioner for Social Welfare could only fill that post satisfactorily if he is, as I should imagine he always will be, a thoroughly experienced administrative officer. I think I can assure the hon. and gracious lady the Member for Ukamba that at no time would Government ever contemplate having an officer in this very responsible post who was not in fact an experienced administrative officer.

**THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:** Mr. President, I would like to underline the point made by my friend the hon. Chief Secretary. Surely the members of this Council must realize that once a policy is decided the way in which that policy shall be carried out executively must be left to the Government. If the execution of that policy is not satisfactory to this Council the Member responsible is in this Council to

answer for the failure of that execution. If, however, he is to be told not only the policy but the manner in which he shall execute that policy, then the execution of the policy could not be held to be entirely his responsibility. That, sir, is the point on which we are divided at the moment—as to whether the Member responsible for the execution of a policy shall carry out that policy in the manner in which he thinks best and if he fails be held responsible on the floor of the Council. I would suggest under those circumstances it would be impossible for Government, or indeed for this Council, if it thinks again, to accept the amendment before us.

**MAJOR KEYSER:** I did not intend taking part in this debate at all—in fact I was looking at something else when this was suddenly put across, this idea that we have no right—the suggestion that we are interfering with the Member's business in making the type of suggestion that has been made in this amendment—is quite a new thing to this Council. I would like to make it quite clear that we on this side of Council could certainly not accept it. What, sir, is the use of having a select committee into the Information Services who are going to spend a very considerable time in making recommendations, if all they need do is say, "Leave it all to the Member. All we come here for is to hold up our hand and leave it the Member." Quite definitely we are not going to accept that statement. I am not going to argue the point with the members on the other side, but we will not accept that. We will reserve the right to make recommendations and to make criticisms as to the organization which members opposite are responsible for and the manner in which those organizations work. I think that that must be accepted as quite definite from the other side of the Council, that we will continue to make those recommendations and those criticisms however much the hon. Chief Secretary shakes his head, sir.

**THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:** On a point of explanation, nobody denied the hon. members opposite the right to criticize.

**MAJOR KEYSER:** Or to recommend.

The question of the amendment was put and negated on a division by 16 to 18. Ayes: Messrs. Chemallan.

Cooke, Gherrie, Gossage, Havelock, Hopkins, Keyser, Nathoo, Pembroke, Preston, Rana, Sagoo, Salim, Shatry, Lady Shaw, Mr. Usher, 16. Noes: Messrs. Anderson, Carpenter, Cavendish-Bentück, Davies, Gillett, Hartwell, Hobson, Hope-Jones, Jeremiah, Matthews, Mortimer, O'Connor, Ohanga, Padley, Patrick, Rhodes, Thornley, Vasey, 18. Absent: Messrs. Erskine, Mathu, Patel, Pritam.

**THE PRESIDENT:** The amendment is defeated by 18 votes to 16.

**THE SOLICITOR GENERAL:** Mr. President, now that the motion has been put and defeated, may I for my own guidance inquire, sir, whether the expression "arguing the toss" is a parliamentary expression?

**THE PRESIDENT:** It is not a derogatory expression, and is one I think which is very well understood by most members. (Laughter.)

The debate on the substantive motion will now proceed.

**LIEUT.-COLONEL GHERSIE:** I wish to move an amendment. I wish to move: That the following words be added to the motion, "Provided that the following part of Sessional Paper No. 2 be deleted, paragraph 6 on page 4".

I do not propose, sir, to reiterate what has already been said by hon. members in the debate on the original motion, I merely wish to emphasize that members of the committee on this side of the Council, due to the evidence received, are convinced the Photographic Section is not justified, and if photography is required in future, then outside commercial firms should be employed for the purpose. The Photographic Section has been looked upon as an unjustified luxury, sir.

I beg to move this amendment.

**MR. PRESTON (Nyanza):** I beg to second the amendment, sir.

Sir, I should like to draw the attention of the Council to the fact that a committee was held at a certain amount of expense to the Colony, and it sat no less than 16 times, during which time many witnesses were heard. It made a recommendation on page 13, paragraph 28: "That the Photographic Section should be abolished".

I hope, sir, by seconding this amendment I shall not be told that we are endeavouring to dictate when we are merely following up the recommendations of this committee, who have been carefully considering this matter.

**DR. RANA (Eastern Area):** Mr. President, I just want to say a few words in order to clear my own colleagues' position as well as I know and, I believe, as far as the support of this amendment is concerned, I really had not made up my mind which side we were going to vote, but I must say that the Government explanations on not accepting the amendment has surprised me. On one day the select committee is appointed to go to the trouble to recommend a certain thing, then we have a White Paper on the top of it, and the hon. Member for Health and Local Government said that if the policy is decided the matter should be left to the Government members. If it is so, I consider it is a perfect waste of the Colony's money to appoint a select committee—if the policy is accepted, let the Member do all the work. I must make it clear that it was on that position that we have voted against the amendment, and I support what has been moved by the hon. Member for Nairobi North.

**THE CHIEF NATIVE COMMISSIONER:** Mr. President, I would like briefly to go once again over the points which led Dr. Rana to say what he did of the first of these African Information Services. First of all, that although the hon. Member for Nairobi North did say that the existence of this Photographic Section was an unjustified luxury and seems to throw doubt on whether photographs were required or not, I think that the report itself of the committee of inquiry does hold that these photographs are required, and that the film strips and so on are very desirable things—I did not think that point was the question.

**LIEUT.-COLONEL GHERSIE:** I made no reference to photographs. I suggested that the Photographic Section was unjustifiable, not the photographs. I suggested that in the future commercial firms could be employed where necessary.

**THE CHIEF NATIVE COMMISSIONER:** I think we are also agreed that the photographs are necessary, are we not?

**MR. HAVELOCK:** Film strips, not photographs.

**THE CHIEF NATIVE COMMISSIONER:** This Government considers that this work must be done by its own Photographic Section, and cannot be done by employing either private or commercial firms.

The points I should like to make are these, that the grounds are those of practicability. If you are going to take these kinds of pictures you must have a photographer who is always available. He has got to be available for consultation and to do the job as you want him to do when you want him to do and where you want him to do it. And what is more, as I have tried to point out, the taking or production of the film strip is a long business and may take some months. He may have to have pictures retaken, and you have got to get the same photographer to retake the pictures as took them in the first place. You have also got to have a man who is trained and has got the kind of mind that is informed upon the problems which Government is trying to tackle. Government does not believe that commercial photographers will be either available or be trained for this kind of work.

As to the making of film strips, as far as I can make out there is no firm in Kenya who can make film strips, and what is more there does not seem to be a firm in East Africa who can do it, because we have to make film strips for other territories. The making of film strips includes not only the making of negatives, but the making of the positives. We have got to keep a number of film projectors supplied with strips, and we have got to have equipment. That equipment the Government Information Services has, and this should be continued to be used.

As for the cost of the matter, the cost of the section it is estimated next year will be about £3,000 or £3,100 only. The figure given for last year was £4,322, although the actual expenditure was £3,500 only. And again that you can set the revenue of £445. If you ask for tenders for offers for commercial firms to do this kind of work, the only offer that has been had so far is an offer by a firm to take photographs only which will cost £127 10s. for 36 pictures. Now that includes the cost of travelling, of copy-

right—which is a very important point we must have copyright, it is no good having somebody reprinting them—and that is expensive. If we are going to produce 24 films twice a year that is going to cost us something in the neighbourhood of £4,250. Now that will give you the pictures. When you have got the pictures you have got to turn them into a film strip. If we do not use our own machines we have got to send them overseas to have them done. That is going to mean delay, and also extra cost. The cost of making a master film strip is £12 10s. for a strip, and the cost of making the sets of positives in the neighbourhood of £13 a set. Now those together for 24 sets is somewhere about £600 a year. That is going to cost you, with your original cost of taking the pictures, somewhere in the neighbourhood of £4,800 a year. Expenditure on the section in 1949 was £3,500 only, revenue £445 as I have said. This year the expenditure is estimated £4,322 and next year about £3,100.

Now on the grounds of practicability and cost this Government considers that it should continue to run its own Photographic Section.

One other point, it has been said that we should try out the commercial method, and if it fails we should go back to our own. I think—that means losing our equipment, our premises and, above all, our men and the experience that those men have got—to build all that up again is going to be a very big and uneconomical matter. I myself am convinced that we could do nothing more calculated to ruin this Information Service.

**MR. PRESIDENT:** I beg to oppose the amendment.

**LIEUT.-COLONEL GHERSIE:** Mr. President, I was going to ask the hon. Member if he was aware that the person had been mainly occupied as a librarian—it is a point of information—the person in charge of the Photographic Section.

**THE PRESIDENT:** The hon. Member has already spoken, someone else can ask the question perhaps.

**MR. HAVELOCK:** May I speak to the amendment? Sir, may I ask a question, whether the employee or the servant in charge of the Photographic Section has in the past been used mostly as a librarian?

[Mr. Havelock]

Sir, I am afraid I am still not convinced by the figures which have been given by the hon. Member for African Affairs, and it surprises me very considerably that if these detailed figures are now available, why they are different from the figures that were put forward before the committee. There was every opportunity given for a collection and collation of the facts of such concerning expenses, and with the evidence that was put before the committee the committee decided that the most economical way would be to abolish the Photographic Section and to use as much as possible private enterprise.

Now, sir, it surprises me that the hon. Member for African Affairs states that there is no firm who could handle a film strip, or production of such. I may have misunderstood him, but I thought that in the main debate, sir, the hon. Member for Health and Local Government had said there were certain local tea companies who had already been given estimates by private enterprise to produce such things at a cost of £150 each.

**THE CHIEF NATIVE COMMISSIONER:** On a point of information, there is no equipment in East Africa. If such an offer has been made it means that the pictures to be made here would be sent elsewhere for processing and turning into film strips.

**MR. HAVELOCK:** May I suggest then, sir, if there is no equipment, possibly if the Photographic Section is done away with, the equipment—which they have been using very dilatorily, in fact very seldom indeed—might be made available to private enterprise at a cost?

If, sir, it did cost £4,000 to produce 24 film strips, and a bit more presumably to produce some photographs, I believe it would still be more economical to do it that way than to have the present suggested set-up of permanent employees by Government doing the same job. May I suggest one thing. I am quite certain that the photographer in the past has had to try to find work to do. In taking photographs he has not been directed what photographs to take, and he, I believe, has just been trying to build up a library and finding subjects for himself for his library. Well, that in itself is the attitude of a permanent man who is taken on for what might be called temporary employ-

ment, in that his employment is not every single day on one particular thing, but he is directed from somebody to go and take photographs of a certain thing in intermittent periods of the year, and between those times he has got to find work for himself. I believe that if we could just know that our liability would merely be on the actual film strip that has been decided must be produced, that is what we will pay for this year, six or twelve of them—whatever amount is decided we will require—in the long run it will work out to be much cheaper to give a contract to private enterprise. Private enterprise then should be given by Government every opportunity to get the machinery necessary for doing this work.

I want to make another point, sir, which I did make in the main debate yesterday. In this matter of the number of ordinary photographs required, 15,000 is suggested. We do not require 15,000 photographs in a year, surely. What do we do with them? In the evidence that came before the committee it was definite that the actual photograph which was put round the hall, the welfare and information rooms and so on was a very pleasant form of decoration, and that was all. I suggest that still photographs in the main are a complete waste of money—not strips; I agree with those. There are occasions, such as the ceremonies that have taken place in this city in the last year or so which, of course, we require to keep a record of and are of great interest both here and abroad. Those sort of occasions can be handled by private enterprise, although certain activities of Government, making dams, terracing in different areas of the country and so on also have a certain interest value, news value, possibly; again I plead that private enterprise could be called in to deal with it—not only private enterprise. The committee were very impressed with witnesses who said that there are many Government officers in the country who take excellent amateur photographs, and for matters of that sort, for taking photographs for records, these Government officers would be only too pleased to provide excellent photographs for that purpose, and there I believe is another way in which we could get the required photographs of dams and roads, etcetera, without a great deal of expense.

[Mr. Havelock]

In spite of all that has been said on this subject, I still would support this amendment, and I would suggest that hon. members should consider very seriously before turning the amendment down.

I beg to support.

**MAJOR KEYSER:** Mr. President, the arguments for retaining the Photographic Section put by hon. members on the other side are based chiefly on the question of cost—and the costs that are likely to arise if this work was given out to private enterprise are based on a competitive estimate made by a firm to a tea company for six film strips.

**THE CHIEF NATIVE COMMISSIONER:** On a point of explanation, no, sir. That is not so. Those are the figures which have been reached very recently in trying to find out whether this suggestion that the work could be done commercially was more economical.

**MAJOR KEYSER:** The argument is based on nothing at all as far as I can see.

**THE CHIEF NATIVE COMMISSIONER:** On a concrete offer.

**MAJOR KEYSER:** How many strips was the offer made for? I understood the Member for Health and Local Government to quote that six strips for the tea company were required and they would cost £150 each.

**THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:** On a point of explanation, I think the hon. Member for Trans Nevia is confusing my quotation of what it cost a commercial firm with the hon. Member for African Affairs' statement of what was quoted to the Information Office by a commercial firm to get the work done.

**MAJOR KEYSER:** For how many strips?

**THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:** For one strip in each case.

**MAJOR KEYSER:** The point I am trying to make is this. If a firm knows it is going to have a large number of strips to make, it is obviously going to quote for a very low figure. No firm is going to buy a large amount of equipment and have a man specially for the job to do one or two or half a dozen film strips.

If he is going to do 20 or 24 as the Information Department might require, he is obviously going to quote a very, very different figure than if he is going to do just a few. At the same time he also knows he is going to have other demands than from the Information Office for it and the whole matter will change its aspect, and I do think that it is worth anyhow investigating the matter further and giving it a chance. We feel that private enterprise would in the end be better than keeping this Photographic Section going. I must say I am not at all impressed with the arguments of cost put up by the other side. I feel nobody here is impressed, because I do not think they have been impressive—apart from which, of course, there are the other costs which are not included in the estimate given here of pensions, leave, etc., so that we have not really got a true picture of the total cost of the Photographic Section put before us. Altogether, sir, the financial aspect of the matter has been put, shall we say, very sketchily from the other side.

I, sir, support the amendment.

**LADY SHAW:** Just one word in support of this motion, just to mention again a point which was raised in the main debate. Much has been said in speaking to this amendment about economy. I would very much like to point out the question of efficiency. If we pay our money for our photographs presumably from a commercial firm—we will get them. During the year that had a Photographic Section in full blast run by the Information Service; between the beginning of the year and October we paid our money and we got nothing for it. That, sir, I do not regard as either economy or efficiency. If we buy a film strip from a commercial firm presumably we shall get one, but apparently in the Information Office if we pay a photographer to produce a film strip we do not get one. I should think it would be more economical and efficient to get it from a commercial firm. We pay our money and get our article.

**MR. COOKE (Coast):** Listening to my hon. friend the Member for Native Affairs one would think up to this the Photographic Section had been a thundering success, but my information is that though these pictures may be of great interest and delight to the natives of Patagonia or Timbuctoo, the City of

[Mr. Cooke]

London cannot get the photographs it desires. London desires those photographs which would put Kenya on the map, but so far they have not been getting them. If my information is correct they have not been getting that type of photograph. It seems to me that what we require in a photographer is not a man who can dictate policy but a man who is technically efficient, and surely to goodness what should happen, whether we have even a Government photographer or one who is in private work, the policy regarding the photographs he should take would naturally come from the person under whom he works. I cannot see any arguments in favour of retaining this Government set-up. Surely from the efficiency point of view—efficiency and cheapness—when we feel a certain series of photographs or strips should be taken we can then decide on that policy and send this technical man out to take those photographs and depend on his technical ability to produce the photographs as we desire them to be produced. Therefore, sir, I am very much in favour of the amendment.

**MR. OHANGA (African Interests):** Mr. President, I want to make a very short intervention in the debate on this amendment. It seems to me that there is only one single important point in the whole issue, and that is cost and efficiency. It seems to me that on the Government side some attempt has been made to find out which of the two methods would be cheaper, and they have some evidence that possibly the present set-up would be cheaper than if it were handed over to private enterprise.

**MAJOR KEYSER:** Where is the evidence?

**MR. OHANGA:** It seems to me that what has already been said, especially by the Member for the Coast—that efficiency the cheapness should be the guiding principles and the main things that matter. We have had a lot of arguments from this side that private enterprise would be cheaper, but so far no evidence, and that being so I feel I will support the White Paper.

**MR. JEREMIAH:** Mr. President, on listening to the arguments that have been put forward, it seems to me as if there is a war between private enterprise and the interests of the people con-

cerned, because I would think that what we should be considering first is the interests of the people concerned—the people for the benefit of whom those materials are going to be put. The Photographic Section in my view has played a very great part. We all know that the majority of the people in the country are illiterate and any useful information, apart from the word they can get from the mouth, is easily received by them by way of sight, and that is by way of photography. Perhaps the Photographic Section has not been doing enough. The hon. Member for Kilambu said we do not need 15,000 photographs a year. My contention is that we need more than that. I visualize actually a position when we shall have photographs as a method of education. Example usually is the most important thing in order to teach a person, but example cannot be obtained everywhere in the up-country land units. In almost all of them no one can give good examples, but those people can be shown something of other places which have progressed by way of photography. Explanations would not be sufficient. Therefore I strongly urge the hon. Member who moved the amendment to bring first of the interests of the people, and as in my view I believe that the work can be more cheaply done by Government than private enterprise I oppose the amendment.

**MR. NATHOO (Central Area):** Mr. President, I entirely agree with the hon. Mr. Ohanga when he says that we should be guided by economy and efficiency. The select committee, when considering this aspect, had the expenditure of Government set-up before them, and I am sure, sir, being in business, they would have a very fair idea as to what the set-up was going to cost if it was done by private enterprise. If the Government felt that they could not accept this evidence of the select committee about having the work done by private enterprise, the reasonable and fair way for them to act was to find out from private enterprise as to what it was going to cost them for the materials they were requiring, and then at the moving of this White Paper here produce figures and details as to what it was going to cost the country in the Government set-up as opposed to private enterprise. If they will not produce these



[Mr. Nathoo] figures then I am afraid I am not going to be led away by that argument, as my hon. friend Mr. Ohanga has been led away. Until we are convinced by figures that a commercial set-up is more expensive, I am afraid, sir, we must support the amendment and therefore I beg to support.

**THE ATTORNEY GENERAL:** Mr. President, I did not intend, if I may coin a completely novel phrase, to intervene in this debate—(laughter)—but I have one or two remarks which I think I ought to make.

In the first place, with regard to the point put forward by the hon. Dr. Rana, I would draw a distinction between what I understood to be a plea by the Member who was responsible for the portfolio to be allowed to organize the personnel of the departments under him and to say to whom each should answer—I would draw a distinction between that and this present debate which is on the question of whether or not a Photographic Section should be abolished. That, to my mind, is entirely a question of policy and no one for a moment would challenge the right of hon. members opposite to make whatever observations and recommendations they think fit upon it. I do hope the hon. Dr. Rana will not carry into this debate something which was said upon the last amendment.

As regards this question of the abolition or otherwise of the Photographic Section, as a life-long supporter of private enterprise—(applause)—as against nationalized industry, I have listened with some avidity for evidence which would persuade me and convince me that it would be wise to abolish this Photographic Section. I must confess that, up to date, I have been quite disappointed. Nothing which I have heard in this debate has convinced me that it would be wise to abolish this section which has been built up and is capable, or should be capable—(MR. HAVELOCK: Should be)—of performing most useful and necessary work. Now the recommendation with regard to it in the report—there is more, but I will quote what I think is the nub of it—is this:—

Paragraph 27, page 13.—We appreciate that in theory the existence of a Photographic Section should lead to a

more efficient organization and to the rapid production of photographs for particular needs. We do not, however, consider that the present organization did result in the needs of officers in the field being met expeditiously, and we have come to the conclusion that it would be preferable to rely on commercial photographic firms and officers in the field to produce the photographs and film strips required, even though in the latter case the technical quality of the photographic strips might not be so high.

Paragraph 28.—We recommend, therefore, that the Photographic Section should be abolished.

With respect, sir, I should have thought that that passage, which is the passage upon which hon. members opposite mainly found themselves, is an argument for increasing the efficiency of the section, if necessary by quite drastic means, and not for abolishing it altogether. At all events it has not convinced me that that section should be abolished, and having listened to the facts and figures (which are the only facts and figures that have been made available in this debate) produced by the hon. Member for African Affairs, I think that there is a strong argument for retaining the section both on grounds of cost and of practicability. I have seen no evidence that the commercial photographic firms could produce precisely what is required, and I do not see any reason why, if the Photographic Section is not efficient its efficiency could not be improved and increased to the desired level. Therefore, sir, I must oppose the amendment.

Before I sit down, and before my colleague the hon. Member for Health and Local Government and Education speaks again, may I be allowed to say that the passage which was quoted yesterday—that wonderful passage which was quoted yesterday by the hon. lady the Member for Ukamba—was written of and by a man who, having been eloquent and active in support of the wrong principles, saw a blinding light and was converted, thereupon gave up his previous misguided ideas and organized so successful a preaching propaganda and information service that his words for 2,000 years have echoed round the world, and were even quoted by the hon. Member yesterday? (Laughter and applause.)

**MR. USHER (Mombasa):** Mr. President, I think it may be inferred from the speeches that have been made in favour of the amendment what is the real reason which influenced the committee—of whom I was one—in making the recommendation they did. It is, quite shortly, this, that we thought that this section really meant that we were paying too much for the small proportion of useful work which was produced by it. That is to my mind the whole point, that this very capable officer with his staff and excellent equipment was in fact spending most of his time doing work which is utterly unimportant.

**MR. PEMBRIDGE (Uasin Gishu):** Mr. President, in supporting the amendment I have just three points to make. I wish it to be quite clear in the minds of those hon. members who have spoken on this side of the Council and fear that it is the intention of ourselves that there should be no photography of any kind, that that is not the intention of the hon. members moving this amendment. The intention is merely one of the most efficient ways of getting photography done. The select committee, when it sat in this matter had the advice of one who had very great experience in the film industry, and it saw fit to take that advice. I think, Mr. President, I have nothing more to say in supporting the amendment.

*Council adjourned at 11.35 a.m. and resumed at 11.50 a.m.*

The debate continued.

**THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:** Mr. President, may I first of all reply to the question which the hon. Member for Kiambu asked on behalf of the hon. Member for Nairobi North. The photographer is not the librarian, and has not been the librarian. There is a lady librarian who does the work of the librarian. I hope that answers the hon. gentleman.

**LIEUT.-COLONEL GHERSIE:** Not entirely sir, On a point of explanation, I realize he was not employed as librarian, that was not his appointment in Government, but his time was occupied in functioning as such.

**THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:** I would suggest, sir, that the hon. gentleman's argument is a little

confusing. Most of the hon. members on the other side have argued that he takes too many prints, having taken 15,000 in one year.

**MR. HAVELOCK:** He has not argued; he only suggested.

**THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:** You cannot say that he takes too many photographs on the one hand, and argue that his time is too much unoccupied on the other.

**MR. HAVELOCK:** Mr. President, may I point out, sir, that he is referring to a remark that I made. The quotation, sir, is: "This section is geared to produce 15,000 photographs"; it does not say 15,000 photographs were taken.

**THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT:** Let me state what he took. The Department last year for journalists and overseas prints took some 4,530 prints. The agencies' side of it was 2,415. This year so far for journalistic work they have taken 3,195. Now, there is one very important point on that, and that is that the copyright of those photographs rests with the Department, and has not to be repurchased. There has been a lot of talk about what the Department, the Photographic Section, is actually doing, and a lot of quotation of costs. Of course, hon. members somewhat naturally went into the pitfall of reading 24 film strips as if that 24 film strips were the beginning and end of the cost. Between September, 1949, and the end of July some 19 film strips have been produced by the Photographic Section. Some 1,700 copies of those are now in use in the field of African information. So that when one talks about costs, one must, of course, remember that there is the print costs as well.

I find myself, sir, in a little difficulty, because I am sure that if I refer to points raised in the main debate you will rule me out of order, and so I must save some of the argument for the main debate. But I would say this, sir, Hon. members opposite have asked why this should not be investigated further. I can only say, sir, that the reason why Government has put this proposition forward is because the matter has been investigated, I can assure them, very thoroughly on the grounds of equipment. It may well be in time to come that a commercial firm will introduce equipment into this country, but at the

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present moment you cannot destroy a section which is carrying out a very vital duty of the Information Service in the hope that they will, and if you put forward the idea that you should offer to one firm only the contract for film strips in order to give that firm enough work to produce on a cheaper basis, you would indeed be offering them a monopoly.

MR. COOKE: Nobody asked for that.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: I think that suggestion was made. Whereas if you were to run this on commercial lines you would have to put each individual subject to them. Having been a member of a company which interested itself in this country in producing films which did work for the South African Government in this country I know well enough that every subject had to be quoted for separately, because of the cost of production. If you are demanding a film strip to be made in the Northern Frontier, and the photographer belonging to the commercial firm has to be dispatched to somewhere there, his services are lost to you for a month, and you pay that photographer £60 or £70 a month, the cost of that particular film strip is obviously completely different to the one that you take in Kiambu coffee. And so no overall quotation or assurance that so many will be given could possibly be made to any company without a very great risk of the abuse of public funds. (Hear, hear.)

MR. HAVELLOCK: Do it on the cost-plus basis.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: It is very interesting to note the wiggling of the hon. members opposite when it is a question of defending this particular group of private enterprise! (Laughter.)

The point at issue, sir, is that there is in fact at the present moment no firm with sufficient equipment, with sufficient professional photographers to be sent into the field for long periods of time. The figures that I have read out have I think shown that the select committee got its evidence at a particularly unfortunate time, because in September and October, 1949, the film strips were in the point of preparation and almost complete. And from that time on the spur

has taken place which has ended in 11 film strips being produced, and 1,700 copies being available in the field. (Applause.)

It is, too, to be noted that having regard to the fact that the select committee did not like quite so many photographs to be taken, a tightening up took place in the estimates, and the figure quoted by my hon. friend the Member for African Affairs must be the true figure to be compared against commercial cost. I would say, sir, that this—in the opinion of hon. members opposite and not in my own—this Photographic Section may be a rickety boat, but at least it is afloat, and until you are sure that the lifeboat of private enterprise is available, do not step outside it.

One other point, sir, before I sit down, I regret that Government cannot accept this amendment, and I would like to say what I think is the constitutional position on this particular point. Government has received a report of a select committee on which there was an Unofficial majority. Now, my hon. friend Dr. Rana said that that is the reason why Government should blindly accept what the select committee says. I think I did hear in a recent debate in this Council on a somewhat less pleasant subject a somewhat different opinion from the hon. Member, who at that particular time said that, because a gentleman concerned had made a report, was no reason for accepting it at all. I am sure that he will be delighted to find that we have been converted to his point of view. The responsibility for putting forward policy must rest on the Government. It considered the report of this select committee on the Information Services and found that there were certain points which, after full, and I repeat full, investigation, it could not accept. It is Government's duty to place its opinion on policy before this Council. Because the Government is in the minority, it cannot enforce that policy. It would not wish to enforce that policy against the decision of the majority of Council of which Government is a part. But unless Government ceases to be a Government it must, after due consideration, state its policy and stand by that policy and endeavour to carry that policy through this Legislative Council. If it is defeated, then the responsibility in that particular matter of policy has passed from Government

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to the Legislative Council. All that Government can then do is to administer the policy decided on to the best of its ability with the organization that this Council allows it. Government has stated that in its opinion, without a Photographic Section under its control to carry out the production of a vital part of the Information Service it does not believe that that Information Service can function really efficiently, and to that opinion it must adhere. It has listened to the arguments on both sides, it has read the report of the select committee, has studied the result of its own investigations and those of the report and has gone into all the matters arising therefrom. On that its policy it must stand, and members of Council must realize the responsibility they undertake if they vote against its advice. (Applause.)

The question of the amendment was put and negated on a division by 13 to 19. Ayes: Messrs. Cooke, Gherrie, Havelock, Hopkins, Keyser, Nathoo, Pembroke, Preston, Rana, Sagoo, Shatry, Lady Shaw, Mr. Usher, 13. Noes: Messrs. Anderson, Carpenter, Cavendish-Bentick, Chemsallan, Davies, Gillett, Harwell, Hobson, Hope - Jones, Jeremiah, Matthews, Mortimer, Ohanga Padley, Patrick, Rhodes, Salim, Thornley, Vasey, 19. Gossage paired with O'Connor. Absent: Messrs. Erskine, Mathu, Patel, Pritam.

THE PRESIDENT: The debate on the substantive motion will now be resumed: "That this Council approves in principle the select committee report on the Information Services, as modified by Sessional Paper No. 2."

THE ACTING CHIEF SECRETARY: Mr. President, I only wish to say one word in reply to the complaint which came forward yesterday from the hon. Member for Trans Nzoia, that he and his colleagues had not had sufficient time to study the Sessional Paper No. 2, which we are now discussing. I admit, sir, there was very little time indeed for hon. members to have studied this paper and I am sorry that it should have been so. I would, however, say that before it was put on the Order Paper I did mention it to the Chairman of the Unofficial Members Organization and it was his agreement that it was placed on the Order Paper. I think also that the hon. Member

for Trans Nzoia will agree with me when I say that certainly in my experience I do not remember any sort of kind of compulsion being placed on hon. members opposite to discuss any subject when they were anxious for further time for deliberation before it was brought onto the floor of this Council, and I hope that in future it will always be possible, if hon. members opposite wish to have further time to discuss any particular matter before it comes up for debate, that that subject shall not be put on the Order Paper until they are ready.

MR. COOKE: Mr. President, I think we are grateful for the reasonable manner in which my hon. friend has expressed his point of view—(hear, hear)—but what we were complaining about was that unless we had consented to the debate coming on when it did there would have been a very long postponement, and this is not the first time that we have been driven into choosing the lesser of two evils. The point we wish to make is this situation should not be permitted to arise if it can possibly be avoided in the future. We know exactly the difficulties which the hon. gentleman is labouring under, but we also have got to put before our constituents and others the Government policy before we can ourselves be absolutely committed to accepting that policy.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Mr. President, a great deal of the criticisms made in the main debate have, of course, been answered more or less in detail by the debate on the amendment, therefore, sir, there remain only a few points for me to deal with. I would like to thank the hon. Member for Aberdare for the two interesting points he raised and to assure him that full consideration to the point of view that he has put forward will be given. It is obvious, of course, that in the building up of a history of development the present can never be entirely separated from the past, which, I think, was his point of view.

With regard to the hon. and gracious Member for Ukamba, she twitted—if such an expression, sir, can be allowed in a Parliamentary sense—she twitted me with not being present at quite so many meetings as the hon. and gracious lady. I took my spare time last night to go back through the minutes of that com-

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mitted and I have to admit that the hon. and gracious lady is right. Out of 16 meetings I only attended 12 and the hon. and gracious lady attended 13. If the hon. and gracious lady likes to go through the minutes she will find that a time when it said "present, for only part of the time", and that only occurs on one occasion.

The hon. and learned Member for Law and Order dealt I thought rather efficiently with the completion of the quotation. I will spend no more time than to ask the hon. and gracious lady if she will allow me to quote the beginning of the quotation which may be aptly taken to refer to that time before we stood "face to face". It is: "When I was a child I spake as a child, I understood as a child, I thought as child, but when I became a man I put away childish things". I do not think I need elaborate that particular point.

Turning from the lighter to the heavier side, several members made the point about central direction being essential. Of course Government has agreed in the Sessional Paper that central direction is essential and it will be the task of Government to see that that direction is efficiently carried out. On the question raised by the hon. Member for African Interests, Mr. Ohanga, help is visualized for the African Press, particularly on the question of technical advice, but I think it would be correct to say that journalism of the true and correct kind and editorial practice is not something which can be learned merely by attending a course for a few weeks. It comes from long years of experience, the possession of what I think is called a "nose for news" and the ability to present that news without undue bias—a not so easy task. I think that the assistance that is going to be offered to them of continual visits and talks to the editors of advice and how to present the papers better—to lay it out—such advice as it will be essential to get a trained journalist to assist to do it, is really a far better way of doing it than merely sending them anywhere for a short course and leaving them once again to return with inexperience and that too little knowledge which is perhaps more dangerous in newspaper work than almost anywhere else.

With regard to the hon. Mr. Chemalala and the comment on the Press, I must point out to the hon. Member that the committee and Government expressed an opinion only that "the time may come when certain action will have to be taken. I would like to ask the indulgence of the Council to quote from *The Times* of 13th July—a debate in the House of Commons on this question of the development of the yellow Press in colonial territories—Mr. Anthony Eden said:—

"Strong words had been used in official reports of inquiries into disturbances about the attitude of the Press in areas concerned, and it was disturbing that some broadsheets were filled with poisonous misrepresentations of the Government.

Their accounts of the Korean developments would have been, he thought, quite unbelievable to anyone; the *Daily Worker* was quite a long way behind in that competition. (Laughter.)"

And I think, sir, if I may interpolate, that could be applied in this country to some papers in their attitude to the United Nations' effort in Korea.

"The House should be conscious of the situation. There seemed to be little responsible information to put into the balance against it. He (Mr. Eden) suggested no form of censorship, but perhaps the Minister would consult the Empire Press Union and also elect to fortify himself with the advice of a responsible commission. If no attention were given to this matter, the consequences in a year or two might be great and found to be not altogether unrelated to happenings in other parts of the world."

Now, sir, let me cross the House to the Government side and read what our recent visitor, Mr. Dugdale, Minister of State for Colonial Affairs, had to say in the same debate:—

"Some of the publications in the colonial territories were of a ludicrous character. He had been told of one which contained the headline 'Woman gives birth to 7 ft. long snake'. The Press—and remember this is a Minister of His Majesty's Government speaking—the Press should not be made subject to repressive control, but it was necessary to ensure that irreparable damage was not done in the colonies by the Press. (Hear, hear)."

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Now, sir, I contend with the experience we have had in this country the select committee were quite right in drawing Government's attention to the fact that unless irreparable damage is to be done by the irresponsible Press, steps might have to be taken. They recommended no action—and I hope the hon. gentleman will realize that it was only an expression of opinion.

I have, sir, nothing more to say on this report. I would like to express my enjoyment of the debate that has taken place because it has at many times been very enjoyable, and I hope that this Council will now find it possible to give the Information Services a fair wind on the basis laid down in Sessional Paper No. 2.

*The question that the report, as modified by Sessional Paper No. 2 of 1950, be adopted was put and carried.*

LAND CONTROL ORDINANCE, 1944

MAJOR KEYSER: Mr. President, I beg to move the following motion: Be, it resolved that this Council is of the opinion that the Land Control Ordinance, 1944, should be amended to provide that the Land Control Board be no longer empowered to refuse to give its consent to any transaction relating to land by reason only that it objects to the proposed selling price of the land to which the transaction relates, or the rent to be charged for the lease of such land, or to any premium or other pecuniary consideration in addition to the rent to be charged or to the amount of money to be secured on such land by way of mortgage, charge or other encumbrance.

Sir, this Ordinance was passed by this Council in 1944 and during the debate the Government gave an assurance that if at any time a majority of the European Elected Members wished a repeal of this Ordinance, then Government support such a Bill. The Ordinance deals with land in the Highlands only. The Bill was drafted and introduced into Council at the instigation of the Europeans, landowners of the Colony, who considered that at that time there should be a strict control of land transactions taking place in the Highlands. The Board was given the powers to refuse to give its consent upon the ground that "(f) in its opinion the applicant already has sufficient land

or interest therein or sufficient shares, stock or debentures or other interest in any company referred to in paragraph (c) of sub-section (1) of section 7 of this Ordinance; (ii) the area of land is such, in the opinion of the Board, as to be likely to prove uneconomic for the purpose for which it is intended; (iii) the terms and conditions upon which the sale is to take place are onerous; (iv) it objects to the proposed selling price of the land to which the transaction relates, or to the rent to be charged for the lease of such land or to any premium or other pecuniary consideration in addition to the selling price of the land or in addition to the rent to be charged, or to the amount of money to be secured on such land by way of mortgage, charge or other encumbrance."

The working of this Ordinance did result in great delay in land transactions being put through and there was very considerable criticism of the Board for that particular reason, but nevertheless I and members on this side of the Council, and I think many members on the other side of the Council also, considered that the Ordinance did serve a very useful purpose at that time, and after the war the suggestion was made that the time had now arrived when the Ordinance should be repealed. Members on this side of the Council consulted their constituents and we had long discussions on it and we came to the conclusion that some of the powers which the Board had should be maintained anyhow for some time, but that there was no necessity any longer to give them the powers to refuse transactions of land on the score of price, and therefore this amendment is being moved to-day as a result of those deliberations rather than moving that the whole Ordinance should be repealed.

I hope, sir, that Government will find it possible to support this motion and that in due course the necessary legislation will be introduced.

Sir, I beg to move.

MR. HAVELOCK: Mr. President, I beg to second, and in doing so I would merely like to emphasize one aspect, that is, the delay in the land transactions that has really been the unpopular aspect of this Ordinance. I do hope—in fact, it is only with this hope that I am second-



[Mr. Havelock] ing this motion—that, through administrative arrangements through the Land Department, when there is no longer any necessity for the Land Control Board to scrutinize the matter of price, that Government will be able to do away with nearly all the delay in the land transactions that have been very irritating, and indeed have been very disadvantageous to this country in the way of attracting settlement in the past. It is a most serious situation. I believe—and I am certain, having been a member of the Board myself, and having had quite a lot of experience on the difficulties that are brought before the Board—that there is an administrative arrangement that could be made so that nearly all transactions can go through within a week or two of the Agreement between the two parties, provided this amendment is accepted by Government to the Ordinance. I do hope, sir, Government will consider that aspect very very seriously.

I beg to second.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. President, as Government accepts this motion it will introduce the necessary legislation.

With regard to the point raised by the hon. Member for Kiambu, the Government will do their best to avoid the delays which I know at present are in the Land Department.

The question was put and carried.

#### LOAN TO EAST AFRICAN AIRWAYS CORPORATION

THE FINANCIAL SECRETARY: Mr. President, I beg to move as follows:—

"Be it resolved that a sum not exceeding £150,000 be made available from the general revenue and other funds of the Colony as a loan to the East African Airways Corporation; that such loan shall be covered by the issue of stock bearing interest at not less than 3½ per cent per annum and subject to redemption in not more than 25 years from the date of issue and shall be secured against the assets of the Corporation."

Now, sir, on 19th July, 1945, my distinguished predecessor, the hon. Mr. Troughton, moved the following motion in this Council:—

"That this Council approves in principle the acquisition by the Kenya Government of the non-interest bearing

stock in the East African Airways Corporation when formed, also the payment of annual subsidies to the same Corporation."

That motion was put to this Council in order to elicit the opinion of the Council on a White Paper which had been prepared by the Governor's Conference on certain matters which had been discussed at the International Conference on Airways held in Capetown. That White Paper suggested that the development of civil airways in the East African territories could best be undertaken by a Corporation financed by the East African Governments. Private enterprise, it was suggested, had up to that time done a great deal, but the time had come when the Governments concerned should take over this important aspect of development. Moreover, it was quite clear that many routes to be operated would, to begin with, be uneconomic, and private enterprise would naturally be rather diffident about operating such routes, and would tend to concentrate on the profitable routes. In fact, in order to induce them to operate such routes it might have been necessary to give private operators a subsidy, a procedure considered very undesirable. It was therefore decided to set up the East African Airways Corporation, on the understanding that that Corporation would be financed by the respective Governments. So far the Corporation has got along with short-term money made available by the various Governments—and by short-term money made available by B.O.A.C. The time has now come, sir, when the finances should be put on a more stable footing and it is for that reason that this motion is before this Council.

I may say that the motion which was put forward by my predecessor was accepted unanimously in the Council at that time. Moreover, all the other territories—that is to say, Uganda and Tanganyika are making capital available to the Corporation either by purchasing stock or by guaranteeing overdrafts to the amount which stands this motion in respect of Kenya.

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

Council rose at 12.40 p.m. and adjourned till 10 a.m. on Tuesday, 22nd August, 1950.

Tuesday, 22nd August, 1950

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 22nd August, 1950.

The President took the Chair at 10 a.m.

The proceedings were opened with prayer.

#### ADMINISTRATION OF OATH

The Oath of Allegiance was taken by H. L. Adams, Esq., Secretary for Commerce and Industry.

#### MINUTES

The minutes of the 18th August, 1950, were confirmed.

#### NOTICE OF MOTIONS

MR. COOKE (Coast) gave notice of the following motion: This Council recommends to Government that—

- a) a Cost of Living Allowance be paid to all those pensioners who retired from the Kenya Civil Service before the 31st December, 1935;
- (b) the ceiling of pensions susceptible to allowances be £720 and the allowances shall operate irrespective of the fact that the pension may exceed £720 per annum; and
- (c) in reckoning allowances earned income of a pensioner be not taken into consideration,

and that these suggestions be referred to a sub-committee of Standing Finance Committee to discover ways and means for their implementation.

#### ORAL ANSWERS TO QUESTIONS

##### No. 49—REPORT OF THE ECONOMIC SURVEY OF FORESTRY

MR. HAVELOCK:

(1) Has Government considered the report of the Economic Survey of Forestry in Kenya carried out by Messrs. Hiley, Gill and Constantine?

(2) When will Government's recommendations on this subject be presented to this Council?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: (1) The Government still has the Hiley Report under consideration. The hon. member will appreciate that a number of important issues have been raised in this report which necessitates detailed investigation.

(2) It is hoped to present Council with Government's recommendations in regard to this valuable survey and report during the next session.

#### SELECT COMMITTEE REPORT

##### FACTORIES BILL

THE ACTING DEPUTY CHIEF SECRETARY: Mr. President, I beg to move: That the report of the Select Committee on the Factories Bill be adopted.

Sir, in moving the second reading of this Bill, Mr. Hyde-Clarke, then Labour Commissioner gave an account of the scope and contents and objects of the Bill, and it is not, therefore, necessary for me to go over that ground again, but I think it will be convenient to members if I remind them of the main parts of the Bill. Part I is entitled "Application". Part II consists of interpretation. Part III deals with the registration of factories. Part IV deals with health (general provisions), which is one of the largest parts of the Bill. Part V deals with safety (general provisions); that is the largest and most important part of the Bill. Part VI deals with welfare (general provisions). Part VII deals with health, safety and welfare (special provisions and rules). Part VIII—Special Applications and Extensions. Part IX is Miscellaneous. Part X—Administration; and Part XI—Offences, Penalties and Legal Proceedings.

Now, the Select Committee heard evidence from the public in Nairobi, Mombasa and Kisumu and the recommendations which we have made were agreed upon after very full and careful consideration of the evidence which had been given to us. I think I should say that it was apparent that most of the witnesses had spent a great deal of time and trouble in preparing the evidence which they gave. We are very grateful for their assistance. All the witnesses agreed that legislation of this kind is necessary, and the criticisms and suggestions which they made fell into two groups. Firstly, they related to details of the provisions of the Bill, and secondly to the date with effect from which the legislation should come into operation. The amendments to the original Bill which we propose are set out in the Schedule at the end of the report. The text of the report explains the most important of the

[The Acting Deputy Chief Secretary] amendments which we suggest. I am sure members will have read the report, therefore I do not think it is necessary for me to go through it paragraph by paragraph and deal with all the amendments which we suggest, but there are a few important amendments which I think I ought to refer to.

Firstly, clause 1 of the Bill deals with the date of operation. We recommend that the Bill should come into operation from the 1st September, 1951. That may seem a long time ahead, but we think it is only reasonable that factory occupiers should have fairly long notice of the legislation which is going to govern them. Under the proviso to clause 1 the Governor in Council is empowered to postpone the date of the coming into operation of the whole Ordinance or parts of the Ordinance, either as regards factories generally or as regards any class or description of factory. We regarded it as within our terms of reference to make recommendations on this matter. We do not think that it would be practicable to apply the Ordinance at this stage to all factories in the Native Land Units. Our recommendation is that the Ordinance should not apply to the Native Land Units except as regards firstly, factories in gazetted townships; and secondly factories outside gazetted townships in which ten or more people are employed. We think that by that means all the more important, the larger factories in the Native Land Units will be brought within the scope of the Ordinance. We do not think it will be practicable at the present time to apply the Ordinance to the whole of the Native Land Units, because the staff available would not permit that to be done. Of course, in due course, in the future I expect the Ordinance will be applied to the whole country and cover all factories wherever they are.

On the question of the postponement of the Ordinance, or particular provisions of it, regarding factories anywhere, it was suggested to us that certain provisions of the Ordinance ought to be postponed because of the difficulty or, as some witnesses suggested, the impossibility of complying with the provisions, on account of the lack either of the physical facilities or of the trained qualified personnel. The Select Committee were satisfied that this Bill is urgently necessary

for the protection of workers in factories, and we think that the only ground on which it would be proper to postpone beyond September, 1951, the operation of special sections of the Bill is impracticability; that is, if the facilities for complying with the law are not available.

Members will see from paragraph 10 that we have been advised that sub-clauses (2) and (3) of clause 22, which deals with transmission machinery, should be deferred until five years after the date of operation, for the reason that it is not practicable to apply them sooner. We feel the question of the postponement of the application of particular sections is a technical matter, and we therefore recommend in paragraph 11 of our report that a technical committee should be set up by the Member in consultation with the Labour Advisory Board. We recommend that the committee should be required to report to the Member as soon as possible, and in any case not later than six months after the enactment of the Ordinance, which means six months before it comes into operation, or thereabouts; that this committee should be kept in being as a permanent sub-committee of the Labour Advisory Board, in order that the Member may have the benefit of technical advice on the various matters with which this Ordinance deals.

The next point I think I should mention is paragraph 16 of the Report of the Select Committee, which deals with clauses 21 to 24 of the Bill. Clauses 21, 22 and 23 require that dangerous machinery shall be securely fenced unless the machinery is safe, by reason of its position in the factory, or its construction, as it would be if it were securely fenced. That is the provision in the United Kingdom law and it seems to us to be very reasonable. But according to the information which we received the interpretation placed upon these provisions in the United Kingdom goes a good deal further, and it appears that if a piece of machinery is left unfenced for the reason that it is believed to be safe by position or construction, and if a worker approaches that machinery and is injured by it, then the occupier of the factory is nevertheless guilty of an offence, even though the workman may have been acting in disregard of specific instructions which he has been given. This was a point which the Committee examined and

[The Acting Deputy Chief Secretary] considered with the utmost care, and we came to the conclusion that that was going too far in the circumstances of Kenya. We have therefore proposed an amendment to clause 24 which is set out in paragraph 16 on page 4 of the report, which we think will safeguard the occupier against an approach to unfenced machinery in wilful disobedience of instructions given by the occupier of the factory. There is no denying that this provision which we suggest is a weakening of the law as it is in the United Kingdom, but still we think it is justified in the circumstances of this country.

Clause 31 deals with chains, ropes and lifting tackle, and it has been suggested to us by various witnesses that the application of this section, at any rate at the present time, would be difficult or indeed impracticable. We have suggested certain amendments to section 31, which to some extent will mitigate the occupier's obligations under the section. I do not think I need explain those—they are apparent from the schedule to the report.

Regarding the suggestion that the operation of this section ought to be deferred, we think that is a matter with which the technical Advisory Committee, the creation of which has been suggested in paragraph 11 of the report, might very well give useful advice.

Clause 55 in Part VII of the Bill is entitled: "Power to make rules for health, safety and welfare". Section 55 (2) (c) gives the Member power to modify or extend, with respect to any class or description of factory, any of the provisions of certain parts of the Bill. This provision was criticized at the second reading stage of the Bill on the grounds that it was giving rather excessive powers to the Member. We considered this point very carefully, and we are satisfied that it is necessary that the Member should have this power. It is limited to specially dangerous or offensive trades and processes such as sawmilling, dock working, the use of cellulose solutions, tanning and processes involving the use of lead compounds. But we think we have met the objection by an amendment which we propose to clause 71 of the Bill. Clause 71 is: "Provisions as to rules and orders made under this Ordinance". We propose an amendment to clause 71 (2)

by which rules made by the Member will not become operative until 30 days after they have been laid on the table of this Council. If any member thinks the rules are unreasonable, he will have the opportunity of raising the matter here, before the rules come into operation.

The majority of the provisions of this Bill have placed obligations on occupiers of factories. I think I should draw attention to clause 65 on page 30 which places specific duties upon persons employed in the factory. It requires that they too should co-operate in the observance of the provisions of the law.

Clause 69 deals with the powers of the inspectors, and it was suggested to us by various witnesses that the powers given to inspectors under the Bill were perhaps too wide. We examined that suggestion very carefully, and we are satisfied the powers given are necessary. We have however proposed an amendment to paragraph 69 (1) (ii), with the object of ensuring occupiers are kept fully informed of the visits of inspectors to their premises.

I think I should also call attention to clause 78 of the Bill, which is important because it enables an occupier or owner of a factory who is charged with an offence under this Ordinance to have any other person whom he alleges is really the actual offender brought before the Court at the proper time for hearing the trial. This clause also requires that the factory inspector in certain circumstances must proceed against the person he believes to be the actual offender, without first proceeding against the occupier or owner of the factory.

There was some criticism, I think, at the second reading stage, of clause 81 (1) which says that if a person is found in a factory at any time at which work is going on then he shall be deemed for the purpose of this Ordinance to be employed in the factory. We are satisfied this provision is necessary and should be retained. Factories are not ordinarily places which are open to the general public, and it always lies with the occupier to permit entry or refuse it as he sees fit. Whether or not an individual is employed in a factory is a matter specially within the knowledge of the occupier within the factory, and it might be very hard for an inspector to establish the fact. Therefore

[The Acting Deputy Chief Secretary] we think the assumption that if a person is found in the factory at the time work is going on, it is an employee is quite reasonable.

Before I sit down I think my colleagues on the Select Committee would wish me to refer to the help we received from Mr. Hyde-Clarke, then Labour Commissioner; Mr. Carpenter, who was not a member of the Committee but attended our meetings; from Mr. Pike, the legal draftsman, who was a member of the Committee and despite very great pressure of work made it possible to attend all our meetings, even outside Nairobi; and finally, sir, last but not least, Mr. Keeler, who acted as Secretary to the Committee and was of the utmost help to us.

Sir, the report of the Committee is a unanimous one. I beg to move its adoption. (Applause.)

**THE SECRETARY FOR COMMERCE AND INDUSTRY:** Mr. President, I beg to second and reserve my right to speak.

**MR. PEMBRIDGE (Uasin Gishu):** Mr. President, we have heard, as the hon. mover has said, that the Factories Bill would be brought into operation over a number of years gradually, but the definition of a factory under the Factories Bill seems to me to be a very wide one, and there are certain activities that could possibly be brought under the Bill, that might possibly, in the general interest of development be excluded from the Bill. I would like to ask two questions on which I should like some reassurance.

Where a farmer employs two or three employees primarily for work with a saw bench for the purpose of cutting timber for his own farm purposes, by reason of their special skill and experience in that work, whether such employment be intermittent or not, do the premises come within the definition of a factory?

The second one is: when a farmer has together say one or two saw benches and/or say a planing machine and mortising or tonguing and grooving machine used, whether intermittently or not, for the purpose of say making gates or doors for his own farm purposes, do the premises come within the definition of a factory?

**LIEUT.-COL. GHERSIE:** Mr. President, as a signatory to this report I submit that, if the report is accepted, the amended Bill will be more suitable in its application to this Colony than the original draft Bill. As hon. members are aware, the draft Bill is of a very contentious nature and there was a great deal of argument among the members of the Select Committee. I would like at this stage to pay a tribute to the Chairman, as it was in great measure due to his patience and tact that we achieved a unanimous report.

**LADY SHAW (Ukamba):** One small question before the hon. mover replies, on this contentious clause—I think 81—the question of the person found in a factory, that he should be deemed for the purpose of this Bill to be employed unless the employer can prove otherwise. It seems to me rather a curious form of law (though perhaps the hon. Attorney General will tell me it is not), that the proof should have to be that he is not employed, rather than that the person who prosecutes should prove he is employed. I would like that cleared up if it could be—whether it is really the best way that the burden of proof should be with the employer, i.e. that the man is not employed—that it should not be with the prosecutor that the man is employed.

**MR. HAVELOCK:** Mr. President, may I welcome the report of the Select Committee, which I think has met most of the doubts which were expressed during the second reading, but there are still one or two points I would like to bring up. Under the recommendations of the Select Committee, clause 60, paragraph 18 of the Select Committee's appendix, it states: "That clause 60 be amended by substituting for the words 'The Governor in Council may' the words 'The Governor in Council may, after giving reasonable notice of the intention so to do.'" I would like to know what "reasonable notice" means in that case. There are two ways, I think, Sir, of describing the notice as a reasonable one; the time of that notice, in other words, three or four months, or whatever it may be, the time factor, and the other one, the way the notice is given. That is, is it going to be given in the Official Gazette or is it going to be given wider publicity by being published in the local newspapers? I would recommend that both the time

[Mr. Havelock] and the method should be very reasonable—that it should be given a decent length of time and also that the method should be that the notice is published in newspapers as well as the Official Gazette. I am wondering if the hon. Member would think of making an amendment to the third reading to that effect.

Sir, there is another point. Page 15, paragraph 23, dealing with clause 75, and this reads, sir—

"That clause 75 be amended by substituting for the words 'liable to a fine not exceeding two thousand shillings, or to imprisonment for a term not exceeding three months, or to both such penalties' the words 'liable to a fine not exceeding two thousand shillings or, in default of payment, to imprisonment for a term not exceeding six months; and the whole or any part of the fine may be applied for the benefit of the injured person or his family or otherwise as the Member may determine.'"

Was that the intention of the Select Committee, would it not be better to alter that to "as a Court may determine" or am I barking up the wrong tree? I cannot see the reason why it should be the "Member", and I would like some clarification on that point.

The hon. mover referred to clause 55 and the matter of rule making powers under that clause and the objections raised at the second reading. Well, Sir, I raised those objections, and the hon. mover suggested that by the amendment suggested by the Select Committee to clause 71, that all rules be laid on the table of this Council and would not come into force before 30 days, my objections would be met. Well, sir, I am afraid it does not meet my objection. I feel that it is a matter of principle that no Ordinance should be amended by rule, in spite of the fact that it is being laid on this table. We know here what a lot of work we have got to get through and how unfortunately—and it is possibly our own fault—in practice these rules that are laid on the table do not get a very great deal of attention, because we have such a lot of other things to study. I believe in principle if any Ordinance is to be modified or extended—

which are the words in this paragraph—that that Ordinance should be so modified or extended by amendment to the Ordinance and not by rule, and that is a point I made at the second reading, and I want to emphasize it again here. I feel strongly, sir, on this matter as a point of principle, and I would like to give notice to the hon. mover that I will probably have to move an amendment to the third reading to that effect.

The other point I have here, sir, I do not think was dealt with by the Select Committee, so I think I will leave it to the third reading. In general, I beg to support the Select Committee Report.

**THE SOLICITOR GENERAL:** With your leave, sir, I should like to move some amendments to the Select Committee Report. These amendments are merely formal and are very similar to amendments which have been moved lately to other Bills made necessary by the coming into force of the Revised Laws. I think that all members have been served with copies of them. I shall merely have to alter the form because in the copies which have been passed round the Council they referred to an amendment in the committee stage, that does not apply to this particular Bill as we have had a Select Committee sitting on it.

**THE DIRECTOR OF MEDICAL SERVICES:** seconded.

The question was put and carried.

**THE SOLICITOR GENERAL:** moved: That paragraph 24 of the Schedule to the Report be amended by adding a new subparagraph (d) as follows—

(d) That paragraph (c) of sub-clause (i) of clause 82 be amended in the following respects—

(a) by substituting for the words "the Companies Ordinance, 1933" the words "the Companies Ordinance" and by inserting opposite thereto in the margin the following "Cap. 288";

(b) by substituting for the words "The Co-operative Societies Ordinance, 1945" the words "The Co-operative Societies Ordinance" and by inserting opposite thereto in the margin the following "Cap. 287".

**THE DIRECTOR OF MEDICAL SERVICES:** seconded.

The question of the amendment was put and carried.

The question of paragraph 24 of the Schedule to the Report, as amended, was put and carried.

THE SOLICITOR GENERAL moved: That the following paragraph be inserted in the Schedule to the Report after paragraph 24—

"25. That the marginal note to clause 85 be amended by substituting for the words and figures 'Cap. 66' the following 'Cap. 305.'"

THE DIRECTOR OF MEDICAL SERVICES seconded.

The question of the amendment was put and carried.

THE SOLICITOR GENERAL moved: That the remaining paragraphs in the Schedule be renumbered accordingly.

THE DIRECTOR OF MEDICAL SERVICES seconded.

The question of the amendment was put and carried.

The question was put and carried.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. President, in his speech on the second reading of this Bill, the hon. Member for Commerce and Industry stated that the Bill had the approval of organized commerce and industry in principle, subject to it being referred to a Select Committee. Sir, I welcome the Select Committee's Report, because I believe that it will remove many of the anxieties which organized commerce and industry have on this matter.

There is one point, sir, to which I would like to refer, and that is paragraph 15 of the Select Committee's Report that paragraph deals with "the question of the constitution of the Factories Appeal Board, which it is proposed to establish, and the Select Committee have advised that they could not accept the suggestion that the Appeal Board should include members nominated by organized commerce and industry. Sir, I do not wish to argue that point, but I would ask that when the hon. Member comes to consider the appointment of that Appeal Board he would bear in mind that there has been a great deal of anxiety about the impact of this Ordinance on commercial and industrial activity in the Colony, and that people who are operating factories of the type covered by this Ordinance are practical people, trying to make their living in a practical way.

Now, it seems to me, from the text of the Bill that under clause 9 appeals are likely to lie on matters of fact rather than matters of law. I would only ask, Sir, that when the time comes to appoint this Appeal Board, consideration may be given to the fact that some of the members may be people with practical, industrial and commercial experience. The same remark, sir, might apply to the Technical Advisory Committee, but in so far as that is expressly stated to be technical the point appears to be covered.

Sir, I beg to support.

MR. USHER: Mr. President, there is one point upon which European Elected Members would like to be assured, and that is that the Advisory Board which is recommended should also advise in regard to a panel of engineers to carry out inspection under the Ordinance.

THE ACTING LABOUR COMMISSIONER: I should like to answer one or two questions put by hon. members on the other side. First of all the two questions put by the hon. Member for Uasin Gishu in respect of the farmer who possesses a small saw bench, planing machine, and the like. In both cases may I say that that work is being carried out, I presume, for his own use, and not for profit or for gain, and therefore the particular undertaking which he is carrying out is not affected by the Ordinance in either case.

Now, sir, dealing with the question put by the hon. and gracious lady, the Member for Ukamba, the question of clause 81, I would like to say that the burden of proof, I think properly lies on the employer in this particular case, because there are a number of instances in the Ordinance where an inspector may well have to have regard to space. He may go into a small machine shop and find a dozen or more people sitting inside, and have recourse to criticism on that ground. The employer might well say, "Well, as a matter of fact, these three people here don't belong to me, they are just visitors" and there is no means really of saying whether they are so or not, except in one way. That is by calling upon the owner, or the employer, to show the inspector a muster roll. Now, under the Employment Ordinance every employer is bound to keep a record of his employees which he employs under that particular Ordinance, and I do not think

[The Acting Labour Commissioner] it would be very difficult to satisfy the inspector in two minutes that that person in fact was a member or not. It is from that point of view, sir, that I think that particular section should stand.

The question of the right hon. Member for Kiambu perhaps the hon. mover will deal with.

As to the composition of the Advisory Board, and as to the question by the hon. Member for Mombasa, asking for an assurance that this particular body should advise as to the panel of people qualified to inspect, I think that is quite a reasonable one, and I am quite certain that as a department, we should ask for all the advice we possibly can, and as that Committee was set up specifically for that reason, we shall no doubt do so.

Those are the specific points which I personally would like to deal with, and I also would like to reaffirm what I said in Committee, that is that this Labour Department will deal with this Ordinance in a spirit of reasonableness—and I am quite certain as a department we have never been accused of being unreasonable before, and there is no reason why we should merit any rebuke of that nature in the future.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. President, I think it only remains for me to try to satisfy the hon. Member for Kiambu regarding the three points which were raised by him. Firstly, sir, with regard to clause 55, I said before that the intention of 55 (2) (c) is to give the Member power to make rules to make the special provisions which are required, or may be required, for processes or activities which are specially offensive or dangerous. It may be that the special provisions required, with regard to health or safety, for some peculiar trade of the kind I have mentioned, will require something which goes beyond what is provided in these various parts of the Ordinance. It is only in respect of those specially offensive or dangerous trades that this power is required. I suggest it is much more convenient to do this by means of rules, rather than amending the Ordinance on every occasion. There is, in view of the amendment which we propose to 71, no danger whatever that the Member will make rules which are unreasonable. I

suggest there is no danger that rules can be made—or come into operation—which are unreasonable, because if the Member made rules which were unreasonable, then this Council would have the opportunity of seeing that they did not come into operation.

Now, sir, with regard to clause 60. Our amendment proposes that the Governor in Council shall give reasonable notice of the intention to exercise the power under that section. My recollection is the Select Committee considered prescribing a length of notice and the means by which it should be given, but we thought it was wiser not to do that because it might vary in particular cases. What was reasonable in one case might not be reasonable in another case. So the period of time to be allowed would depend on the particular case that was being dealt with. With regard to the method of giving notice, of course it would have to be given both in the Gazette and in the newspapers, and I think in other ways as well. For example, I think it would be reasonable to inform the individuals concerned. I think the Labour Department would inform them what the intention was, by individual letter. Anyway, all possible means to make certain the people concerned knew would be taken.

With regard to clause 75, the amendment which we propose—

"The whole or any part of the fine may be applied for the benefit of the injured person or his family or otherwise as the Member may determine."

We took that provision from the United Kingdom Law, which says: "as the Minister may determine". But I would not have the slightest objection to that power being given to the Court. I do not think it matters whether it is in the Member or in Court. If the Member for Kiambu wishes, I would be prepared to substitute "Court" for "Member".

One other point, raised by the Member for Commerce and Industry, I think I can say the Member for Labour would, of course, take into account the desirability of having people with knowledge of the subject on the Appeal Board under section 10.

The question was put and carried.

## FARMERS' ASSISTANCE ORDINANCE

### ADVANCES—RECOVERY WAIVED

THE FINANCIAL SECRETARY: Mr. President, I beg to move as follows: That this Council approves recovery being waived of the sum of £1,936-0-60 advanced under the provisions of the Farmers' Assistance Ordinance, 1936.

It will be within the recollection of this Council that under the Ordinance quoted there was set up a body known as the Farmers Conciliation Board. It was the function of that Board to assist farmers who were in danger of suffering foreclosure on their farms. The idea was to prevent this unhappy event by means of a stay order, and by means of granting advances to put the farmer once more back again on his feet. With regard to such procedure as this there is always inevitably some risk, and that risk had to be taken to achieve the object desired. Although the scheme was in operation for nearly 12 years, and came to an end on 31st December, 1948, the total sum which has proved to be irrecoverable is the sum mentioned in the resolution, that is to say, just over £1,900. The Land Bank, which was the agent of the Conciliation Board, has investigated the question of these outstanding amounts with great care. The Treasury has done likewise and the Standing Finance Committee has also had a go at this matter. All those authorities have been convinced that the sums are in fact irrecoverable. The Standing Finance Committee has recommended that a resolution for the waiving of its recovery be moved in this Council. It is in accordance with that recommendation that this resolution is now before the Council.

I beg to move.

THE ACTING SECRETARY TO THE TREASURY seconded.

MR. NATHOO (Central Area): Mr. President, whilst it is appreciated that, in a country where the main economy is agriculture, in times of necessity it is essential that the Government should come to the aid of the farmer. It is also appreciated that whilst the scheme worked for a period of 12 years, the sum of only £1,936-0-60 had to be written off, which in the eyes of commercial people is a very negligible sum, when the

scheme has been in operation for such a time; but there is one point on which I should like some information from the hon. Financial Secretary, and it is to inquire whether, when these advances were made, personal securities of the borrowers were taken. It is argued that in cases like this, when the final amount has to be written off because the borrower has lost all his assets. It has to be remembered that at a later date this particular borrower may, by good chance or good luck or by inheritance or some other stroke of fortune, come into some money, and if personal guarantee is not taken at that time we have no recourse to recover this money. Under the circumstances I would like to know from the hon. Member for Finance whether this security was taken, and if not whether he will assure us in future it will be done.

Sir, I beg to support.

THE FINANCIAL SECRETARY: Mr. President, I would remind the hon. Mr. Nathoo that personal security or personal guarantee is worth no more than the assets that the person may possess from time to time. In this particular case the conditions on which loans and advances were made were very carefully laid down in the Ordinance and they were consequently determined by this Council. I have investigated these cases and find no reason to suppose that every one of the conditions which the Ordinance provided for was not in fact imposed. In these particular cases no less than £1,200 of the £1,900 was in respect of a widow who died without any assets whatever. In two other cases, which represent the bulk of the remainder, we had to foreclose on the two farms and the balance represented the shortfall between the actual loan and the price realized.

It may be if I give one or two figures the hon. member would be reassured about this matter. The total advances were £71,464. The interest which was collected was £8,503, and the cost of administering the scheme was only £5,597. So there was a difference of something approaching £3,000. What this Council is being asked to write off is about £2,000. In spite of the apparent loss there was in fact a net gain to revenue of just about £1,000. I would suggest, sir, that even if there had been the apparent loss which this motion

[The Financial Secretary] seems to indicate, the object which it was sought to achieve was very well worth that amount. A number of farmers who to-day are successful farmers, well-known citizens of this country, were saved just in time by this extremely useful action. I will, however, bear in mind in any further schemes of this kind, the remarks made by the hon. Mr. Nathoo.

The question was put and carried.

Council adjourned at 10.55 a.m. and resumed at 11.18 a.m.

## THE INCREASE OF MORTGAGE INTEREST (RESTRICTION) (REPEAL) BILL

### SECOND READING.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. President, I beg to move: That the Increase of Mortgage Interest (Restriction) (Repeal) Bill be read a second time.

Sir, I do not wish to take up the time of the Council for long over this matter. The Bill itself is certainly short enough, and the reasons for its repeal are set out quite fully in the Memorandum of Objects and Reasons. I would however, like to stress one aspect of this matter. The present Law is due to expire on the 31st December this year unless its life is extended by this Council. It might have been that the Law should have been allowed to take its course and expire through the effluxion of time, but the Government has received very urgent representations from the Law Society of Kenya and the Mombasa Law Society that this Law is having a serious effect in preventing development in the Colony. It was, as hon. members will recollect, a war-time measure, and the Ordinance in its present form was passed by this Council in 1949 at a time when it was thought desirable to remove the provisions for the control of mortgage interest from a Law dealing with the restriction of increase in rent. Mortgage is, as hon. members are well aware, a normal method of providing finance for many types of projects, and at a time when development is going ahead in many directions in the Colony, it seems, sir, most undesirable that there should be restrictions placed on the obtaining of

that type of financial assistance. There is evidence that persons at the present time are desirous of obtaining very considerable sums of money on mortgage, but section 5 of the present Law, which provides that a mortgagor shall not be able to exercise the majority of his rights under a normal mortgage, makes the position very unattractive for the lending of money under legal mortgage. The effect of that section is that, providing that the mortgagor carries out his reasonable obligations in regard to the payment of interest, the upkeep of the premises, and the payment of prior charges on other loans, the mortgagor cannot foreclose or recover his capital or, indeed, exercise his normal rights under the Law, subject to minor provisos as set out in the Ordinance. The result is that persons having money to lend on mortgage are becoming somewhat reluctant to do so, and this applies particularly to large scale finance. Persons of that category are now rather more inclined to seek other forms of investment for their funds, and in some instances indeed to seek investment outside the Colony.

The present difficulties apply also to a very considerable extent to the operation of building societies, and the facilities offered by building societies are particularly desirable in the Colony at the present time, when a very great deal of private building is being undertaken for residential and other purposes.

There is an anomaly under the Law in that it does not cover the use of equitable mortgage, which is a somewhat cumbersome and unsatisfactory procedure. It is not a particularly orthodox method of dealing with mortgage, business and there is a loss of Revenue through stamp duty.

There is one other point in which the present situation creates an anomaly. The interest on mortgages is restricted under the Law to 7 per cent, yet businesses premises built after the 31st January, 1949, are free from the provisions of rent control.

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

MR. PEMBRIDGE (Uasin Gishu): Having regard to the fact that farmers have incurred considerable capital expenditure on short term finance from



[Mr. Pembridge]

the commercial banks and traders, and that with the tightening of credit much of this money will be called in, is Government satisfied that there are sufficient funds in the Land Bank to obviate any undue rise in the rate of the mortgage interest on agricultural land?

MR. NATHOO (Central Arg): Mr. President, I welcome the Bill that the hon. mover moved, and I would say that the main objection to this Bill in my opinion was the fact that people could not foreclose or get their money back. I do not think, sir, that the people wanted more interest, and that is why they wanted to have this Bill repealed. But in several cases, I know that when people lent money to mortgages or on mortgage and these people refused to pay back there was no recourse under the Law as it stood. Under those circumstances I am very glad that the Member for Commerce and Industry has thought to bring this in at an early date so that this anomaly could be removed.

Sir, I beg to second.

LT.-COL. GILBERT (Nairobi North): Mr. President, I wish to support the proposal for the repeal of this Ordinance. I would like to add that I have made inquiries among the commercial community, and, in particular, the Chamber of Commerce, who assured me there are adequate private funds for investment which should prevent the rates of interest soaring to any uneconomic level. I realize, however, that the farming community would like some assurance that the Land Bank have adequate funds for the purpose of short term loans as far as the farming industry is concerned.

THE FINANCIAL SECRETARY: I would like to refer to the questions put by the hon. Member for Uasin Gishu and the hon. Member for Nairobi North. The function of the Land Bank is to make available finance to the farming community at reasonable rates of interest. It is the intention of Government to see that the Land Bank has sufficient funds at any one time in order for the Land Bank adequately to perform that function. (Applause.)

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. President, I think the only question raised requiring an answer

was that by the hon. Member for Uasin Gishu which has been dealt with by my hon. friend the Member for Finance.

Sir, I beg to move.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

### THE EXCHANGE CONTROL BILL SECOND READING

THE FINANCIAL SECRETARY: Mr. President, I beg to move: That the Exchange Control Bill be read a second time.

Now, sir, it is not my intention to enter into a prolonged dissertation upon this extremely complex subject. In short, the position is that the present powers of Exchange Control flow from the Defence (Finance) Regulations, 1940, and they, in turn, derived their authority from the United Kingdom Act, the Supplies and Services (Transitional Powers) Act. That United Kingdom Act is expected to lapse at the end of this year, and it is therefore necessary to produce an enactment which authorizes the continuance of Exchange Control. That is the function of the Bill before this Council.

Now, sir, this Bill follows almost exactly the lines of the United Kingdom Act. It may be that it provides for many problems which will not arise in this Colony, but I suggest there are great advantages in having uniformity with the United Kingdom in this matter. Not only have we the benefit of at least ten years of experience of the United Kingdom control, but, as far as the mercantile community is concerned, it is very reassuring to know that we base our legislation on the same principles as are applicable in the United Kingdom. Moreover, other Colonies following the same enactment of identity of legislation throughout the Colonial Empire not only facilitates co-ordination but operates to prevent persons exploiting loopholes in one country at the expense of their own.

As for the Bill itself I do not propose, as I have said, to go into a detailed exposition. I propose, in fact, to deal only with the principles of the Bill, but if any hon. Member opposite would like elucidation on any point I will try to answer his question later.

The object of the Bill is of course to conserve, and to increase our foreign currency and gold resources, and to see

[The Financial Secretary] that any earnings of foreign currency are properly remitted to the Sterling area.

The complexity of the Bill is due to the multiplicity of ways in which foreign exchange can exist and, of course, the multitude of ways in which foreign exchange can be lost. It is necessary to close all possible loopholes.

Now, the Bill itself is composed of seven parts, each dealing with a particular aspect of the problem.

Part I brings under control all dealings in gold and foreign exchange. It provides that if any person is in the possession of gold—and by gold I mean principally gold bullion and gold coin—and certain foreign currencies (called specified currencies)—those persons shall offer such gold or such specified currency to an authorized dealer. Authorized dealers will normally be the local banks. Now, specified currencies are those foreign currencies which are useful in the making of international payments: United States dollars are an obvious example. Not all foreign currencies come within that description of specified currency; for instance, the Spanish peseta and the Greek drachma are not specified currencies. If any person comes into possession of such currencies as these latter, there is no obligation on him to offer them to an authorized dealer, but, if he wishes to use them, he has to get permission. The authorized dealers will in turn make the gold and specified currencies received by them available to the Bank of England, and in that way the Central Pool of foreign currency and gold earned and held by the Sterling area is nourished and augmented.

Provision is made in this part to require bailees who hold gold and foreign currency on behalf of other people to declare those holdings. It has been found that such bailee holding sometimes leads to black market transactions, the bailee being a cover for such transactions. The bailee will now have to declare his holding.

Provision is also made for travellers cheques. It is quite obvious that a travellers cheque is often the equivalent of foreign, and in some cases, specified currency.

Part II sets out the restrictions of payment to non-residents. It provides that no payment can be made to non-residents without Government permission. This will prevent a bank, for instance, crediting the account of non-residents unless permission is accorded.

Clause 7 is an interesting clause, it provides for what are known as "Compensation Deals". Now, these deals take many forms, but they all have one feature in common, that is to say they avoid an apparent transfer of exchange. A simple example is this—Mr. X, wishing to buy securities in Lisbon, has not the necessary foreign exchange, so he arranges with a Lisbon resident to purchase the securities and he in turn arranges to pay the Lisbon resident sterling insurance premiums in London. This is highly undesirable, because it means loss of the foreign exchange which the Lisbon resident would have made available to us in order to pay his sterling insurance premiums. Clause 7 provides for such a case.

Part III is highly complicated. It deals with those securities which represent foreign currency assets. It also provides, in the case of bearer securities, that the creation of other transactions in these securities cannot be effected without authorization. Securities, and bearer securities in particular, form a very easy way in which capital can be lost to the country. They can also be used as a cover for other exchange offences against the Ordinance. We have, therefore, clauses 15 and 16 providing for the concept of the Authorized Depository. This requirement means that certain specified securities, that is securities which are not registered in the Colony, (including, of course, bearer securities) must be deposited at an Authorized Depository, which would normally be the local bank. Now, if securities which ought to be so deposited are not deposited, they will be "bad delivery" in any attempt at transfer, and it would, moreover, not be possible to collect income on those securities through any agency in the Colony.

This Part also provides that registrars may not register any transaction which has been effected contrary to the require-

## [The Financial Secretary]

ments of the Ordinance. This ensures that the matter is tied up from start to finish.

*Part IV—Import and Export.* This deals with the movement of persons and goods in and out of ports and is an aspect administered on the spot by Immigration officers and Customs officials. Clause 21 of this Part prohibits the export of notes, currency and securities without permission. It is to be noted that the import of sterling notes is prohibited. This prohibition reinforces the prohibition of export. It is obvious that, if we prohibit export and persons elude the control, thereafter using the smuggled sterling for black market transactions abroad, then, if the sterling can be freely repatriated for full value, the whole exercise of preventing the irregular use of sterling at a discount abroad is defeated. Hence the prohibition on the unlicensed import of sterling currency.

Clause 22 prohibits the export, without permission, of certain portable articles of value. It is obvious if you wish to conserve those assets (like gold and various securities) capable of realizing foreign currency, you must control their export without permission.

Clause 23 is designed to ensure that if an exporter exports goods, shall we say, to the United States of America, payment for those goods in dollars is received in reasonable time. That is designed to ensure persons exporting goods do not simply let dollars accumulate in the United States with the intention of, ultimately, using them for their own personal benefit.

*Part V is Miscellaneous, and I am afraid I shall have to refer to it clause by clause.* Its main function is to ensure the timely collection of debts from abroad—people owe you, shall we say, Swiss francs; in the interests of the State, you must be compelled to collect that debt: the sale and importation of goods within a reasonable time of receiving Exchange Control authorization and the disposal of property acquired in violation of the control. Under this Part there is first clause 24 which imposes the obligation to collect the debt without unreasonable delay. It does provide, however, that in deciding what is unreasonable delay, regard must be had to what

is ordinary trade practice. Clause 25 provides that, if a person has received permission to import goods and, therefore has received foreign exchange, he must show he has used that exchange to import the goods in question. Further, importation must be within a reasonable time, and, similarly, for export. Clause 26 deals with the disposal of property acquired in violation of the control. For instance, somebody is left a legacy of dollars. Instead of declaring those dollars to the control, he buys a diamond necklace. This clause enables the Government to dispose of that diamond necklace, but it enjoins that the sterling equivalent shall be handed over to the person concerned. This latter, however, does not mean that the person cannot be prosecuted. Clause 27 is formal. It provides that direction may be given for property to vest in Government. The main idea behind this clause is to protect banks in the handing over of documents, where the documents have contravened the law. Clause 28 prohibits the transfer to non-residents of rights in an assurance policy. Clause 29 prohibits anybody settling property on a non-resident without prior permission. There is one exception in this case, that is in the case of a will, a will being settlement which takes effect upon the death of the settlor. In this case there is no such prohibition. You may say this represents a loophole through which we may lose foreign exchange. That is true, but, nevertheless, it is not felt proper and right to interfere with the disposition of property of a dead person. Clause 30 introduces the Second Schedule. This provides for powers to compel a person who is in a position to do so to induce a foreign corporation to comply with certain requirements of the Ordinance.

*Part VI is supplemental.* Clause 31 is a very important clause. It centralizes the powers of exemption. This centralization, in one clause, is useful not only because it avoids considerable drafting difficulties, but because it enables the control to be exercised in a flexible way. Furthermore, it enables it to be adopted according to changing circumstances. It enables the rigour of the law to be softened in appropriate cases.

## [The Financial Secretary]

Clause 32 deals with blocked accounts and should be read with the Third Schedule. It provides that the Government may insist that any payment which is due to a non-resident may be made only to a blocked account. A blocked account is one which may be dealt with only in accordance with the direction of the Government.

Clause 33 is really a statement of the existing law. It provides that where any two people enter into a contract, any part of that contract which presupposes a permission of the Ordinance which is not there, shall be void. Sub-section (3) of this section introduces the Fourth Schedule which, as I will explain later, provides that where in legal proceedings any sum of money is ordered to be paid to a particular party to an action that payment must still be subject to the requirements of the control. That is to say, if an American subject were ordered to be paid £1,000 it does not mean that automatically on that order the Government would have to provide £1,000 in American gold dollars. Clause 34 deals with enforcement and brings into operation the Fifth Schedule, which sets out the various enforcement provisions. Clause 35 provides that the control shall bind the Crown. It is obvious that Government departments must be bound by the requirements of Exchange Control if we are not to find ourselves confronted with serious anomalies.

Clause 36 provides that the Treasury may issue orders in respect of the main and ancillary matters dealt with by the Bill. Clause 37. This provides for the conditions which may attach to certain permissions and directions given by the Government under this Ordinance. It also provides for the delegation of powers. That delegation will be almost wholly to the banks, and here I may say I would like to pay a very great tribute to the efficient way in which the banks have always operated their part of Exchange Control, and without which co-operation the implementation of Exchange Control would have been extremely difficult. Clause 38—I have no comments; 39 is a complicated clause. It provides for control over transactions by branches of businesses. Clause 40 gives control over the person who desires to emigrate. The intention of the clause is

to make it possible for Government to ensure that the person concerned is a genuine emigrant and not one who is just out to secure an extensive and expensive holiday. The usual condition is that a person who wishes to emigrate is allowed £1,000 over four years. If, at the end of that time, he still remains in the country of his adoption he is regarded as a foreign resident and is allowed to transfer the rest of his income from the Colony to the country of his choice. Clause 41 gives power to the Government to decide the residential status of a person for the purpose of Exchange Control. It provides in particular that the representative of a dead person shall have the same residential status as the deceased person had at the time of his death.

*Part VII—Special Provisions.* Clause 42 of this Part enables the Member for Finance to prohibit the selling of any particular securities or the incurring of any charge against them. Clause 43 empowers the Member to direct sales of any securities for the purpose of securing foreign currency. Clause 44 deals with powers regarding custody and disposition of documents relating to securities. Clause 45 enables the Member to issue orders prohibiting the carrying out of any orders of a foreign Government which may affect us adversely in regard to our foreign currency. Clause 46. This clause was inserted as a precaution at a time when we were not quite sure as to whether we had covered every point at present covered by the regulations. Hon. members will appreciate that one has to be extremely careful in matters of this kind, and to be quite sure that existing powers are fully covered. On reconsideration, it has been decided that clause 46 is unnecessary, and I shall move its deletion in the committee stage. Clause 47 is mainly definitions. It provides among other things that nobody can say he cannot carry out an order simply because he has a responsibility in the matter with somebody else. Clause 48 is the short title and the coming into force provision. Schedule I is a list of Scheduled Territories. This can be amended under the provisions of clause 1 (3) (b). Schedule II relates to clause 30, and defines the bodies corporate to which clause 30 refers.

**[The Financial Secretary]**

Schedule III defines blocked accounts and sets out the procedure for their operation. Schedule IV deals with legal proceedings. As I have already explained, it makes quite sure that the judgment by a Court does not involve the automatic loss of foreign exchange. Schedule V. This is the enforcement schedule. It is unusual, of course, not to put the enforcement provisions in the body of the Ordinance, but they are so complicated that it was felt that the drafting difficulties of trying to embody these in the Ordinance itself would have proved insuperable. I may say that this enforcement provision involves no fresh powers which do not already exist.

Mr. Speaker, I am fully conscious of the fact that I have dealt with this Bill in a very broad fashion, but this is a subject on which one can speak for five minutes, five hours or even five days. I have tried to keep to the happy medium. The short point is this. The Bill sets out to replace existing powers. It is designed on the same basis as the United Kingdom Act which Act, I may say, when introduced into the House of Commons, received the full support of every financial interest in the country. It will be on the same lines as the control in every one of the Scheduled Territories, and as I have said before, does no more than virtually repeat existing powers and regulations.

Mr. President, I beg to move.

THE ACTING SECRETARY TO THE TREASURY seconded.

LT.-COL. GHERSIE: Mr. President, I realize, sir, that the introduction of this Bill is intended to regularize the continuation of an existing Ordinance which expires under the Defence Regulations. There is only one point I would like to raise, and that is this—it continually occurs through the Bill—the words “preparatory to the transfer of”. This applies in various sections. I realize that the whole essence of any application of the law is the method of administration and I do submit that, as one has to apply to the Member before one can do anything preparatory to realizing a security, permission should never be unduly withheld, because I can well imagine a crisis or an emergency arising where a person may be compelled to

dispose of securities on a falling market and must do so immediately in order not to sustain a very large loss. I support the Bill.

MR. NATHOO: Mr. President, first of all I would like to congratulate the hon. Financial Secretary on giving such a lucid explanation in such a short time of the working of this Ordinance and its objects. Sir, from what we have seen in other parts of the world where uncontrolled dollar expenditure was allowed and the financial straits those countries found themselves in, it cannot be denied that a measure such as this is most essential for existence in the present international circumstances. There is, however, one point on which I would like some clarification from the hon. mover. There is a fear in the minds of some of the existing exchange dealers in this country, whose *bona fides* are quite good, as to whether they will be allowed to operate when this new Ordinance becomes law. Unless there is something against these people which should prevent their being granted licences, I would like an assurance from the hon. mover that the existing exchange dealers will be allowed to carry on their business.

Sir, I beg to support.

THE FINANCIAL SECRETARY: Mr. President, I am not quite sure that I fully appreciate the point made by the hon. Member for Nairobi North. If I get his point right, it is a question as to why it should be an offence to engage in even the preparation to do an act.

LT.-COL. GHERSIE: On a point of explanation I am dealing specifically with the realization of securities.

THE FINANCIAL SECRETARY: I can only say that this provision is particularly essential in relation to securities because, when you get someone contemplating an offence, it is far better to stop him at that stage. For instance, there is a prohibition on the export of certain securities. It is obvious that once export is complete it may be an offence under the law, but the person who has taken the securities out has in fact got beyond your jurisdiction. The preparation for the offence is, for instance, the placing of securities in the bottom of a travelling trunk where they are found by a Customs Officer. That

[The Financial Secretary] preparation to export must be regarded just as much as an offence, as export itself. That is why you get this concept throughout the Ordinance.

With regard to the point raised by Mr. Nathoo, I can say this. This change of itself makes no difference whatever to the status of present exchange dealers. They can regularize their position by a simple application to the exchange control section of the Treasury. They will receive authority which will establish their position exactly as it is to-day.

The question was put and carried.

## BILLS

## IN COMMITTEE

THE ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider clause by clause the following Bills: The Increase of Mortgage Interest (Restriction) (Repeal) Bill, the Exchange Control Bill.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

Council in Committee.

The Bills were considered clause by clause

*The Increase of Mortgage Interest (Restriction) (Repeal) Bill*

The question was put and carried.

*The Exchange Control Bill*

THE FINANCIAL SECRETARY moved: That clause 46 be deleted.

The question of the amendment was put and carried.

THE FINANCIAL SECRETARY moved: That clauses 47 and 48 be renumbered as clauses 46 and 47.

The question of the amendment was put and carried.

The question that clause 46, as renumbered, stand part of the Bill was put and carried.

THE FINANCIAL SECRETARY moved: That paragraph (b) of sub-clause (2) of clause 47 (as renumbered) be amended by substituting for the figures “1939” the figures “1940”.

The question of the amendment was put and carried.

The question that clause 47, as renumbered, stand Part of the Bill was put and carried.

THE FINANCIAL SECRETARY moved: That item 9 of the First Schedule be amended by substituting for the word “Hachemite” the word “Hashemite”.

The question of the amendment was put and carried.

The question of the First Schedule, as amended, was put and carried.

THE FINANCIAL SECRETARY moved: That sub-paragraph (1) of paragraph 1 of Part I of the Fifth Schedule be amended by inserting after the word “Ordinance” at the end thereof the words “or of the Defence (Finance) Regulations, 1940”.

The question of the amendment was put and carried.

The question of the Fifth Schedule, as amended, was put and carried.

THE ATTORNEY GENERAL moved: That the Increase of Mortgage Interest (Restriction) (Repeal) Bill be reported back to Council without amendment and that the Exchange Control Bill be reported back to Council with amendment.

THE SOLICITOR GENERAL seconded. Council resumed and the Member reported accordingly.

THE PRESIDENT: Before proceeding to the third reading of these and one other Bill, I believe it is the wish of hon. members that Council adjourn for fifteen amendments that will come up in the third reading stage. Council will therefore adjourn until twenty minutes past twelve.

Council adjourned at 12.03 p.m. and resumed at 12.21 p.m.

## BILLS

## THIRD READINGS

THE ATTORNEY GENERAL moved: That the Increase of Mortgage Interest (Restriction) (Repeal) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded. The question was put and carried and the Bill read accordingly.

THE ATTORNEY GENERAL moved: That the Exchange Control Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded. The question was put and carried and the Bill read accordingly.

THE SOLICITOR GENERAL moved: That the Factories Bill be read a third time and passed.

THE ATTORNEY GENERAL moved: That the Factories Bill be recommitted to a Committee of the whole Council to consider amendments to clause 55.

THE ACTING LABOUR COMMISSIONER seconded.

The question was put and carried. Council in Committee.

THE ATTORNEY GENERAL moved: That clause 55 be amended as follows:—

- (i) That paragraph (c) of sub-clause (2) of clause 55 be deleted, and paragraph (d) be relettered as (c).  
(ii) That there be added after sub-clause (3) two new sub-clauses as follows:—

(4) Where the Member is satisfied that a dangerous trade is carried on in any factory, the Member may make rules imposing such requirements as appear to him to be reasonably practical to secure the safety and health of persons engaged in such dangerous trade and may apply such rules to all factories in which such dangerous trade is carried on or to any specified class or description of such factories and either absolutely or subject to conditions.

(5) For the purpose of this section the expression "dangerous trade" means a trade, manufacture, process, or description of manual labour of such nature as to cause risk of bodily injury or risk of injury to the health of the persons engaged therein.

Sir, I move this amendment to meet the point made on the debate on the second reading by the hon. Member for Kiambu, and to get away from the expression which was contained in paragraph (c) of sub-clause 2, to the effect that the Ordinance might be extended by rules. The hon. Member took objection to that on constitutional grounds, on the grounds that an Ordinance ought not to be capable of being extended by rules and with that proposition, sir, I would respectfully agree. This amendment I think will permit the Member to exercise the powers which, I think the hon. Member

opposite would agree, are necessary that he should exercise in the case of dangerous trades, and he will be exercising them not by way of extension of the Ordinance, but under the powers expressly conferred upon him by this clause. The powers which he will exercise will be subject to complete control by this Council under the provisions of clause 71, which will be applied too. That is to say that any rules made under these powers and respective dangerous trades must be laid upon the table of this Council at the start of the next sitting after they are made and can be debated, altered or rescinded within thirty days.

Sir, I beg to move.

MR. HAVELOCK: Mr. President, I merely wish to thank the hon. learned Member for going to all this trouble to draft this amendment, which does meet my point which I raised. It was suggested, sir, that the particular clause which we are now going to delete, was meant to deal with merely—what was it—"offensive and dangerous activities". I think I suggest that the amendment that is before the Council now is also dealing with an offensive and dangerous activity, that is the one as regards the constitutional question which the hon. Member for Law and Order has touched upon. Sir, again may I express my thanks to Government for accepting the amendment.

The question of the amendment was put and carried.

The question that clause 55, as amended, stand part of the Bill was put and carried.

THE ATTORNEY GENERAL moved: That the Factories Bill be reported back to Council with amendment.

THE ACTING LABOUR COMMISSIONER seconded.

The question was put and carried. Council resumed and the Member reported accordingly.

THE ACTING LABOUR COMMISSIONER seconded the motion of the Solicitor General that the Factories Bill be read a third time and passed.

The question was put and carried and the Bill read accordingly.

Council rose at 12.40 p.m. and adjourned till 9.30 a.m. on Wednesday, 23rd August, 1950.

Wednesday, 23rd August, 1950

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 23rd August, 1950.

The President took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

#### MINUTES

The Minutes of the meeting of the 22nd August, 1950, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 37—MOMBASA—MACKINNON ROAD ROAD

MR. COOKE:

Will Government please state:—

(a) The original estimate for the Mombasa—Mackinnon Road Road.

(b) The present estimate.

(c) The full reason for the difference in estimates.

(d) If the surface is to be bituminized.

(e) If not are the engineers satisfied that a gravel surface will not become corrugated?

THE SPECIAL COMMISSIONER FOR WORKS: (a) £250,000 from the Kenya Government plus an Army contribution of £75,000. The £250,000 was for a gravel standard road and the £75,000 was for bituminizing. The total original estimate was £325,000.

(b) £456,000. This is the bare minimum required to open the whole length of the new road to traffic. This will include those portions of the road which require gravelling. There are at present eight miles of new bitumen road.

(c) The original estimate, as was the case with many others at that time, was little more than a guess; since no survey had been made, no departmental or contractors' organization existed and probable costs were not known. The work was started without much planning or preliminary investigation because, at that time, the project was an urgent requirement. In addition, the first contract, which was awarded in 1948, dragged on for two years during which time supervision costs were high and progress very slow. Moreover, the original estimate did not include plant funding charges, as it

was understood that the military authorities would supply the necessary plant at nominal rates which, in fact, never materialized. All unit costs have risen since 1946.

(d) No financial provision is at present available for bituminizing any further mileage nor does the need for this appear urgent. Approximately another quarter of a million pounds would be required for this purpose.

(e) The surface will corrugate to a greater or less degree depending on the surfacing material, traffic and weather. It will have to be maintained by blading and new material added up to the limit of maintenance funds available.

No. 39—REALIGNMENT OF ROAD NEAR TAKAUNGU

MR. COOKE:

Will Government state whether its advisers are satisfied with the plans for the proposed realignment of the main road near Takaungu and, if so, why it is necessary to have an air survey of the proposals?

THE SPECIAL COMMISSIONER FOR WORKS: The answer to the first part of the question is in the affirmative.

Proposed aerial survey is concerned with the whole road, and not particularly the Takaungu deviation though the latter will of course be included in the survey.

No. 40—EXTENSIONS TO MKOWE PIER

MR. COOKE:

Were those responsible for extensions to Mkowe Pier aware beforehand that the extension would not reach deep water? And if so, why was the work proceeded with?

THE SPECIAL COMMISSIONER FOR WORKS: In the earlier stages of the discussion on this project, the possibility of building a pier to deep water was considered but, in view of the probable cost of such a pier and the lack of any economic justification for an expensive pier, the proposal was dropped. A modification of the original proposal was however asked for and the Divisional Engineer submitted a scheme for a jetty 200 feet in length to cost £3,800. This was completed for a sum of £3,100 and provides sufficient water for six hours per day for small craft.

MR. COOKE (Coast): Arising out of that, does the hon. gentleman realize the extension of this pier to 200 feet does not ease the situation in the slightest? It is another 200 feet from there into deep water. Why is it gone on with when it has not really ameliorated the situation?

THE SPECIAL COMMISSIONER FOR WORKS: This question is of course one of some long standing now and took place before I took charge of the Public Works Department, but I gathered that the extension of 200 feet was considered of some use and does not mean that water is not available for the small craft that like to use it for a longer period than would have been the case had no extension whatever been carried out.

#### NO. 41—DAMAGE TO NAKURU—NAIROBI ROAD

MR. COOKE:

Will Government state whether it was known in advance that the heavy lorries conveying foodstuffs from Nyanza would injure the Nakuru-Nairobi tarmac road, and if so, why such heavy traffic was permitted?

Will they issue a full statement as to:—

(a) Why the road was not in the first place constructed to carry such traffic and who was responsible for the original specifications?

(b) What extra funds will be required in the future to bring this road to the necessary standard?

THE SPECIAL COMMISSIONER FOR WORKS: It was not known that the traffic referred to would injure the Nairobi-Nakuru Road to the extent it did. It was known, however, that certain portions of the road were sub-standard with reference to present-day traffic demands.

It was unfortunate that heavy rains coincided with the movement of the famine relief foodstuffs from Nyanza. The movement of these foodstuffs by road was a matter of great urgency as the East African Railways were not able to cope with the demands made.

(a) The road was built during the war and those responsible for its design and construction were hampered by shortage

of skilled staff, materials and equipment. Since it was built the traffic has doubled and the weight of such traffic increased. This is a phenomenal increase in so short a period and was not envisaged by those responsible. Under the traffic conditions pertaining at the time the road would be reasonably satisfactory.

(b) It is not possible to say with any precision what extra funds will be required to raise the standard of the road to one which will provide for anticipated traffic demands during, say, the next 15 years without a very thorough investigation, the staff for which is not immediately available. As a rough estimate, the figure is likely to be in the neighbourhood of £4,000 to £5,000 a mile, but costs may change and this figure can only be regarded as a rough approximation.

MR. HAVELOCK (Kiambu): Arising out of that answer, sir, can I get it clarified—was it only the heavy lorries that injured this road, or the increase of normal traffic that injured the road?

THE SPECIAL COMMISSIONER FOR WORKS: It is a little difficult to say what proportion of damage is due to each type of traffic. I would myself say, as a personal opinion, that it is the heavy lorry traffic at high speed that does the most damage to a road where the foundations are not perhaps as heavy and as strong as they might be for that type of traffic. The lighter passenger cars does not affect the foundation to the same extent as a heavy fast-moving lorry.

MR. HAVELOCK: Is it Government's policy then to construct roads to carry heavy traffic which should be carried by the Railways?

MR. COOKE: Arising out of that answer, will the hon. gentleman give an assurance that in the specifications for any further roads, consideration will be given to the nature of the traffic that they are likely to bear for the next 20 or so years. Will he see the specifications are such that the roads will be able to carry the heavy traffic that is likely to increase on these roads?

THE SPECIAL COMMISSIONER FOR WORKS: Hon. members will be aware that prior to the formation of the new Roads Branch there were no facilities provided for making proper surveys or traffic estimates of what might happen. We are providing those facilities now and

[The Special Commissioner for Works] I hope in all further projects we will have a much better idea of what we are planning for, but even with that no one can foresee accurately how traffic is going to develop in a growing Colony such as this. Furthermore, sir, if it were left to the Roads Department itself we would never run any risk whatever as regards foundation, but that costs money and it is a question of doing the best we can with the money that we may have placed at our disposal. I think that answers the question.

MR. HAVELOCK: Has the hon. member answered my question, sir?

THE SPECIAL COMMISSIONER FOR WORKS: The question of building roads with regard to traffic that cannot be carried by the Railway is, I think, one that should not arise in the future. As I think hon. members will know, the Railway has been mainly handicapped by not being able to obtain rolling stock as required in order to deal with the traffic it is likely to carry. I hope that situation will not arise in the future, and it should not therefore ever be necessary for us to plan roads to carry traffic the Railway would normally carry.

LT. COLONEL GHERSIE: On the subject of the earlier reply, when the hon. member referred to the lack of skilled staff during the war period, is it not a fact there was placed at Government's disposal a large number of skilled staff, namely prisoners of war?

THE SPECIAL COMMISSIONER FOR WORKS: I was not here, sir, during that period, but from the reports that I have read particularly dealing with that road, there was very little skilled staff available. In fact, one mechanical engineer only was put in charge of that construction job, and I think he was on it for about seven years. The prisoner of war staff that we had at our disposal were prisoners who were not interested in the work and gave a great deal more trouble than if we had had the ordinary native labour instead. At that time there was a scarcity also of native labour as well.

MR. COOKE: I am indebted to the hon. gentleman for his courteous and full replies. May I ask him just one more question—Question No. 42.

#### NO. 42—SOUTH COAST TARMAK ROAD

MR. COOKE:

Will Government state:—

(a) The original estimate of the South Coast tarmac road?

(b) The present estimate?

(c) The full reasons for the difference?

THE SPECIAL COMMISSIONER FOR WORKS: (a) No estimate has ever been prepared specifically for the bituminization of the South Coast Road. The Development and Reconstruction Authority had, however, originally allocated £100,000 for general improvements to coast produce-carrying roads which included the Mombasa-Tunga Road. This allocation was based on an approximate assessment of costs in the absence of an accurate survey.

(b) There is no present accurate estimate as the proper planning of this road has not yet been done.

(c) A new estimate, when prepared, will undoubtedly be higher than was originally contemplated. The reason for this is that the original provision was not based on a specific design, no planning was carried out and, in general, the cost of constructing bitumen roads was underestimated. All original estimates prepared at that time underestimated the strength of foundation necessary and were arrived at largely by adding the cost of bituminizing to the cost of a normal gravel road. Owing to the fact that a bitumen surface cannot be corrected after rutting and depressions have occurred, as a gravel surface can be, it is necessary to provide a foundation which will carry the traffic without permanent deflection.

#### NO. 44—ANTI-TSETSE CAMPAIGN IN THE CHEPALUNGU AREA

MR. PRESTON:

Is the Government satisfied with the progress being made in the Anti-Tsetse Campaign in the Chepalungu area?

Will Government please state:—

(a) When the Chepalungu fence is likely to be completed?

(b) When the cleared belt is to be completed and settled?

(c) Will Government please give an assurance that, in the event of the Masai being unwilling to



settle and clear their portion of the barrier immediately, other tribes will be settled in that area without further delay?

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** Government is satisfied that, having regard to the difficulties of clearing and settlement, reasonable progress is being made.

(a) The first section of the Chepalungu fence is expected to be completed during September, 1950. It is hoped that the three sections of the fence will be completed before the end of 1951, but results will depend partly upon the rains in January to May, 1951.

(b) The extended belt is expected to be completed during the latter half of 1951. No difficulty is anticipated in settling the area in the Kipsigis Land Unit as soon as the barrier is completed, while the Masai have declared their willingness to occupy the area when cleared.

(c) The Government undertakes that, if the Masai are unwilling to clear their portion of the barrier, the clearing will be carried out by other labour and a start will not be delayed. The question who should occupy the clearing will be decided later.

#### NO. 47. EFFECTS OF DIMIDIUM BRUHLII ON CATTLE.

**MR. PRESTON:**

Will Government please state what progress is being made in research on the effect of dimidium arumidi on cattle?

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** Investigations have been in progress since the occurrence of toxicity following the use of this drug in the Sotik area. Cattle in this area have been treated with this drug, part retained therein and part moved to Kabete, in order to ascertain whether the condition is arising from certain environmental factors. The last inspection at Sotik was carried out some seven days ago, but to date no symptoms of toxicity in either group have been observed. In collaboration with the East African Veterinary Research Organization, investigations are being undertaken at Kabete into the toxicity of this drug with particular reference to a concurrent virus infection. This investigation is not yet complete.

**MR. PRESTON (Nyanza):** Mr. President, arising out of that reply, would Government be prepared to buy some of the cattle that were very gravely affected by this drug and which showed symptoms of their reaction. Would Government be prepared to buy some of the cattle that were very gravely affected by this drug and which showed symptoms of their reaction. Would Government be prepared to buy some of the more heavily infected cattle and keep them for the next five years, because there has been a suggestion that the beasts' liver and other organs may be permanently affected.

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:** I would be very pleased to go into that matter with the Director of Veterinary Research.

#### MOTIONS

**MR. COOKE** moved: This Council recommends to Government that—

- a cost of living allowance be paid to all those pensioners who retired from the Kenya Civil Service before the 31st December, 1945;
- the ceiling of pensions susceptible to allowances be £720 and the allowances shall operate irrespective of the fact that the pension may exceed £720 per annum; and
- in reckoning allowances earned income of a pensioner be not taken into consideration.

**MR. COOKE:** Mr. President, as my motion is a fairly lengthy one, perhaps the Council would prefer that I did not read it as it appears in the Order Paper. May I correct a typographical error—"the 31st December, 1946" should read "the 31st December, 1945".

Sir, it is only just a year since the Pensions Amendment Ordinance was passed, but I make no apology for bringing in this motion to-day, because, last year when the Bill was published, it did not in its provisions meet the requirements of the pensioners, but we thought, as there were a good many of the lower grade pensioners waiting for this increase, it would not have been right for us at that stage to oppose the Bill, and, moreover, we felt the time was inopportune, because the devaluation of the pound had just taken place and it was wise that we should wait to see what the

[Mr. Cooke]

financial position of this country would be. Now I would like to say at the start that I, to-day, withdraw my intention— if these suggestions are agreed to—of not receiving this increase. The reason, sir, is this. In the course of the year, in spite of our Cost of Living Committee, the cost of living has gone up immensely. I feel I am entitled to draw that small amount of money, which might amount to the price of two cases of local beer, now that the finances of this country are in a better state than they were last year. I know it will be said that pensioners have no legal title to an increase. In a matter such as this I prefer the letter of Edmund Burke who said, "It is not what lawyers say we may do, as much as what reason and equity say we should do", and, therefore, I am basing my arguments to-day more on equity and reason than on law.

I know it will also be said that it is wrong that pensioners should be put in a privileged class, that there are a great many of the *rentier* class who are not pensioners and who have been very hard hit by the present rise in the cost of living. No one will deny that, and I wish—naturally we all wish—that the conditions of those people could be improved, but the fact that you and I are not in a position to do for everybody what we could do for a few is no reason to dissuade us from doing what we can for those few. As a matter of fact, sir, there is provision in England at any rate made to-day for what I think the economists call a concealed social salary; that is that by the subsidization of foods in England the lower income people receive what is equivalent really to an extra salary or extra wage.

Now to deal with my several points. The first point is this. I am going to urge the repeal of the present Ordinance and the substitution of an Ordinance which permits a cost of living allowance to be paid. The reason I do this is that, in the minds of a lot of people, the ratepayers of this country, and other countries, they imagine that any increased pension must go on for ever and ever, but I want to make it clear that, in a period of deflation which some pessimists in this country tell us is very near now, which I personally do not agree with, it would be much easier to take

off a cost of living allowance than it might be to take off an increased pension. My second point is that all pensioners, irrespective of their pension, should be entitled to an increase. I know it will be said that it is absurd to give a man on £1,000 a year pension an increase, but I would remind the Council that that £1,000 a year has now only a purchasing power of about £500 a year. A man who retires on a pension of £1,000 a year—those lucky people who did do so—have probably very big commitments to fulfil and, therefore, I suggest, sir, all pensioners should receive a "COLA", if I may call it for short, up to £720, and up to that, the COLA should cease. You may say what about the man on £2,000 a year—it is absurd that he should receive a COLA. It is absurd, but this life of ours, sir, is full of anomalies. It is equally absurd that the Ritz Hotel should purchase subsidized potatoes at the same rate as a poor widow woman in England would purchase potatoes, but that is one of those anomalies we must put up with. The third point is the most controversial of all. It concerns this very difficult problem of the means test. I might make it clear that I do not think—in fact I know it is not so—that the Kenya Government is the villain of the piece in regard to this means test, but the villain of the piece is the Secretary of State, and it certainly appears rather strange to us pensioners—that a man who preaches social justice from a hundred, or a dozen, or a score of platforms should deny this social justice when it is asked of him. I, sir, also—and I think most hon. members on this side of the Council—rather resent the fact that the Secretary of State interferes with money matters in this country. We are now masters of our own budget and we do not receive any grant-in-aid from the British Government, therefore we are entitled to spend whatever money is agreed to by this Council in the name of the ratepayers of this country. Therefore I cannot accept a dictum of the Secretary of State that there should be a means test. Now I would mention that the means test does not operate so far as the English Pensions Act is concerned in section 2 of that Act, and I would mention that when the hon. gentleman on the other side of this Council drew a "COLA" before 1947 we did not ask

[Mr. Cooke] that a means test should be applied. We knew that Mr. Smith and Mr. Jones and so on were often men of considerable private means, but as far as I can remember no other member insisted on this side of the Council that a means test should be applied. Nor did we insist on that when these gentlemen, and very deservedly, received an increase of salary four years ago. There was no mention then of a means test, and it is not only the fact of a means test being unfair but it does savour—and a lot of people resent this very much—it does savour of pauperization, and it is of a very inquisitorial nature.

Now I sent for a circular the other day which entitles one to claim for an increased pension, but it was two closely printed large pages of the most inquisitorial nature. One question, so far as I can remember, was "Are you married? And if not, are you likely to be married?" Well, sir, that was a very difficult question for some of us to answer! I do say, sir, it is going a little bit far to ask rather absurd questions of that nature.

Now, we are always hearing, sir, about the hardship test. Well, as I have just said, no question of hardship tests arose when the gentlemen on the other side of the Council received their "COLA". I am going to say something provocative now—it will certainly be provocative to my hon. friend for Trans Nzoia. When we raised the price of maize—I thought that would rouse the opposition—when we raised the price of maize on nine or ten bags an acre, or whatever it was, we did not say to those opulent gentlemen who grew 15 bags to the acre "You will get much less money for those five extra bags, because you are already making money on your ten bags". We did not say to the merchant who had been lucky enough to come in for a legacy "We'll compel you to cut down your marginal profit because you can run your business perfectly well and lead a very happy and successful life on a smaller margin of profit plus the legacy which you have just been lucky enough to come into". There are no merchants here, unfortunately. I would have got a rise from my hon. friend for Nairobi South, but to my regret, sir, we are missing that

gentleman, whose honesty of purpose was manifest and whose wit and brilliancy so often delighted this Council. (Applause.) But if that hon. gentleman were here it would give me a very great pleasure to pull his leg in respect of the matter I have just mentioned.

Now, sir, when about two years ago the pensions of my African friends were raised, there was then no question of a means test. Is this racial differentiation, or what is it? When there were about a dozen or so Africans who received 40 per cent rise in their pensions, the means test was not applied. Am I to understand from my hon. friend the Chief Secretary that he differentiates between the African and the European and the Indian in the question of the matter of the means test?

Now, sir, I will not be very much longer. I just want to refer to the argument of paying an increased pension to pensioners and not giving an increase to the ordinary citizen who suffers from the present high cost of living. This is a very important point which I wish to make, and I have not made it yet in this Council. When most of the present pensioners entered the Kenya Civil Service there was what one might call a rule that they were not to possess land or to purchase houses. That may not have gone so far as a rule, but it was very strongly urged on us by the Government of Kenya that it would be better to avoid the suspicion that might arise in a multi-racial country by our being interested in a pecuniary way in this country. I can remember on several occasions when the Secretary of State was approached on this matter his reply was, "Well, you are entitled to a generous pension" and, therefore, you are not permitted, or you are not encouraged, to acquire property in this land". Now, sir, you will probably remember that—I am certain there are others in this Council who can recollect it. That statement of the Secretary of State's was perfectly meaningless if one realized at the time that the purchasing power of that pension which he called "very generous" would be halved within a few years. It is no use people saying that a few people did purchase land and houses—more power to them! Those people showed, I must say, looking back on it, a good deal more prudence than I possessed myself, and a good deal more sense of thrift than

[Mr. Cooke] I possessed. But those people who saved money in order to invest, to purchase property in this country, are now being penalized by this test. A man may own a farm or a house and he has got to put into his increased pension claims the amount of money he receives from that farm or from that house. You are penalizing the man who since the early days has helped the economic progress of this country by investing money in it. That does not appear to be equitable. A lot of people did not do it for their own personal gain, they did it chiefly because they wanted to ensure that they could educate their children or perhaps their wife would have something beyond the very meagre widows' and orphans' pension. Those people might—so far as the education of their children was concerned—they might have purchased an insurance and got a policy, and if they had done so they would not have come within the ambit, as it were, of this inquisitorial paper that has been issued by the Treasury of this country. I would submit that the position is very anomalous—you are penalizing the people who had the prudence to invest their money in this country, and I do submit that that is not quite fair.

Now, sir, I am asking that these three points should be accepted, and if they are accepted that a committee of the Standing Finance Committee should be appointed to go into the ways and means in order that we should bring to these very deserving and hard-working pensioners, both European and Asian, the reward which, I think, I submit should be theirs for many years of faithful service. Sir, I propose the motion.

DR. RANA: I rise to second the motion moved by the hon. Member for the Coast, and I reserve the right to speak later on, if necessary.

THE FINANCIAL SECRETARY: Mr. President, as a person, I repeat, as a person—and perhaps I should add in parentheses also as a pensioner—I have the greatest sympathy with the hon. mover's point of view. I also, like the hon. Dr. Rana, admire him for the tenacity with which he has stood by his ideal. But, sir, I must say at once that it is an ideal, and like all other ideals, suffers from the disability of being impractical. Moreover, as I can show, I think, the way in which the hon.

member would like to apply his ideal is also illogical. His proposal, in short, is that the Government should single out a particular section of the community in order to offset for them the fall in the value of money. Now, sir, I suggest that if Government is able to do a thing like that at all, its responsibility in a matter of this kind is the same for all sections of the community; it should not just single out one section of the community for such action.

MR. COOKE: You have already done so.

THE FINANCIAL SECRETARY: If the hon. member will let me finish, I will show him that there is no illogicality in what Government has done. It is quite impractical for the Government to attempt for the country at large to offset the fall in the value of money for all communities. All that the Government can do in this problem is to look at the position from the point of view of a good employer. Whereas it cannot possibly attempt to offset the fall in the value of money for a particular section of the community, that is to say for the retired pensioners, I do not think it could stand by and see its old servants suffer hardship. That, in fact, has been the Government's attitude, that, as a good employer, it would not stand by and see those persons who have given good service to this country and are now drawing a pension, they could not as a good employer stand by and see those persons suffer hardship. It was in order to offset the existence of hardship that Government took the action that it did in introducing into this Council in October the Pensions Increase Ordinance. Now, sir, the Government, as I say, like any other good employer, ought not to stand by and see these servants who have given good service to the country suffer hardship, and it is on this principle that the Government has acted and proposes to act in the future. Immediately you accept that principle, and I suggest to this Council that it is a sound one, it is inevitable that you must draw an income line; "Above this" you can say to yourself "there is here no possibility of hardship". You must have a limit, and you must say that above that limit "This person does not suffer hardship in the present conditions". Immediately you have the principle of hardship, you can say if a person complains of suffering

[The Financial Secretary] hardship "Let me see what other income you have in addition to your pension; if you have an income of £600 a year in addition to a pension and £400 a year it is very difficult for me to accept you are suffering hardship". Immediately you accept the principle of hardship two things follow; one is a limit of income, and the second is what the hon. member has been pleased to call the means test. In other words, it is necessary to find out precisely what other income the applicant is receiving. Equally, if you are going to give relief, it is clear that the relief ought to be the greater for the sufferer on the lower income than on the higher. That is, the relief should taper as the income increases and finally disappear at the limit above which we presuppose that hardship cannot exist.

Now, sir, that is the reason why the Bill, which is now an Ordinance, took the form that it did, and was in fact approved by the majority of the members of this Council.

To my mind, it is no use comparing pensioners with the existing Government servants. Government, as I said before, is an employer of personnel. If it desires to get the right kind of people it naturally has to pay the market rate prevailing at the time. Can you imagine the position of Government if in fixing emoluments—which, of course, must have some reference to the long-term cost of living of the period and the expenses generally of life—can you imagine the position if Government said to a prospective employee, "Look here, before I decide what your salary is going to be, and what allowances you are going to get, I must know what your income is". Can you imagine Government saying that, notwithstanding being in competition with other employers? I would suggest, sir, that if Government attempted to take up such an attitude it would neither retain personnel or recruit them. We must have some regard to what is practical in this matter.

Now, sir, it was having regard to these principles that Government in October last introduced the Bill for the Increase of Pensions. That Bill had a long history, but the matter terminated with the passing of the Bill by this Council. In Government's view that Ordinance provides for the generality of cases. I would,

however, remind the Council that when the Select Committee Report was produced it recommended that, to provide for cases of peculiar hardship, Government should set up an *ad hoc* committee to investigate such cases, and to make recommendations. Now, sir, it is a fact that unfortunately the Select Committee's Report was rejected by this Council, nevertheless the Government is prepared, if it should be the wish of this Council expressed in the proper way, Government is prepared to see that that *ad hoc* committee is set up to deal with such cases, but beyond that Government is not prepared to go in regard to this motion. In the circumstances I must make it quite clear that Government is not prepared to accept this motion. I, therefore, beg to oppose.

MR. COOKE: Mr. President, we have heard *ad nauseam* this argument about hardship, but my hon. friend, I think, would be reluctant to apply that principle in its universal application. For instance, when distinguished members of the Indian-Civil Service or other services retired, they got a large honorarium, which was to recompense them for the hardship which they were suffering on the dissolution of that magnificent service in the Indian Empire.

THE FINANCIAL SECRETARY: That was a different principle, sir.

MR. COOKE: But when those gentlemen received a generous emolument from the Government of Kenya, if this argument of hardship is to be retained, I do contend, sir, that they should make a generous contribution of repayment to that Government of that honorarium, or whatever it might be.

Now, of course, this hardship is a very difficult matter to assess. A man might be—I have very great respect for the road foreman, for instance, of the Public Works Department, who receives a small salary, and receives a small pension, to which an addition of about 40 per cent has been added. Now, that man—and it is no use shirking these matters—has not got the same standard of living in certain respects as the man who had received a larger salary, and he has much less upkeep, as it were, in his ordinary daily life. So to argue that a man on, we will say, a thousand a year is not suffering hardship is a matter, of course, which cannot be logically sustained, it

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all depends on the circumstances. Now, people with much more experience—and possibly more ability—than ourselves, as I said, the British Treasury has accepted that the means test shall not be applied in the English Pensions Act, under section 2. Also various colonies have done the same. So there must have been very strong arguments in favour of their adopting that course, and the hon. gentleman has overlooked my point with regard to our African friends. Why, if a means test is applied to the Europeans and the Indians, is it not also applied to the Africans? That, no doubt, is a difficult question to answer.

When this Pensions Bill first came up to this Council two years ago, you will recollect that the European, and in fact all the Unofficial Members on this side of the Council, led by Sir Alfred Vincent and supported by my hon. friend the Member for Trans Nzoia, voted solidly against the means test. Whether those gentlemen are going to do a somersault to-day it is not for me to say. We have had one or two pretty curious somersaults in this Council in this present session, but I do put it to them that they are bound in conscience—if they had a conscience two years ago, and unless that conscience is very elastic indeed—to support my point with regard to the means test. There was a great deal of hilarity in Committee, as you, sir, will also remember, when we were on the point of carrying this important amendment. By some superhuman efforts on the part of my hon. friend the Chief Secretary, one or two extra members, including, I think, my hon. and gallant friend the Special Commissioner for Public Works, were dragged from their lawful occupations, brought into the Council, and swelled the majority, a very small one indeed, against the means test: I submit all those who were here, who voted against the means test, are morally bound to vote against it again.

LADY SHAW: I think it was more than two years ago.

MR. COOKE: Two years last March. Some members may say, with the hon. Member for Health and Local Government, that then they thought as a child, and spoke as a child, and later put away childish things. They may. They may have hurried rapidly from childhood to

manhood and then again possibly to second childhood! But I do submit they are morally bound to vote in favour of that point. The time will come—and I am uttering a warning now—when the hon. gentlemen on the other side of the Council—I tell them, but they will not be very much impressed by my warning—that the time is coming very close when the cost of living index will have varied that 25 points, and when it varies that 25 points we shall have great eloquence from the other side asking for a cost of living allowance. When that day comes we shall have to think twice. I, myself would, of course, vote in favour of a cost of living allowance to the gentlemen on the other side, I would not be impressed by the fact they were inconsistent because, as I said at the start of my motion, I am impressed not with what lawyers say: I may do, but with what justice tells me I ought to do.

MAJOR KEYSER: Mr. President, in view of what the hon. member has said, may I suggest that if he is going to make references to the past that he should do so from a Hansard, because I cannot remember the occasion he refers to at all.

THE PRESIDENT: I do not think the point is very relevant to the matter under discussion.

MAJOR KEYSER: I quite agree with you. I think it is a waste of time.

THE PRESIDENT: I suggest the hon. Member for the Coast and the hon. Member for Trans Nzoia have a discussion about this at a later stage outside the Council.

MR. COOKE: Would it not be a good thing to put on record the Hansard reference. It is on page 297 of the official report for 1948, first session. This gives the whole account and there is no need to read it out. But Sir Alfred Vincent was at pains to pull the leg of of the other side! and we all voted on this side of the Council in favour of the abolition of the means test. The hon. gentlemen on the other side of the Council, suitably reinforced, carried their point.

MR. USHER: Would the hon. Member for the Coast repeat what he said Sir Alfred Vincent did to the other side?

MR. COOKE: Pulled their leg.

MR. USHER: On a point of order, is that a parliamentary expression?

THE PRESIDENT: It is not the kind of dignified language we usually associate with the hon. Member for the Coast, but it may pass.

The question was put and negatived on a division by 8 to 25. Ayes: Messrs. Cooke, Hopkins, Nathoo, Patel, Rana, Sagoo, Salim, Shary, N. Noes; Messrs. Adams, Anderson, Carpenter, Cavendish-Bentink, Chemalana, Davies, Gherrie, Gillett, Gossage, Hartwell, Havelock, Jeremiah, Keyser, Matthews, Mortimer, O'Connor, Ohanga, Padley, Patrick, Pembridge, Preston, Rhodes, Lady Shaw, Messrs. Thornley, Vasey, 25. Did not vote: Mr. Usher. Absent: Messrs. Erskine, Hobson, Mathu, Prilam.

#### REPORT OF THE COMMITTEE ON AFRICAN EDUCATION

AS MODIFIED BY SESSIONAL PAPER No. 1 of 1950

THE ACTING CHIEF SECRETARY: Mr. President, I beg to move: That this Council approves in principle the report of the Committee on African Education in Kenya as modified by Sessional Paper No. 1 of 1950.

May I, sir, at the outset ask your leave and the leave of the Council to make some quotations of what I would regard as particularly outstanding paragraphs in a very excellent report. The committee, under the chairmanship of Bishop Beecher, which has produced the report now before us was set up in the spring of 1949 with the following terms of reference:—

- (a) to examine and report on—
  - (i) the scope, content and methods of the African educational system;
  - (ii) the extent to which there could or should be a variation of the accepted policy by which African primary education is the responsibility of local authorities;
  - (iii) the incidence of educational expenditure on African children as between public funds and payments by the individual parent, taking into consideration the position of parents who have to send their children to unaided schools;
  - (iv) the present system of financial aid from the Government to local authorities, with special regard to African primary education;

(e) the fixing and utilization of school fees;

(f) the extent to which salary scales for all African teachers should be co-ordinated and the method by which this could be achieved, examining in particular the practicability of setting up unified service for African teachers;

(g) the operation of the present grant-in-aid system; and to make recommendations."

With those wide terms of reference before it, sir, the committee started off with its work, if I may say so, right at the beginning. It started off with a thorough survey of the history of the development of African education in Kenya. It conducted an equally thorough examination into the system or systems of education prevailing at the time that it was set up. The result of that examination is set out in Chapters 1 and 2 of the report which is before us and shows, I think, a noteworthy record of achievement; in the first place by the mission authorities all on their own from 1911 onwards in partnership with Government, and later still these two were joined by local native councils as these came into existence and by the Independent Schools Association which I shall include when I refer in future to the voluntary agencies; but good as this achievement, I think, was in the circumstances of those days, there was an ever increasing desire on the part of Africans for education; described more than once in the course of this report as indeed an absolutely irresistible force. This meant inevitably that the demands for this service increased far more rapidly than the facilities could be expanded to meet them. The resulting situation is, I think, well summed up in paragraphs 51 and 53 on page 12 of the report, which I should like, as I think they are so important, to quote:—

"51. It will be seen from this summary that there is a constant tendency for local enthusiasm and unofficial expansion of the primary system to outstrip both financial provision and the long-term planning based on that provision. Thus, there are always more schools than can be financed under the grants-in-aid rules; there are always fewer trained teachers than the system requires in order to be efficient; the

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expansion at the bottom has been allowed to exceed the limits imposed by educational planning; the all-important provision of secondary education which has remained within the limits imposed by the plan is consequently of such a dimension as to be wholly inadequate in relation to the expansion of the primary system." In paragraph 53 it is stated:—

"In these conditions everything expands except control: pressures result in all available money going into the provision of more visible schooling, without reference to quality, which depends on control and planning. The number of officers capable of supervision and control has, in fact, declined in a system where the need for them has immeasurably expanded. An important by-product of this state of affairs is that statistics are partial, coming only from those sections of the system in which some control remains and, at the most, may be taken as indicating trends, and in no sense an accurate reflection of total numbers and quantities."

The problem, sir, presented by this state of affairs is then discussed in Chapter 3 of the report, and a further insight into the tremendous pressure for more and more primary schools being put on Government and on the voluntary agencies is given to us in paragraph 238 on page 54 of the report, where it is written:—

"African witnesses preferred not to discuss any priority other than the immediate opening and aiding of more primary schools. The pressure of circumstances underlying their conviction that this is essential to their immediate well-being is so great as completely to blind them to the impossibility of their request without the antecedent satisfaction of other claims which we mention below."

Those other claims are, of course, increasing facilities for secondary education, bringing children up to the School Certificate standard, more and better facilities for the training of teachers and more and better supervision and inspection of schools.

At this point, sir, the problem becomes clear, and all the factors which have in one way or another contributed towards

the build up of that problem have been analysed by the committee. Thus it is now in a position at page 55 of its report to state its objectives, and to formulate plans for their achievement. In another very notable paragraph, No. 252, on page 57 of the report, they write as follows:—

"252. To state our objectives briefly, we desire to see a morally sound education, largely based on Christian principles, conducted with adequate inspection and supervision, providing courses of education each of which is purposeful and complete within itself at every level, and which, as a system, is balanced in the numerical relationship between the more advanced and the elementary levels, and which lays particular emphasis on the acquisition of practical attitudes and skills."

At this point, sir, the story is taken up in Sessional Paper No. 1 which is before the Council. The Government has set out in this paper every one of the 148 recommendations contained in the report, and I have no intention this morning of discussing all these recommendations in detail. I think that if non-members opposite have any points which they are anxious to make on the details of any of these recommendations it will be more for the convenience of members that I should deal with those when replying to the debate, or that other spokesmen of this side of Council should deal with them as they are made in the course of the debate. But I think it may possibly help hon. members to a full and proper appreciation of the full plan disclosed in this report if I say something, in moving this motion, about the various aspects of it which have been selected as the headings of sections in the Sessional Paper, which is before you. The recommendations have been grouped under those 12 section heads purely as a matter of convenience. Section 1 on page 3 deals with policy. There are, sir, two main points to be mentioned here. They are the emphasis which is laid right throughout this whole report on a Christian teaching in Recommendation No. 1, and the necessity for development to follow plans based on education surveys carried out in all areas in Recommendation No. 12. I do not believe, sir, that anyone who has read this report and in

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particular paragraphs 235, 237, 238 and 244 to 252 or has other reason for knowing the extent of indebtedness of Africans generally in this country to the missionary societies for the work they have done during the past 50 years and more can possibly seriously challenge the right or the wisdom of Recommendation No. 1. (Applause.) The two particular paragraphs on page 55 which lead up to this recommendation are again so striking that I think it right that they should go on record in Hansard:—

"24. The committee took note of the large body of evidence which points to a breakdown in moral standards in African society in recent years and to the comparative inability of the school product to put matters right. There is, in the committee's view, no validity in the comparison between education in general in British society and that in Africa, nor, in particular, between the emphasis placed on moral instruction in the one and in the other. In the United Kingdom there is a long-established tradition of moral standards based on a Christian foundation, and even if the teacher, the parent, or the child is not an active member of a particular church, the whole of their behaviour derives from accepted Christian principles over which there is no dispute.

"25. These conditions do not yet apply in African communities in Kenya. Little or nothing is done in most homes to inculcate moral standards; the child does not, in consequence, acquire character in its early years which is built up on principles which alone have any relevance in the modern society of which the child is to become a part. It is therefore the task of schools to implant these principles and to do so almost entirely without help from parents. This is a specialist task, like teaching chemistry or history, and it should be given to those who are qualified to do it. The secular teacher, whatever his other qualifications, has generally not been trained to take part in this work."

The Government fully supports the committee in this, its opinion, that education must be based on sound moral and spiritual foundations—(applause)—but let

me, sir, hasten to add here, as I hope has been made clear in paragraph 9 of the Sessional Paper, that it is certainly not the intention of the Government, and I myself am quite sure it was not the intention of the committee, to insist on Christian teaching in those schools where, for instance, Islam has already inspired its adherents with a devotion to a spiritual ideal and to the habits of self-discipline and purity which are so essential to the well-being of the community. (Applause.)

As regards Recommendation No. 12, I would only say, sir, that we cannot make the most effective use of our human and material resources, both of which are limited, without careful planning which must be based, in the view of the committee, with which Government agrees, on surveys in all areas throughout the country.

It is the intention, sir, that these surveys will be carried out as soon as the necessary staff can be recruited to conduct them, and in carrying them out, sir, I should like to say that Government will be guided by the advice set out in paragraph 265 on page 60 of the report which, perhaps, again, as it is important, I might read:—

"265. Apart from the obvious requirement that an educational survey should place schools in the best manner from the points of view of geography and population, it is no less important that the surveyors give proper consideration to the wishes of the local people. Any plan which ignored those wishes would be unrealistic and unlikely to be implemented. The surveyors will have to make a decision as to each school in one of three ways: Is the school to remain where it is? Should it be moved remain where it is? Should it be moved to a better position? Should it be amalgamated with another school or schools?"

On those principles, sir, these surveys will be conducted.

Turning to section 2 of the Sessional Paper, Administration, the most important recommendations here are, I think, unquestionably those relating to the continued use of the district education boards as the local education authorities and to the constitution of regional boards. It is proposed that these district

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education boards should be reconstituted on the lines set out in Recommendation No. 87 and that they shall have the powers set out in Recommendation No. 88. I think that on these particular recommendations, as it is one of the most striking paragraphs in the report, that I should read out and get on the record paragraph 409 on page 95 of the report:—

"409. The committee examined the possibility of certain educational responsibility being delegated directly to local government bodies, and found that such delegation would be wrong in principle because it would afford little or no opportunity for an expression of the spirit of partnership in educational activity, and little or no facility for the integration and control of the educational system as a whole. In so far as such delegation to a local government body might in practice result in variation of or departure from a formulated, agreed policy for the Colony as a whole, it is similarly to be deprecated. Nevertheless, there remains the desirability of powerful local government representation on local education authorities, and for this the committee provides in its recommendations."

The Government, sir, fully agrees with these recommendations and considers that the representation on these boards of equal numbers representing voluntary agencies and local authorities with the district commissioner as chairman and an education officer, is well calculated to ensure that co-operation between local government authorities and voluntary agencies so absolutely vital to the success of this whole plan. The variations proposed in regard to Recommendations Nos. 67 and 89, which you will note on the top of page 8 of the Sessional Paper, are, I think, adequately explained there and are really only matters of administrative convenience. I do not think, therefore, I need add to what is written in the Sessional Paper on those points.

Coming to Section 3, Recruitment of European Staff, I would only here make two points on the recommendations under this head with which the Government is in agreement. The first is that arrangements have already been made

for two senior officers of the Education department to leave for the United Kingdom early next week to assist, in the first instance, the Governor himself, who is now in London, to recruit the European staff so essential to get on with the implementation of this plan. His Excellency, at any rate during the first week or so, will personally direct the recruiting campaign which we hope will produce the officers that we require.

The other point that I would stress on these recommendations, sir, is that although emphasis is laid in this report on the need for additional European staff for the implementation of this plan, it is the Government's intention, and it was foreseen by the committee in their deliberations, that the posts which, in the first instance—or many of them—will be filled by Europeans, should, when the report really gets under way and Africans are forthcoming who have passed through the schools right up to the top, be progressively filled, as the years roll by, by Africans. (Hear, hear.) The point is, I think, made abundantly clear in paragraph 259 of the report, which is so much to the point that I do not think it is necessary for me to read it, (but—and I would emphasize this once again—it is the main purpose of this report that the stage at which Africans can themselves play a greater part in the educational system out here, shall be advanced at a quicker rate than anything we have hitherto contemplated in our plans.

Section 4 deals with inspection and management. The Government, sir, agrees with the recommendations grouped under this head, subject to the condition that the staff recruited by the voluntary agencies has the academic and professional qualifications necessary for appointment to a Government service.

The paragraphs to which I would particularly invite the attention of hon. members on this subject, and which I propose to quote, are 219, and the quotation on page 15. Paragraph 219 reads as follows:—

"219. On hearing evidence we sought to keep the distinction which we have just noted between inspection and administration on the one hand and school management and supervision on the other. And we would add that, while this point was not explicitly



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mentioned by those giving evidence on the subject of local education authorities, it was plain and unanimous from all sources, African and European, and from administrative as well as from educational witnesses that this distinction must be observed: the task of inspection and administration is one and indivisible, and is the function of the 'Board of Education' which is responsible for policy; supervision and management is the function of those bodies which are charged with the carrying out of that policy."

The other quotation, I beg your pardon, sir, is in paragraph 254 on page 57. It is a quotation from Command Paper 2374, which was presented to His Majesty's Government in 1925, and it is very much in point on this subject—

"A thorough system of supervision is indispensable for the vitality and efficiency of the educational system. The task of Government inspectors must be adequate, and their reports should be based on frequent and unhurried visits and not primarily on the results of examinations. It is their duty to make the educational aims understood, and to give friendly advice and help in carrying them out.

Each mission should be encouraged to make arrangements for the effective supervision of its own system of schools, but such supervision should not supersede Government inspection."

That, sir, is a quotation from a paper prepared by the Advisory Committee on Native Education in the British Tropical African Dependencies in the year which I have mentioned. It seemed to us, sir, that it was essential that the two distinct functions of inspection and management should be kept separate. Voluntary agencies have, I will emphasize once again, a fundamental part to play in the management of primary and intermediate schools. While Government has the responsibility of ensuring through its inspectorate a high standard of educational efficiency in all these schools.

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

The debate continued.

**THE ACTING CHIEF SECRETARY:** Mr. President, we have come as far as Section V of the Sessional Paper on page 9, Organization of Schools. I think,

sir, that unquestionably the most controversial recommendation under this head is that contained in Recommendation No. 9, restricting the primary course to four years. I would say on this particular recommendation—and I would underline this for hon. members that the fundamental aim throughout this report is to improve the quality of education and to control expansion within the limits of that quality—on this issue I would like, sir, to read to hon. members paragraph 147 on page 33, where it is written:—

"All witnesses spoke of the need to improve the quality of existing schools rather than to increase their numbers. The committee was confronted with the same circumstances as impressed Mr. (now Sir) Sydney Philipson in his examination of the education system in Nigeria; here as in Nigeria there has been a continuous expansion of all forms of educational provision with no comparable increase in official control and supervision."

The evidence, sir, which was given to the committee impressed them with the considerable dissatisfaction which was felt over the present primary school product. I think that it would be a fair summary of their feelings in this matter to say that, whereas six years of schooling is long enough to take the student away from his home and possibly to make it a little difficult for him to settle down back in his home-surroundings, in fact he is not to be one of those who will go on to further education, at the same time they felt, and recorded it in the report, that six years of schooling was not enough to fit the pupil for training for skilled employment and to become the useful asset that we wish him to be in the economic life of the community. Therefore as I understand this report what the committee would like to see would be eight years of education for all these children. The six-year primary school course fell between two stools. The plan, as hon. members know, provides for eight years of education for as many children as can be taken to the intermediate stage, and the number of children who will get to the end of the intermediate stage if this plan is carried out is very considerably in excess of the children who would be taken to the Form II stage under the ten-year development plan. I know that some

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people do hold very strongly that four years is an insufficient period of schooling for those children who do not qualify to go further. I would say, with the committee, that what Government would like to be able to do would be to give them all eight years of schooling. But I must sound this note of warning, that if the view should prevail that six years should in fact be the length of the primary course, rather than four, then the dictates of financial limitations necessarily require that fewer children would have the opportunity of proceeding through the intermediate school up to Standard VIII. That—and the reason is given fully in the report—would be a very great pity, and I think would be a very wrong policy. (Hear, hear.)

Another point that I would emphasize whilst dealing with this particular section is that the education aimed at in the intermediate stage is self-contained, with the emphasis on training on agriculture and practical skills. (Hear, hear.) To achieve the policy aimed at in the report the committee recommends the development of the secondary school system at a very much faster pace than was provided for in the ten-year plan, which is the present policy of the Government, and under the plan set out in this report, by 1958 there will be 480 pupils taking the School Certificate examination. At the moment I think I am right in saying that the number that get that far is somewhere in the 30s—35 or 37—it is these pupils—those who go right through the three stages, primary, intermediate and secondary schooling—who will provide the material from which our skilled technicians, agriculturists, teachers, etc., can be trained. I believe that it is the training of these people which is absolutely essential to the economic development of this country. (Hear, hear.)

Section VI deals with technical and higher education, and I would say immediately that Government agrees with the recommendations grouped under this head, subject to the provisos set out in the last two paragraphs on page 12 of the Sessional Paper. We are going ahead as fast as we can with the proposals set out in the Willoughby Committee's report to establish a technical institute in Nairobi. We have in existence now trade schools at Kabete, Thika and compar-

tively recently, we acquired buildings which are being developed as a trade school in the Nyanza Province.

Turning to the next section, Section VII, Teacher-training, on page 13 of the Sessional Paper, the recommendations here are aimed at improving the standard of teaching by raising the academic standard of entry into the training centres and lengthening the period of training at those centres. The Government accepts those recommendations in principle but considers that, while the teacher-training programme should remain within the financial framework of the report, its detailed application should be planned by the Director of Education, in consultation with the regional boards and the Advisory Council on Education.

I should perhaps point out that the committee did not take into consideration in these recommendations the two Colonial Development and Welfare schemes at Embu and Maseno which are now producing 7.3 teachers in addition to the 16 centres already scheduled in this report. It is also the intention of Government that the Siriba Training Centre at Maseno should admit students after ten years' education for training as teachers and agricultural and veterinary instructors at the T.2 level as soon as the output of the secondary schools is high enough to warrant such recruitment. I make this point because it does involve some slight departure from Recommendation No. 69.

Turning to Section VIII, Curriculum and Examinations, there is not, I think, very much that I need say on the recommendations under this head, except that the report aims at making each stage of education an educational entity in itself to enable pupils to leave at the end of each stage with skills, discipline and aptitudes which generally should enable them to play an effective part in the life of the country. I would describe what we seek to accomplish in each of the three stages in this way: in the four-year primary course the intention is that the student should become literate in a vernacular. In the intermediate stage, the intention is that he should be prepared for training for some form of skilled employment, and that at the end of that stage—but not until the end of that

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While on this subject I would just briefly refer—I do not think it is necessary for me to quote them—to paragraphs 302 to 307 in the report, where it is set out very clearly the important and prominent place that agriculture is to be given through all stages of education.

Turning to Section IX, the teaching service, the report recommends that there should be one service with identical terms of service for all teachers. The scales of salary recommended in the report are lower than those at present in operation in Government service, but—and I would underline this—they are definitely better than the scales now being paid by many of the local native councils, and when one remembers that of the 7,000-odd teachers at present teaching in this land not more than 600, I think, or less than 10 per cent, are in fact at present enjoying Government scales of pay, and when one remembers also that there is no question under the plan proposed in this report of requiring anyone at present enjoying Government rates of pay to switch over to any other rates I do not think that it can be said that these recommendations are unreasonable. The recommendations also include provision for the payment of retiring benefits to all teachers, and at the present time there are a large number of teachers in the country who cannot look forward to assistance of that kind in their old age. I would also like to mention the recommendation that salaries should be varied by zones. The evidence given to the committee satisfied them that the cost of living in rural areas and urban areas was so different, and in particular when the teacher in a rural area was able to live

in his own home that it was fair and right so to arrange their recommendations in regard to salary that these should be fixed, having regard to three zones. The first zone, the teacher who lives in his own house and teaches nearby; the second, the teacher who does not live in his own house, but is attached to a school in a rural area; and the third, the teacher who is required to teach in urban areas where the committee were satisfied that the cost of living was higher than anywhere else.

I would conclude under this section with the statement that Government agrees with these recommendations with the exception of Recommendations Nos. 126 to 129. On these the Government agrees in principle with the establishment of a pensions scheme for the teaching service, but the form it takes must await the outcome of a survey now being undertaken, and the subsequent discussions with the Government Actuary in the United Kingdom.

That takes us to Section X, School Fees. Here I do not propose now to discuss the level of fees recommended in the report, but I would underline the recommendation that fees should form an integral part of the education revenue and that they should be paid either to the local authority or the board of Government responsible for the management of the secondary schools. It is also recommended that the remission of fees in primary and intermediate schools should be limited to 10 per cent of the total fee revenue, and that the local native councils should assume financial responsibility for scholarships and bursaries to secondary schools.

The Government agrees with these recommendations, but I should perhaps add that we would not regard ourselves necessarily bound hand and foot that precisely the fees recommended should be charged in every district. That is one of those matters which I think the committee has recognized will have to be considered and kept under fairly constant review, and that is what we should propose to do.

Now, sir, sections 11 and 12 deal with expenditure, and I might, perhaps, deal briefly with both those sections to-

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I would only say that, as hon. members are aware who have been laboriously through budget after budget during these last few years, expenditure on education—not only for Africans but for all communities—has steadily increased, and I hope that when looking at the figures on pages 24 and 25 of the Sessional Paper that hon. members will remember that experience of the last few years and will remember also that while no one, I am quite sure, in this Council would urge that we should call a halt now to an expansion in African education, that once that position is accepted, we must keep our heads out of the clouds and out of the sand and realize that increasing expenditure will have to be met for this extremely important service. I would emphasize that throughout this report the committee has gone to great lengths to ensure that, with the expenditure of such large funds, here should be a much more adequate control than has existed in the past. (Applause.) My hon. friend the Member for Finance may have something more to say on these two sections later in the course of this debate, but for my own part I believe that if we can do vigorously what we are recommended to do under this report, and if we can achieve—as I believe we can achieve—the objectives set out in this report, then I believe—to put it possibly a little vulgarly—that it will be "cheap at the price".

May I, sir, having now said all I wish to say on these various sections, deal with just one or two other matters before sitting down which I think should be mentioned. One of these relates to the education of girls. The committee thought that the greatest need for girls' education was a consolidation of the present position and an improvement in existing services. It assumed that girls would be admitted to primary and intermediate schools in the same way as boys. The needs of girls' education will most certainly be kept constantly under review by Government, and I am glad to be able to tell hon. members that at a conference of women held in Nairobi last week in connexion with educational plans for women and girls it was unanimously agreed that the plans which they all felt were necessary in this particular

direction could be accomplished under the terms of the plan proposed in this report.

I should perhaps also mention that the full implementation of this report will require new legislation. That will be quite a heavy task in itself, and we shall get under way with it as soon as we can but with all the preparation that has to be done and the staff which has to be recruited and the legislation which will have to be enacted I think it would be right for me to say that we shall not be in a position fully to start implementing the plan until the beginning of 1952.

I might perhaps also, in summing up, just refer to the overall priorities which the committee sets down in the implementation of this plan. First and foremost, improvement in teacher training; secondly, more and better supervision and inspection; and, thirdly, reorganization of the present system, which will result in the greatest emphasis being laid on technical, skills, rural techniques and commercial training.

It would also, sir, be ungenerous of me, and very wrong, if I were to conclude this speech without a reference to the vast amount of detailed work which has been done by Bishop Beecher and his colleagues on this plan, which has enabled so full and admirable a report to have been prepared. (Applause.) The work involved in the production of a document like this is simply enormous. I do not know whether my hon. friend the gracious lady Member for Ukamba will be giving us the pleasure of a speech during the course of this debate, but if she does I am sure that she will confirm that the production of this document in the time which it took to produce it—a matter of only a few months—really was a magnificent achievement, and I would like on behalf of Government to pay tribute to Bishop Beecher and his colleagues for the splendid job of work that they have done for us. (Applause.)

The Beecher Report provides, sir, for the first time a clear statement of African educational policy in Kenya, and if this is carried out with determination we can look forward to a period of rapid progress and improvement in the educational system which will have a far-reaching effect on the country and development in general. To meet the increasing demand for further educational services the African community is at

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present establishing a system of primary and junior secondary schools, the cost of which it is meeting from its own resources, and in many cases Africans are contributing from their own pockets to unaided schools, and are at the same time by taxation contributing to the general cost of education. One thing the recommendations in this report do achieve, they do even out in a very much fairer manner the cost of these services to Africans throughout the country. But because of the poor standard of teaching and the lack of control necessary for co-ordinated development much of this effort is being wasted. Under the control envisaged in the report the standard of teaching and accommodation in the schools will be very considerably improved, and this must inevitably improve the standard of education throughout the whole system.

Finally, sir, this report is not intended to be a hard and fast blueprint from which there can be no departure at all. It is intended that the plan shall be developed in a flexible manner. I believe that the plan as a whole is a first class one. I have no doubt that some hon. members will have doubts about certain of the detailed recommendations contained in the report, but I would plead with them to keep the greater picture before their eyes, the plan as a whole, and not to allow any particular dislike of one or more of the detailed recommendations to cloud their judgment on the plan as a whole and as a major contribution to the development of education in Africa.

I believe, sir—my very last words—that we here have to-day in this Council a very great opportunity of contributing more to the future of African education than any Council has had an opportunity of doing in the past.

Sir, I beg to move.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: I beg to second, sir, reserving my right to speak.

MR. OHANGA: The report on African education in Kenya has now been in the hands of Africans and all other people in this country who are interested for some ten months. During this period we, as members of this Council, have given it a very thorough study. We have

recommended it to Africans outside and they in turn have studied it. They have met in small groups, at large meetings and at their associations and have considered in great detail practically all the recommendations here contained. We have taken steps to gather as many as possible of the African people in this country together to find out from their comments, either verbally or written, what exactly the opinion of the African is on the majority of the recommendations, and we find that a very large number of the recommendations are in opposition to their wishes, and they feel without some very drastic and serious amendments to the recommendations which we have contained in the whole of this report they will be unable to accept it. I am therefore speaking in opposition to the adoption of the White Paper and also of the report.

To enable you to understand the present situation in which we find African education to-day, it might be useful to refer a little back in history to where African education really started, and I could not do any better than refer you to some of the points and remarks that have been made in the opening chapter of the report itself. I refer to page 1, paragraph 3. It all started out in the blue. This is what happened. "Most of the stations offered a little boarding accommodation to their pupils who were frequently paid to do some form of work which they did in addition to attending school: the curriculum laid great stress on practical work; those who progressed a little taught those who were just beginning. Here was the germ of the problem of orderly development and control that now confronts us; then, all, as there were so few, were welcome and all were welcome to go as far as they could without reference to planned progress, or eventual financial implications."

Sir, at that time the only object of undergoing an educational system of any kind was that one might be able to read in order to understand the Gospels, and the whole of that system did not go beyond the three R's. Questions of money did not and could not arise because it was all voluntary from the beginning to end. Those who knew passed their knowledge on voluntarily to those who did not. As soon as a man was baptized he recognized it as a duty to pass on the knowledge which he had gained, both

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of academic education and of the spiritual life, to his fellow men, and thus you found on the village greens people getting in small circles around those who could explain the letters of the alphabet to them and teach them how to read. At night, when it was dark outside, around the firelight they taught one another to read, and that was the beginning of African education. Very soon these small centres became what are now known as the churches, which in the end have now formed what we know as the village school, from which we get some schools known as the grant-in-aid schools, which formed the only foundation upon which Government-aided education is based. By the nature of things then, the great stress which is laid on the question of control in this report, as we shall appreciate, could not arise, and I should like to refer again to the report itself on the question of control and see how very different the assumptions of the producers of the report are to the real situation as I have described it. I refer to sub-paragraph (2) on page vii under the main heading "Summary"—just the opening remarks under that. "First it is necessary to restore adequate control to an educational system which had virtually lost those safeguards essential to the spending of large sums of public money. In the absence of centralized control, operated through an adequate inspectional staff in the field, development was largely unco-ordinated and several aspects of educational activity lacked purpose. Lack of staff and financial provision for administrative purposes in fact prevented the Director of Education from carrying out the provisions for control which the educational Ordinances contain, and which we propose should be implemented." Now those remarks, sir, lay stress on control, and it asserts quite clearly this—that it aims to restore adequate control to a system which had none. Now I do not think you would restore anything to a system unless that system had had it before and then lost it. The schools started voluntarily. The only people that were interested in them were the people who learnt in them and the people who taught in them. The teachers were not paid. Those who learnt provided for their own learning, and the question of control would never arise. What

happens actually is that when money is brought in to aid schools of this kind then questions of control arise, then the educational authorities take an interest and start organizing things, but it could not be said that the present situation is a result of some neglect on someone's part in a system which once had a perfect control of any sort. That I think is a very important point. The situation as far as we know it in the reserves is largely what is assumed or not seen here. More than 50 per cent of the present schools in the reserves are still in that condition where they flourish under their own care without any supervision or without any organization which would be recognized by any authority. The system as it stands now only receives care and control when public money is brought into it and it is listed as a grant-in-aid school, but ever so many of them are still not under that list, and it could safely be said that a large amount of any sort of education that Africans receive in this country is still without control and without money. In our view the most urgent need of the African, so far as education is concerned, is to bring proper organization and proper control to these schools by providing the necessary money and the necessary staff to do the work.

So much for the background. I now come on to a principle in this report upon which it seems to us everything has been based—I refer to what has been called qualitative education, and I should like to start again by quoting from the report itself. I think the relevant paragraph will be found on page vii. Paragraph (3)—it is immediately after the one I quoted before. "Secondly, the educational system as a whole can only be rendered purposeful by a restatement of educational objectives, and the implementation of a plan for their achievement. This implies that efforts be made for a qualitative improvement in educational activity. For example, uncontrolled expansion at a low level, with no regard to the quality of pupils passed out from the schools, or passed on to higher education, and the lack of trained teachers, can only result in a violation of the purposes for which education is conducted. The committee was impressed by the need for substantial and rapid expansion of secondary educational provision. We have been at pains to sug-

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gest a balanced educational programme with adequate emphasis on the need for well-trained products in both academic and practical spheres, at a level which makes them potential participants in the Colony's development." Now, sir, I want to emphasize here the point of quality. The report sets out to control and to provide for quality. The report is not prepared to recognize the provision which is taken by all Africans in the country for the great need to make everybody literate as soon as possible, and it emphasizes that it would be unnecessary to expand at a low level.

Later it goes on to reduce the length of the primary course to four years. We feel that education is a thing which every child should receive as a right—therefore opportunity is for all. Thirdly, the father or the parent must be allowed a reasonable amount of say as to what education his child should receive. The expansion at the primary level is essential to the community. If the community were denied this it would mean that we should have an African community largely illiterate and ignorant, which must inevitably result in the very slow development of anything which it has set out to do, either on behalf of the welfare of the Africans themselves or for the good of the Colony. We emphasize that the only way to get along is to expand as much as possible and as quickly as possible at the primary level, but at the same time provide what we can for the top part. We aim at making this country a literate country. It is our object that in the future—it may be unforeseen at the moment—we shall be able to have what is known as universal education which may one day develop into what would be a compulsory education for all African children of a certain age, and the report, from our understanding of it, does not seem to be a step towards those objectives, but very much towards the opposite, and therefore we are at the moment unable to see face to face with all the other recommendations which are not based upon that fundamental principle of qualitative education, which would not mean more than a few children at secondary school, and large masses of people neglected.

I now come on to the Sessional Paper and I will begin with policy. It is stated

under this heading, sir, "that the Government continue to work with and through those voluntary agencies which have the teaching of Christian principles as part of their intention, and that facility for Christian instruction be provided in all schools". We must wholeheartedly agree that Government should share the work of education with the missionaries, but we must wholeheartedly disagree that Government should be unable to take part in African primary education without going through the voluntary agency. We do not consider it desirable, nor is it impracticable for Government to do so. It is something which has been done and is being done and can be done, and we insist that Government should still think of a way by which they could bring Africans under their full control. Voluntary agencies, which would mean the missions and the churches, including all known Christian churches, would still have an opportunity of playing a part, and I emphasize, a part, but all the time as voluntary agencies. They should never be placed in a position where that emphasis on voluntariness disappears. They must always take part when and if they like, but a system of education for the people should not be harnessed to the churches and the missions which inevitably may not always be in a position to function as agents for such a big problem. We disagree most wholeheartedly with the Government that it is necessary for the missions to control all primary schools in order to be able to impart primary education to Africans. It is not impossible to give religious instruction in schools not controlled and not owned by churches. Religious bodies have the opportunity, or should have the opportunity, of going into any school where their adherents are, and be able to impart religious instruction without necessarily being involved in the intricate system of controlling public funds which they themselves do not play a very large part in the contribution of.

Commenting on Kenya politics, there have been certain ideas and ideologies which I feel arise from misconceived and in my opinion some rather irresponsible attitudes. They resulted in some utterances of this kind: those who want social services should pay for them. Every time this note is sounded I believe those who are in authority feel there is a lot of truth in that, and it seemed to

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me that it has worked 100 per cent with regard to African education at a primary level, but the people who say that forget that quite apart from being communities according to race and colour, we still have a common citizenship of the Colony and owe a common allegiance to His Majesty the King. We consider it an unsatisfactory view that the people who take a part in contributing to the public revenues of the country should be denied, at a low and fundamental juncture, some provision from the public funds for the only type of education that matters. We do not mind having to deal with other types of education in private or in a community or in any other way, but we consider that primary education is the responsibility of the State, and the position which has been taken and carried out through many years of making the African Local Councils the only bodies responsible for the full burden of primary education to be a wrong one.

It is said in this report that once upon a time—I think in 1944—the Financial Secretary of this country recommended there should be a departure from this way of thinking. His recommendations were laid aside, and we are still in chaos. Surely if there is going to be an expectation of making primary education useful, of making literacy a common heritage to all citizens of the country it is proper and right that we should begin building the foundations to-day. Missions and churches can do a great deal for this country. Our primary education programme is now a highly inflated one. It is expanding every day, and I do feel that it is a little unfair that this heavily expanded programme should be placed upon the churches and the missions who are ill-prepared and ready to shoulder it. It is clear, I think, to a number of people in this Council that not all missions have taken kindly to this report. They have seen in it a way of thinking and a plan which can very easily distort the objects for which their missions were founded. They have seen in it elements which would tend to liquidate completely the principles which they consider fundamental to their missions and well-being as churches, and I am sure they will have a say, if they have not done so already somewhere.

It would perhaps make things a little clearer if I made one further quotation on that one particular point, Mr. President, if you will allow me. I refer to page 2, paragraph 9, which deals with that particular point:—

"The difficulties of the educational agencies in these circumstances need little elaboration. Filled with a missionary zeal, many of them no doubt encouraged considerable expansions; others, aware of the financial dangers ahead, sought to temper the zeal of their communities, but for them, on the spot and face to face with the demand, and often on intimate terms with the people asking for the schools they so badly needed, it was immensely difficult to refuse and in most cases little more could be done than attempt to apply a brake. Astonishment will therefore be directed at the degree of order and control which has survived, not at its frequent inadequacy."

I make that quotation to show, sir, only that it might be incorrect to regard missions as ready and prepared to shoulder an expanded programme of education of the nature that we have before us.

I pass on now to page 4 of the White Paper, and I will not have much to say here because it all comes on one particular principle. Having dealt with the unreadiness and unpreparedness of the missionary bodies of the country to shoulder the programme, I now want to put what has been the African view for many years. It is our considered opinion, sir, that the Local Education Authority for primary education in the African reserves should be the African District Council through its committee, and that this Local Native Council Education Committee should be the controller and owner of all educational institutions for which it provides money, and that it should be responsible for all the teachers and all the managers and all the affairs of these schools. If there are certain schools of this class outside the African reserve in the missions those schools would still be cared for under this authority. They would receive the grant-in-aid as usual. The authorities for such mission schools—and by that I mean schools built and run within a mission station, set up properly for that pur-

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 pose—these schools would be aided as mission schools, and these schools can come within the purview of that authority for financial reasons only. Inspection and supervision should also be accorded, but we must always have in our view the fact that they are voluntary agencies and they are voluntary systems of education. The local government will necessarily exercise some control. That is necessary because they provide the money, but it would be unfair in my opinion to put the full control on such missions, because they are given aid, to the point of almost violating the principles for which they came out. They will be voluntary, they will have provision, and so on, but the bulk of African education must be run straight on the lines that I have outlined under the African District Councils. It would mean, then, that the present form of district education board will be re-formed in a way. It will not be necessary to have, as we have recommended in the report here, four representatives of the missions and four Africans representing the African District Council and two Government officers. What it means is this, the whole of that body is responsible to the council, which is responsible to the taxpayer directly, and any person who votes and decides how that money should be spent should be a person who will be himself responsible to the people and to the council directly. Government education officers and voluntary agencies who are taking part in education and who are interested will be welcomed to come along. They will take part as people interested in education. They will give advice, they will voice their opinions, but when it comes to deciding how much money will be given to this school and that, I think they would do well to let the district councils themselves do what they like with the money they provide. At the moment the situation stands rather in a bad way. You find half the people sitting at that council, men who have pecuniary interests in the funds that are being provided, each has a list of what they want, and when the time of voting for that money comes everybody votes for what he wants for himself. I think they would be much better to stand aside, and the position of how much money be given to so-and-so will be decided outside their presence.

and they will receive it as a grant-in-aid from the people who are really in authority for those funds. But I am quite sure it is not doing them any good sitting there and voting money for which they make very little financial provision. The local authority therefore, being a committee of the African District Council, will be the main body that will stand responsibility for the development and for the running of schools of this nature, and which will work with the Government for the pushing forward of the provisional programme.

Now, to come back to a few remarks that have already been made by the mover, I just want to say that it would be unfair on our part to have it said that we do not want the missions to help in the work of education which they have been doing. All we mean is this, that this direct responsibility for an important part of education like the primary should not be their direct responsibility. They will still be free to run boarding schools for the Africans, and to run secondary schools within the missions. They will be quite welcome to do that, but the main stream of primary education should be the direct responsibility of the Government through the district native councils, and should not be pushed into the missions and make matters very complicated by so doing.

I now come to one other point regarding nomenclature. I think this is one of the points where the mover has drawn our attention very forcibly, and I have not got really very much more. We have ourselves very strong feelings on it, and I do not really think there is anything really which takes the heart of the African away from this report more than this one. It is fundamental. I refer to the proposition, or to the recommendation that is here, that the African primary schools courses should only last for four years, and after that impose an examination on the children and throw the bulk of them away. The thought to an African having a child of 11 years old and having it thrown into the streets of Nairobi is really killing. We can never bear the feeling of a situation of that kind. A child of 11—moreover, it is absolutely contrary to the main recommendations which we have in this report. Namely, purposeful education, complete in itself, fitting a man for life. It is con-

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 tary to the recommendations which we have listed here, and it means, that this child, after being in school for some four years, is barely literate. He might be able to write his name, and also to read and write in a very simple manner in his own vernacular. He has apparently learned no second language. He is absolutely unfitted for any technical training of any kind. He has no tools to use for furthering himself. If he goes home he is going to be a nuisance to his parents because he can do nothing. It has been said that Standard 4 will help the African to go back to the land. I do not know what that means. If it means going back to be a farmer, then I would draw the attention of the Council to the lack of land in the African areas. If it means going back to dig for any farmers outside the African land units I would draw the attention of Council to his age; he must develop some muscles before he can do some work of that kind. This child is useless and we cannot have him thrown out into the blue, those of us who are parents and who know we have some responsibility for our children cannot bear the sight, and because of this that section as it stands takes the hearts of all people who are responsible for their people and children away completely from any feeling of this kind.

Our suggestion is that, if possible, we should continue with the arrangements as they were before, where primary education lasted for six years, and it gave the child an opportunity of developing muscles, growing up so that he is able to stand on his own feet. It afforded the opportunity of learning the rudiments of a second language, it might be English or Swahili, so that when he goes out he will be able to communicate with people who employ him, read papers, and can undertake some study in private.

Then the remaining six years of education we do not mind every much what happens, but we thought the most convenient form they could take would be three years in a secondary and three years in a senior secondary. What happened up there we did not think about very much.

By this stage not only have we little children thrown out but we have also a very large financial burden placed

upon the already tired African district councils. Some have complained they are run down and bankrupt, and here is a new organization which again must come under their purview. It was difficult when we had six years. Now it is going to be eight; how very much more difficult must it be. It would mean new schools to be built, new principles to be created, and new people to be gathered together and so on, and I am quite sure it is a burden which is going to cause us more difficulties and do us very little good. For that and many other reasons connected with it we are opposed to the idea of intermediate schools. We wish to maintain the present system if we can. On this there is this note which we must always bear in mind when we are thinking about the life that people live. The education of the African should not only fit him to go back to the land—I am speaking now for the majority—education to be ideal should fit the African to earn a living outside the African land units by employment for the simple reason that back on the African land units the congestion is so alarming that we will not really find very much over there to produce a livelihood by farming, and the more we can do to this country the more we will appreciate the need to make the Africans as much as possible live outside the land in order to relieve the congestion.

The education which is proposed for the children, if it is going to do them any good, it must enable them to get as much out of the six years of education they have in the school, so that they are able to go on learning. But if that education does not help them to go on learning I am quite sure it is of little value to these children in the long run.

#### ADJOURNMENT

Council rose at 12.40 p.m. and adjourned till 9.30 a.m. on Thursday, 24th August, 1950.



**Thursday, 24th August, 1950**

Council assembled in the Memorial Hall, Nairobi, on Thursday, 24th August, 1950.

The President took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

**MINUTES**

The minutes of the meeting of the 23rd August, 1950, were confirmed.

**ORAL ANSWERS TO QUESTIONS****No. 38.—NEGOTIATIONS IN RESPECT OF NYALI BRIDGE**

MR. COOKE (COAST):

Will Government issue a full statement covering the latest position with regard to the negotiations in respect of Nyali Bridge and the causes of delay in putting them through?

**THE ACTING CHIEF SECRETARY:**

In March, 1949, Government approved in principle a proposal to build a toll-free bridge to connect the island of Mombasa with the mainland and authorized the carrying out of the carrying out of the necessary preliminary investigations and survey. These investigations and survey were duly carried out by the Special Commissioner for Works who reported that a suspension bridge with a 20-foot carriage-way capable of carrying vehicles up to 12 tons would cost something between £235,000 and £335,000, depending upon the site at which it was to be constructed.

2. It was recognized that the construction of such a bridge would be a lengthy undertaking and that it was desirable that, in the interim, some reduction of the tolls charged should be brought about. Government accordingly approached the Nyali Bridge and Development Company with a proposal that Government should pay an annual subsidy in consideration of the Company reducing the tolls by 50 per cent on all traffic, and Government offered to pay a further annual subsidy in consideration of the Company abolishing the toll on pedestrian traffic. This offer was rejected by the Company who made a counter-offer

which was unacceptable to Government by reason of its financial implications. It subsequently became clear during the course of the negotiations that the gap between what Government considered reasonable and what the Company would accept was so wide as to be unbridgeable and the negotiations were subsequently discontinued.

3. In view of the very considerable capital expenditure involved in the construction of the new bridge, Government before making a final decision, decided to examine the prospects of purchasing the existing bridge from the Nyali Bridge and Development Company.

4. Various difficult financial and legal questions arise and are under careful consideration. No definite decision has yet been reached as to the course to be pursued.

MR. COOKE: Arising out of that answer, it seems over two years have elapsed since His Excellency The Governor took a personal interest in this matter. Will the hon. Member give me a promise the matter will be expedited.

THE ACTING CHIEF SECRETARY: Yes, Sir. I certainly will undertake to the hon. Member that our consideration of this matter will proceed with the utmost speed.

**No. 45.—ILLICIT MOVEMENT OF STOCK**

MR. PRESTON:

Will Government undertake to maintain a more stringent control over the illicit movement of stock?

MR. HAVELOCK (Kiambu): Mr. President, is it in order that a question should be asked when it is not on the Order Paper? Hon. Members have had no opportunity to study what question is going to be asked.

THE PRESIDENT: The question is not on the Order Paper, but I understood it was the desire of Members to have as many questions completed in this session as possible and if Council completes its business today there will be no further opportunity of answering the questions. I understand that a paper has been circulated this morning containing this question and another.

MAJOR KEYSER (Trans Nzoia): Could we have the question read out to us then, and the answer given again?

THE PRESIDENT: I will read the question.

Will Government undertake to maintain a more stringent control over the illicit movement of stock?

The hon. Member will kindly repeat his reply.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The Government is fully alive to the importance of enforcing the law regarding movements of livestock and the attention of Provincial Commissioners and Veterinary Officers is being drawn to their powers under the Law, with a view to effecting more stringent control.

THE PRESIDENT: There is a further question in the name of the hon. Member for Nyanza, number 46.

**No. 46.—MOVEMENT OF STOCK FROM QUARANTINE AREA**

MR. PRESTON:

Will Government state whether or not, in the best interest of the Colony and in order to protect areas in the Kipsigis and Kisii Land Units, they are prepared to issue instructions for the slaughter of any stock found moving without permit from a quarantine area?

**THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:**

The Government fully appreciates the serious risk of the spread of trypanosomiasis in the South Nyanza and Kipsigis Districts due to illegal movements of stock and has drawn the attention of the Administration and of the appropriate authorities to the powers to order slaughter which are conferred by the law and which could be utilized in cases where the officers concerned consider that the use of such power is justified.

**MOTIONS****AFRICAN EDUCATION IN KENYA**

THE PRESIDENT: The question before the Council is a motion by the hon. Chief Secretary—

That this Council approves in principle the report of the Committee on African Education in Kenya, as modified by Sessional Paper No. 1 of 1950.

When Council adjourned yesterday the debate was proceeding—the hon. Mr. Ohanga was speaking and will now continue.

MR. OHANGA (African Interests): Mr. President, when Council rose yesterday it was my intention to continue to make a few remarks regarding the recruitment of European staff—I think that will be found on page 8 of the Sessional Paper—it is paragraph 3. Under this Recommendation, Sir, it is proposed that Government should send certain officers of the Department, and also certain representatives of the voluntary agencies to England to be able to recruit the men required by the Recommendations in the report. I myself feel that the idea is an excellent one and that we should do all we can to get the qualified European staff that will be needed for both supervision and the inspectorial staff, and even teaching, but I should like to point out at the same time that where questions of staff of this kind are concerned, whether it is European personnel or African personnel, or any other personnel, priority should be given to people who are available on the spot. First of all I should have liked, very much, a careful look round to be taken in the Colony to make quite sure we could not get the men needed for these posts, and then, if we failed locally, to go overseas to recruit what we were unable to find locally. On this general question of staff, the report lays a very great deal of emphasis on recruiting only Europeans for supervision and inspectorial posts. A very strong exception has been taken on this point by the African teachers of this country. They find that they have no future at all if the recommendations are carried. It means that those of them who have the necessary qualifications both to teach and to undertake supervision and inspectorial duties are not given an opportunity for consideration under this report, because the recommendation lays down emphatically that they will be Europeans and not Africans. In connexion with that the vast proportion of principalships of secondary schools, and also what have come to be known as day secondary schools, have in the past, some of them been under the care of Africans. The report makes no provision for Africans of that category to become principals in schools of that standard. Here again, they find that their

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future is not catered for and that their career is more or less at a dead end. They will not find any encouragement to do their best and hope for higher promotions, because posts of this kind are not provided for under this report to be occupied by them. African teachers of M'akerere standard have been taking a very keen interest in matters of the administration of education. Those of them that have been allowed to occupy posts, as principals, I think, have done admirable work and I am quite sure the department is satisfied with their work and they do not see why, under this report, in the future no provision should be made for the continued use of their knowledge and ability in schools of that kind. I should like, myself, to emphasize the need for associating African personnel very closely with the system of African education. It is true that where a high technical knowledge is concerned, it is perhaps not always possible to find the correct type of African with the correct qualifications to fulfil them, but, contrary to that, we should like to see a deliberate attempt to qualify these men, because unless we have facilities for qualifying them they cannot just drop from nowhere into the field. Some plans must be made for their qualifications and instead of having continuously to look to Great Britain for men we should look to the Kenya field and get the Kenya Africans themselves to be trained overseas to occupy these posts of responsibility, in which at the moment we have no alternative but to get Europeans to occupy.

So much about that particular heading. I now go on to page 13 of the White Paper about teacher-training. Under this heading I should like, first of all, to remark again on the general principle of the importance of teachers in the field of expansion. African education is unable to make big progress because of the lack of teachers and while there is, in this report some comment about licensing the unqualified teachers who are already teaching in some of the schools unaided, the report again in a very inconsistent manner, to my mind, recommends that the present courses, which start after Standard VI and go on for one year only and produce the people needed, should in the future be lengthened. It is recommended that no pupils should be

recruited for teacher training of the T.4 type, though these are the lowest possible kind of teacher that we have, from Standard VI, but from Standard VIII. At the same time, instead of training them for one year they will now be trained for two years. Again, in the higher types of teachers, T.3 and T.2 recommendations are also made that they too should be trained for longer periods. It seems to me that it will be impossible to adhere to these aims. If we aim at trying to make available as many qualified teachers as possible in order to undertake the work now being done by unqualified teachers, it is a little inconsistent again to lengthen the courses and require higher standards for entry to these training schools. This is one point.

The second point is with regard to fees which have now been recommended to be paid by teachers who go into schools to be trained. In the past, training-of teachers has been a duty of the Government and teachers have been trained freely. If they paid anything, it was small, and was not directly concerned with their maintenance and the maintenance of the schools in which they studied. The recommendations here is that in the future they should be required to pay fees as if they were scholars in the academic classes. In this one, Sir, I see a very obvious deterrent. It would mean that we shall not have people easily attracted to the teaching service. The courses which are open to pupils as soon as they finish their Form 2 or Form 3 or Standard VI, which provide vocational training, are all free and the departments of Government, so far as the P.W.D., Medical, and others are concerned, take these people and train them with no charge to themselves. It is also true that some of these training institutions for people who undertake to do other things than teaching—a small salary is paid to them while training, in the form of pocket money, but contrary to that, teachers will now be asked to pay fees in order to train. In that I see a very direct deterrent and there will be few who will present themselves for training if fees of that kind are insisted upon. If it is the intention to expand even a little at the primary level, I think that the idea of licensing some of the competent, unqualified teachers is a very good idea, but I do not think it will be possible to get

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a large number of qualified teachers available in as short a time as you would like, if you insisted on fees and on teacher training after eight years of academic education. It should be at Standard VI as is the case today. It is true that people training at such a low level of academic education may not be the best we want, but they may be far better than the unqualified teachers who are now in the field.

So much about teacher training. Now I come to page 14 of the White Paper which deals with curriculum and examinations, and my remarks will be confined to the recommendations that have to do with the entrance examination. In this section, Sir, the African teachers have found some of their darkest bits in the report, Recommendations 46, 47, 48 and 49 lay a very great stress on the necessity of supervision of papers from beginning to end by the European School Managers and by the Government School Inspectors only. It is to their mind a direct reflection upon their integrity and in it they find an exclusion, and a very complete one, from a service which they have been, in the past used to performing and carrying out without complaints. The present African principals of Day Secondary Schools conduct their Common Entrance Examinations. They deal with all the candidates directly. They set all the papers out, correct them, grade them, interview the children, and at the end admit those whom they allow to pass to school. There has never been any complaint that these grading of papers and conducting of such examinations purely by African principals of these schools have anything the matter with them. Now this report pushes them out completely from undertaking duties of that kind, and they look on this as a very serious reflection upon their integrity, and again putting them out of the picture of the control of things completely.

On page 25 of the White Paper we have school fees. Our remarks on school fees so far, have been carefully set out in the Memorandum which we presented to Government on this whole question. I should like only to say a few things on that again here. We regard the whole question of fees, whether at primary,

secondary or teacher-training institutions, to be on the high side, and at the primary level our anxiety is very great. If the recommendation of a flat fee in the Primary School for children of all standards is insisted on and carried forward, we feel that the children will find it very very difficult to come to school and continue there. Standard I and Standard II, so far as attendance is concerned, are some of the most unstable classes in the primary system, and their instability, I think, is altogether due to the new environment in which they find themselves as soon as they come to school. But to be able to come to school, there are two things involved, the interest of the child and the ability of the father to pay. So far as the ability of the father-to-pay has never been called into question seriously, because the fee at that level was negligible. The children come to school, and if they find they only have to pay a very small fee they carry on for some time. If they like to stay on, they do, and the longer they stay the more fees they pay. I think it is also consistent with the provisions of the facilities which they have in the school. At Standard I, most children do their studies on floors and outside on the greens. Usually the provision of desks and forms is never really regarded as something really necessary for them. But in higher standards you want a very high standard of equipment, and with them it is not so. Therefore, we feel that the fee which is recommended to be Sh. 10 as from 1955 or at a later date, if that is carried out, these children—who are usually attracted to school by low fees—will not come forward. This is more particularly true of the girls, who may want to be pupils, but on the other hand their parents may not give them priority in the homes, where you will have boys and girls belonging to the same family. The father, finding the fees are probably more than he can pay, might prefer, for the sake of preference, to send the boys in before the girls, and it is going to make things a little difficult.

Now, the reasons which were given by the Committee for this Recommendation, I feel, are a little unsatisfactory. It was felt by the Committee at the time when they called evidence that the instability of these two classes is due to the negligible amounts which they pay in fees, and that, if fees were raised, the children would be induced to stay more stably at

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the schools. I think this is not correct, because although under the present system the two classes have irregular and unstable attendance, the parents always insist that the children should go, but, in spite of the parents' insistence, the children will not go regularly. The raising of the fees only penalizes the father; the child remains unaffected, therefore the fluctuations and irregularities remain although the high fees are paid. I do not think that the reasons for doing so were wholly correct.

I have only a few more remarks before I sit down, on one or two items under recurrent and capital expenditure as specified in the White Paper, pages 22 and 25. The only points that I wish to refer to are those that have to do with the building and equipping of schools for Primary and Intermediate classes. Specifically, these will be paragraphs 53 and 54 in the Report. Here it is laid down that the "building and equipping of day Secondary schools, or what are to be known as Intermediate schools", will be the function of the local community. This is, if I may call it, a new society, or new organization, as the local community appears only here. It appears in no other place in the whole system of education throughout except here, in the building of schools. So far as we know it, there is no organization in the African Reserves known as the African Local Community. There, at that level, it will either be a church community or it will be the school committee, or it will be the parents. Now, whether it is the church or the parents, it remains true that they are exactly the same people who are called upon to pay the taxes that are needed in running this public service. They are exactly the same people who are called upon to pay these heavy fees that are proposed, and I do not think that it is right that after they have been called upon to pay all these taxes and fees for education it should be demanded of them again that they should build and equip schools for the children whose fees they have paid, the children who are taught by teachers whose salaries are provided by them, in schools or a system of education, for which they provide publicly. I think it is a very unfair burden, and I am quite sure that if this is carried forward there will be a great deal of

difficulties caused. It is quite true that very many of these communities will have nothing of the organization that we have in mind, and that collections—or even work—would be difficult to organize, and I could not support it; I am quite sure that it is something quite outside the system.

Now, recommendation 100 in this Report is one of those which have puzzled me quite a bit. It refers to Government rate of Sh. 2 of the paid tax rate. How this comes in for education I do not know! Actually nothing is said, but I understand that it is what is being paid now to the general revenue of the Local Native Councils, and it is never earmarked for education, and it is not proposed that in the future it should be spent on education only. It seems to have no relation at all to the education attributes of Local Government, and how it was brought into this Report I do not know. I should not have thought it was relevant at all.

I think the hon. mover referred to a point on which I would like to offer a few comments in that connexion. I refer to scholarships. I think I heard him say that Government would be prepared to accept a recommendation made by this Committee, that in the future funds should be made available for a scholar-competee, and these scholarships would be for Secondary education and not Primary. I just want to point out that one of the main reasons for instituting the whole of this inquiry was the impossible burden that the Local Native Councils were carrying, and, without any suggestions as to how these Local Native Councils will receive extra funds, it is suggested that an additional burden outside the sphere of Primary education should also be their responsibility. Whether they can do this or not I would not say, but I am quite sure their difficulty, the difficulty they are finding now of financing the system they have under their power, is one of the reasons why the Committee was brought into being, and this burden of scholarships is, absolutely outside their sphere and outside their capability to finance.

In conclusion, sir, I just want to refer to three small points. As I said in the beginning, I am speaking in opposition to the motion to adopt the White Paper,

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and, therefore, certain recommendations in the report. In a very large measure my opposition is a protest, and it is a protest which I myself am willing to make. It is a protest which all of us want to make because of the following reasons:—

First, when the Committee was constituted to go into the question of African education its constitution provided only for one African, and in a committee of that size, which is not concerned only with theory, but mainly with facts, we feel that it would have been far better to put a few more Africans who had educational experience of the country also to assist it in formulating the evidence and resolutions which came forward. Only one African amongst so many others was an amenable task, and the African people in this country are all very grateful to my hon. friend Mr. Mathu, who was not only able to carry out his duties as a Member of the Committee, but was also able to include his small minority notes within it, and was able to sign the whole report in order that we may be able to study it objectively. Had he not done so no African would have looked at this report, but because we know that he was there and signed it, we felt that here was something which was really good, and we gave it a very positive study, and, in the end, we found out for ourselves that it is not worth while. (Applause.) I want to emphasize that, because it is the really important thing that matters. It would be wrong to oppose anything unless you understand it. It would have been impossible to study it without knowing he had signed it. When the Committee went into action and started collecting evidence, the whole of the community in the country was aroused. They took very great interest in it, and they came forward by hundreds and hundreds to give evidence verbally. Those of them who were unable to come forward sat down for long hours at the night and submitted some very competent memoranda to this Committee, and the hope of all of us was that we might in a small measure be able to influence some of the conclusions or resolutions that would come. But, to our great disappointment, when the report appeared with the resolutions framed, none of those resolutions

reflected our opinion, but very much to the contrary, all of them. That is certainly so.

As soon as we found these resolutions were not in our interest, we took another step. We invited the attention of the African public to the report, and asked them to study it positively, to make quite sure that what is really meant to be good is good and the answer was "No". In the volume of comments we received—which, due to the illness of my colleague, I am unable to produce here—a great heap of them—none of them had any good points on the resolutions. Each one of them was criticized. After collecting all these papers, the four of us, feeling that we had a responsibility, we sat down to sift it out, and see if there was really any evidence that what they said was right, and we collected all the papers that we could find from Government and the report itself to make quite sure that we understood the position. After laying aside a lot of points we thought were unfounded, we found eighteen points we thought were really valid, and these were embodied in a Memorandum which we presented to Government, asking if they would be considered when the time came for drafting the White Paper, and we would not take any action or publish any opinion until the White Paper came out. As soon as the White Paper came out we sat down and read it very carefully, comparing it with our notes, and we found that the White Paper had no reflection at all of any of the recommendations we had made in the memorandum. All our eighteen points were laid aside. Well, actually, a committee worked and produced that report, and that is that, but when people are called upon and go to a great deal of trouble to do something to help a project which is, after all, a public one, when that matter concerns them vitally—as this does us—I think it is right that some of their opinions should be taken into consideration. Neither the report, or the White Paper, has been influenced by African opinion, and that makes us feel it is time we registered some very strong protest against treatments of this kind. If it is known that what we may say or what we may think is not worth while, it is better to leave it at that, but after we have done so much work in a measure which is so vital to us, we think

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it should not be laid aside and things go forward as they have done. I wish, therefore, to register a very strong protest on behalf of the Africans and my colleagues of this Council against the adoption of this report.

One last word about the whole report. We feel that we shall be told that in rejecting the Beecher Report we are doing a disservice to the African community, that we are throwing away a lot of good that was intended for us. I cannot be impressed by an expression of opinion of that kind. I have myself studied the report and I have consulted people on it, and I am satisfied that there is nothing of that kind. It is a fact that, although the report is good so far as the survey of objectives and principles are concerned, its recommendations do not come anywhere near going far enough. Already the figures and recommendations which we have here are outdated before the report itself comes into operation. It would be interesting to note that the sums of money which are proposed in this report to be expended by the Central Nyanza District Councils in 1956 are already exceeded in 1951 in the Estimates. The number of schools which are put down here to be brought into the picture in 1956 are already exceeded this year in North Nyanza. If things which are envisaged to be happening in 1956 are already here, and are practical problems, where are we going with the report? We feel that we are in the right, and we feel there is nothing more that we can do, so shall oppose the report. (Applause.)

MR. CHEMALLAN (African Interests): Mr. President, during the last six years we have seen in this country committee after committee appointed to inquire into African education and each time report after report has been issued, and they always have the same result—either they are impracticable from the Government point of view or unsatisfactory from the African point of view. My hon. friend, Mr. Ohanga, has very clearly and very ably indeed put forward the African opposition to this report. This report, which is just another of those which we have seen before, has found its opposition from the African, although the Committee very exhaustively and with determination thought they had

produced something which was going to be worth while. But in the opening remarks by my hon. friend, Mr. Ohanga, it might seem, sir, that we African members here might be misunderstood when we discussed the question of policy on African education. It might seem, sir, that our opposition to the report has some reflection on the church, but I must make it very clear indeed that, that is not the case at all, and, on the contrary, it is our wish and our intention that we see facilities for religious instruction continuing to be provided in all our schools.

It is not my intention to try and go over the whole of the report in our opposition, because this has been very well done indeed by my hon. friend. The question of administration—here we have two things to discuss, the District Education Boards and the Regional Education Boards. The first one has been commented upon by my hon. friend when he pointed out that it is our intention to see that the District Education Boards do not any longer remain isolated District Boards—that they should be sub-committees of the African District Councils and that they be responsible to the African District Councils. The question of representation, or the question of the composition of the Board, has been discussed by my hon. friend, and I entirely endorse the way he put it. What we want to see is that the money that the African pays, or the taxpayer in general pays, for the education of the people—he should be the man to control how that money is going to be spent. That is our main intention in saying that the District Education Board should no longer be an isolated body with isolated independence, but should be a committee of the African District Councils and should be responsible to it in all its educational activities.

The question of the Regional Education Boards—this is a new thing which has been recommended in the report and we welcome it, but I must just, in speaking on these Boards, mention a minor thing which I have been requested by the Nandi people, they would not like to see the administration of their education transferred to what has been called the Western Region. The Western Region, in their opinion, is outside the

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East Valley Province, and this would certainly separate the education of the administration from the education of all these other people who are related to them as Nandi speaking tribes. We, therefore, wish to see their education administration, and that of the Kipsigis, brought to the West Central Region, where they will have to be taught together with all their brothers.

The second point, sir, is inspection and supervision of schools. It is appreciated by the African people that some organization of these duties has been recommended by the Committee. The whole of the school inspection and supervision has been really of a very poor quality, and particularly in our primary schools. In most cases the inspectors have rather been people of a lower standard of education and they have not been able to carry out their duties quite efficiently and satisfactorily. Here, sir, as my hon. friend Mr. Ohanga pointed out, it is rather to our dismay that nearly all the staff that the Committee has recommended to take part in the supervision and inspection of these African schools are going to be more, or less entirely non-Africans. We hoped, a little bit, that they could take part in these services in this country. At least we have a few Africans who have been in England to train in the universities as teachers and who could very well indeed have been included in those duties. There are a good number to-day of Africans who have qualified in Makerere who could very well indeed take part in those duties, and that omission is very much regretted by the African community. Anyhow, sir, we wish to see that, when these Africans come to be included in the inspection and supervision work in African schools, at least their work is made easier. I have the experience, sir, that school inspectors usually run about the country on bicycles, trying to inspect the schools they are in charge of. This is a very inadequate way of making them travel and I should suggest that something faster than bicycles should in future be provided so these people can cover the areas they are in charge of quite easily and quite effectively.

Now I come to the question of teacher training. Beyond anything else we badly

require very many well trained teachers. These people would have a great service to do for the African people. They would produce students of similar quality who, in the long run, would fight illiteracy in this country and enable our people to do what we require them to do. But it is rather ridiculous, sir, that the Committee has dared to recommend that teacher training should be paid for now. This will not only be a drawback to African education but will certainly deprive the African community of the best men willing to take up teaching as a profession. It is indeed the intention of the African people to try and encourage as many young men of quality to take up teaching as possible, but it is going to be quite difficult to make teacher training to be paid for and at the same time try to attract the best men to take it. Just now, there are quite a number of these people who are unwilling to come forward because teaching has more or less deliberately been made an unattractive profession. These teacher training fees combined together with the fact that the teachers' salaries are going to be below what they now earn, as the result of the recommendations of the Salaries Commission, will certainly be a big blow to African education in this country, and I entirely oppose the proposition. It is quite sound in principle but it is quite premature to try to bring about such a proposition in the country when we have very little to choose from in African educated people.

While talking of teachers I will just mention the proposed unified teaching service. The African teachers and the African people as a whole, sir, are not prepared to accept that the teaching service should be run on a non-Civil Service basis. The teachers must be the employees of the State, and the State should realize that is the wish of the African people.

The question of school fees. In arranging for school fees to be paid in our schools in this country, we should not only take into consideration how much we wish to have from the African community so as to enable us to provide education according to the needs, we must at the same time take into consideration the understanding of these people who pay. Education in Kenya

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to-day amongst the African is not on the same level. Even now, you might have in an extreme corner of this country a population of African people who have never heard of a school, and who know nothing of what is going on in this country. When you have laid down school fees for the country generally you have to take into consideration how it is going to affect the country separately. It is my intention, sir, to point out that the Government should see to it that, at least as far as our Primary schools are concerned, the various problems of the district provinces, the district provinces should be left to decide by themselves how they think fit fees in their schools should be charged. This would enable backward areas to be able to charge fees in their schools according to how the people in those areas understand this.

On the question of fees generally, sir, we see certainly that the figure has been made quite high indeed, and it is going to hit a good number of the people of the country, and especially in the backward areas, where it is not only a question that they should pay for their education, but that we shall have to encourage them to come forward and make use of the education that is provided.

The question of the proposition that the Primary schools should be Sh. 10 per annum is unsound—what I have suggested to be the only way is the one in which you can help the various districts and provinces to arrange things accordingly.

The question of girls' education: girls' education, sir, is another complete drawback in the African progress in this country. Education for boys alone is certainly a one-sided affair, and this certainly succeeds in making the African only a second-hand citizen. This is something which will always make the African lag behind in civilization and in the proper care of homes and the country. I was very glad indeed when the hon. Chief Secretary mentioned that it was the intention that the progress of girls' education in our country should always come under constant review. That is a very encouraging statement, and I am sure African people will welcome

it. I should suggest, sir, that as it appears that it is the intention of the Government to see that African education is done through the churches of this country, that this type of education for the Africans should be the proper kind of education and quite appropriately be handled by the missions as a whole, that is, the girls' education.

Now, there is just one point which is very important indeed, which I would not like to miss mentioning. That is the question of the re-organization of schools. This has brought about the proposition that the present junior Secondary Schools should take over Standard V and Standard VI from our Primary Schools to-day and be called what is termed "Intermediate Schools". This is a thing which certainly is opposed by Africans for two very important reasons. First, it shortens the Primary education received by the African child to-day. This is indeed a big loss to the country because a child of seven being in school for four years only gives him an education of four years up to the age of eleven. That kind of person will not be of any use at all to himself and, later, never to the community. The other reason that this Intermediate School is proposed, is that it would be the responsibility of the African District Councils. Just now, sir, in the report itself it says that a good number of our African District Councils have a complete difficulty in trying to cope with the educational demand of their people. This is because of the shortage of finance, and our difficulty is, if you are to give them another two standards, it is simply making the whole thing impossible.

Just one last point, the question of African education in the settled areas has not been mentioned anywhere in the White Paper. Here, as the Ten Year Plan Committee, this Committee has failed completely to make a definite recommendation as to who is going to be responsible for the education of Africans in the settled areas, and indeed in the townships. This is a complete neglect, sir. We have a good number of these people on the farms, as labourers. They are not able to enjoy the facilities which are enjoyed by their brothers; they will always be a complete stumbling block in the progress of the country.

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Some of them have been on the farms for years, and when, for instance, it comes to the question of the expiry of their contract on the farms, to explain to them that they are ordinary employees and that their contracts are ended and that they must now go away does not enter into their heads, because they have not understood the whole set-up. They have been there for years, perhaps in the beginning they were promised things contrary to the things they obtained, but I should say that it is a lack of education that is really making the whole thing very difficult in dealing with these people. Give them education, they will understand what you tell them and there will never be difficulty at all. I am suggesting, sir, that the question of educational facilities in the settled areas and the municipal areas should be provided by the State. After all, these people are paying taxes as ordinary people, and I should not think that really a man who is on the farms as a worker really enjoys the return of whatever he pays to the Government or, to some extent, a man in the townships. I would appeal to the Government to take this very seriously, and to see to it that a would be a justified move if education in those areas were completely run by the State.

Now, the last point, the question of technical education.—Recommendations 31, 32 and 33. The mention of technical education has been put down: "It said in 31, for instance, that:

"No pupil should be allowed to enter the Technical Schools at Thika, Nyanza or Kabete before completing the eighth year of school life."

Well, we all know that each year in this country we have a very large number of children who leave school at Standard VI of our Primary schools, and only very few really go to the junior Secondary and other high schools. Now, if the intention, sir, was to provide no technical education at all below the Intermediate schools, what will happen to these people who have left school at Standard VI? Does the Government realize that these people would be of no use to us at all if we did not, for instance, give them something beyond the academical education they have had up to Standard VI? I

shall, therefore, suggest that this question be taken into consideration, and provision be made for facilities to be given for technical education for people who would not be able to enjoy the facilities provided in these higher schools.

Sir, before I sit down, I must say that I endorse the way my hon. friend Mr. Ohanga argued the African case in opposition to the report which is now before Council. It is the intention of the African members in this Council to oppose this report. It has really been made negative to the African people, and we cannot see a way of coming into any agreement at all with the Government. We have given in our reasons, we have interviewed Government more than twice, we have added our memorandum, and at the last minute we thought that perhaps they would meet us in some of the cases in the White Paper, but so far we have found that the whole thing has been in complete argument with the report as a whole, and, in that case, I say I oppose the motion.

Council adjourned at 10.52 a.m. and reassembled at 11.15 a.m.

MR. SAGOO: Mr. President, this report raises first class issues and it is for that reason that I rise with apologies as a new and indeed only a temporary member to address the Council. I trust that what I have to say will not take longer than the time normally allotted a speaker, but if it does, I hope I may be allowed a short extension in order to finish my argument. Education happens to be the subject on which I have a special experience. I have served on two of the Government's advisory Councils—that for Indian education and that for technical and trade training. I have access to the figures and I have had the advantage myself of a technical education in England at an advanced level. For these reasons I perhaps necessarily take something of a cross bench view of these matters; as a business man with a stake of my own in this country—a stake which is now extending into the third generation I must necessarily look at them from a business man's point of view.

I should like to be able to congratulate the authors of this report, but I really am forced to say that I think they have produced an ill-advised, indeed a



[Mr. Sagoo] dangerous document. What strikes me most about these proposals, and about the attitude of the spokesmen of the Government as we have heard it, is that their financial basis is utterly indefensible and that the proposals are utterly out of scale with the requirements. This torrent of reports on every conceivable subject is, I suppose, inevitable, but the policy of the Government which lies behind them all is revealed most clearly in the figures of the ordinary annual Estimates. I wish the public generally would look at the annual estimates in the way in which they would look at the propositions of the directors of a company in which they had a personal interest. If they did they would see that out of a total recurrent expenditure this year of £10,000,000 the Education Department gets about one-tenth and, of this, only one-third goes specifically to African education. There are surely two things wrong here, as in the report: the global figure made available for education is far too low, and secondly, African education gets far too little of it. These are precisely the principles of Bishop Beecher. He says that there is not much money for education anyhow and that the Africans cannot have much of what there is.

The more competent, the more genial and the more cynical members of the Government Service have been put on to persuade us Asian Elected Members to accept these proposals. We were asked in the same way to accept the recommendations of the Glancy Committee on the finance of education. It is indeed the fact that the whole of the educational policy of the Government (whether it is expressed in this report which is now before us, or in the report of the Hartwell Committee) is rooted in the report of the Glancy Committee. I believe that the report—

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Mr. President, before the hon. gentleman proceeds further I would like it clarified—was this Council ever asked to accept the Glancy Report? I think the answer is no, sir.

MR. SAGOO: I was coming to that. I believe that that report has never been officially adopted. I doubt whether the Government would ever have thought it wise to submit to a vote in this Council.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: On a point of fact, I must point out it was debated in this Council in order to obtain the views of members, but the Council did not vote to accept it. It merely voted to record its thanks to the Committee. I think, sir, we must stick to fact.

THE PRESIDENT: The hon. Member for Health and Local Government is quite correct in his statement as to what actually took place in the Glancy Report.

MR. COOKE: I think as the hon. Member is making his maiden speech he should be interrupted as little as possible.

MR. SAGOO: My intention was to bring it in, in a way whereby you could compare the different standards of education for the three different communities and I, sir, feel that you cannot talk or speak on this report on African education alone without comparing it with other reports on education. I must make it clear that the Glancy Report was never officially adopted and it was not even submitted to a vote to the Council. What I am trying to say here, is that the principles which were laid down in that report have been circulated, under the cloak of a vote of thanks to its authors—as the enemy in the Gospel sowed weeds among the wheat—and have now grown to harvest and formed the basis of the Government's plans.

The argument we are asked to accept behind the scenes is not that these policies are good for the country—no. Something else is whispered in our ears in the corridors of the Secretariat and Education Department. "My dear chap," says the Government man, "why on earth can't you Indians keep quiet? The funds for education are limited. You had better agree to take the share which is offered to you. If a rational disposition were made of the cash which is available neither the Europeans nor the Indians would get anything". This is actually the argument I have personally heard Sir Bertrand advance in a meeting of the Advisory Council for Indian Education. This, Mr. President, is what my constituents find so distasteful in the conduct of the Government of this country. The Government claims—I quote from the Secretary of State's recent survey of "The British Territories

[Mr. Sagoo] in East and Central Africa, 1945 to 1950.—The Government claims that "the task is to help the Africans to develop politically, socially and economically and the objective is that they should take their full part with the Europeans, Indians and Arabs in the administration and development of the territories, and in local and central politics". There is talk every day here of "Parliamentary procedures", of "Government by agreement", and of "formulas acceptable to all men of goodwill". What in actual fact are these formulas? You have one in the report of the Glancy Committee—pardon me if I refer to it again, sir, 30 per cent of the education vote for European schools, 30 per cent for Indian schools and 40 per cent for African schools. You have another in the figures of capital expenditure on education buildings in this Colony since the end of the war—

£1,366,000	on schools for 5,000 European children;
£542,000	on schools for 23,000 Indian children, and
£645,000	on schools for 800,000 African children.

You have a third, sir, in this Beecher Report. There are to be 480 Africans in the School Certificate classes in this country ten years from now. Hon. members will laugh, but I have done a little arithmetic here. This works out at .0006 per cent of the African child population. How, Mr. President, in the name of heaven is such a handful to play an important part in the development of these territories or even in local politics, let alone central politics?

What we object to, sir, is that the actions of the Government do not square with their professions. We meet you in ordinary life. We talk to you over the table. We appreciate your conception of liberty and your resistance to ordinary petty corruption, but we cannot understand you—why are you so inconsistent? We could understand your determination to get what you can for yourselves out of the this Colony, but we cannot follow why you do not take the elementary precautions which are required to maintain yourselves in the Colony on any permanent footing.

I have taken care, sir, to look up all the references to technical education in

the index to this report. In paragraphs 150 to 157 there is an excellent statement of the experience of the employer who attempts to employ African labour, yet when we get to practical recommendations what do we find? The same old purblind assessment of the position—the assumption that we must not break out of the condition in which we find ourselves. What are the key recommendations? They are 32 and 33. And each one is most curiously negative. Recommendation 32 reads:—

"That the present planned provision should not be expanded until the employability of the products has been tested and the demand assessed".

Number 33 reads:—

"That should a Technical and Commercial Institute be established in Nairobi as recommended by the Willoughby Committee, a hostel for African students should be provided . . ."

Can we say that these are recommendations of men of action? Surely we are not faced here with a situation in which there is time for leisured and academic experiment? It seems to me we have got to go out actively into the country, collar the business men here and in London and in India, ask them what they can and will do, with proper support from the Government, to set up industries in East Africa. We must press them to act. We must promise them the necessary support. We must extract from them an estimate of the trained personnel which they can absorb locally by categories and numbers and then we must model our system of technical training to produce the men who are required. The Willoughby Committee complains they could not get answers to a questionnaire! Good heavens, Mr. President, if I were in the position of the Government of this Colony I would see that those answers were in pretty sharp.

If I may revert to the subject of the Estimates again in illustration of my point, we find that the subsidy granted by the Government to the education of every European child in a Government school from the Education Vote alone, works out on an average this year at about £60 a head. In the case of an Indian child it is about £15. What it is in the case of an African we cannot tell

[Mr. Sagoo] from the Estimates alone, but the total expenditure from the education vote on African Education is £334,992. This spread over the child population, is less than Sh. 10 per head. The figure of £60 which I have given as the subsidy from the Education Vote to the average pupil in a European Government school may astonish members, and the general public outside this chamber so much, that I think I had better explain how I have arrived at it. The estimated cost of European education this year is given as £358,257 excluding any share of expenditure allowed for under the item, heading "Administration and General", which should strictly be added. Estimated receipts from fees total £163,800, making a net expenditure of £194,457. This divided by 3,000, the approximate number of Kenya children on the rolls, gives a figure of just under £65. I am therefore, sir, in no way exaggerating. To this we say two things. In the first place, by any standards other than those of sheer piracy, the proportion is surely hopelessly wrong. In the second, why is there not more money altogether available for education? We might not even complain so much of the subsidy to European schools if the amount spent on African and Indian education was more reasonable. The Government seems to us to be incapable of seeing what is going to hit it. Are they so ignorant of African affairs as not to know that on their very borders to the north there lies an African state ruled by Africans, which, since the Europeans have been eliminated from it, has been spending one-third of its income on education? The policy of this Government here is to spend a million pounds this year on prisons and the armed police force.

I complain about the scale of the financial proposals in this Sessional Paper, but I would like to refer to a point which was admitted by the hon. member yesterday. He admitted that the Committee and the Government are actually proposing to force down the existing standards of teachers' pay still lower. I am not sure that hon. members realize how much lower. Let me read you the basic starting salaries proposed for African teachers and compare them with the salaries already in force. Teachers with a Makerere qualification—existing

commencing salary £190; Beecher £150. So-called "T.2"—existing commencing salary £100—Beecher basic £75. "T.3" existing £66—Beecher basic £54. "T.4" existing £51—Beecher basic £39. Those who serve in the most expensive areas such as Nairobi will be allowed to draw the old minimum salaries, but the difference between the old and the new minimum is not to be treated as salary, it has to rank as a non-pensionable allowance. In the case of the Makerere teachers the drop is as much as £40 on £190—over 20 per cent. I do not see that African members can be expected to vote for that.

But this is simply an example of the general outlook of the report and of the Sessional Paper which I am going to ask members of this Council to take a moment to contemplate. What is the Committee's conception of the aim of the African school system? In paragraph 250 of this report we find the following: "The aim must be to produce at all levels of African society morally sound, economically valuable citizens." Mr. President, what a horrible conception of education! It is like nothing so much as Aldous Huxley's description of the bringing up of the little black Category E's in his satire *Brave New World*.—The loud speakers softly singing beneath their pillows as they sleep, "It's fun to be Category E". In the African schools of the Committee's dreams, there is to be no place for art, for music, for play, for wit, for beauty. The unfortunate children are to be turned into "morally sound economically valuable citizens". Economically valuable! To whom? I am afraid it is all too clear. They are to be made valuable to their masters and there is to be no level of African society which is to be allowed to escape. Mr. President, this is not education for freedom; it is education for the plantation, it is education for the kitchen.

It is obvious, Mr. President, that there can be no development in this country unless expenditure on the African reserves, expenditure on industrial development and expenditure on education, particularly African education, are given priority, whether this last is for technical education, for teacher training for education in economics or for education in politics. If the truth were to be

[Mr. Sagoo] told there is actually no need for any European schools at all in this country at the present stage. For some time to come all the European leadership we require—and we do require it—will have to be brought in, full grown and already qualified from outside, and will owe nothing to any Kenya system of education. The Beecher Report fastens a miserably small system of schools round the neck of the African inhabitants of this country. It sets out to deprive the Africans of all control over such schools as there are, and it provides them with a European inspectorate. These proposals may be pushed through this Council, but outside the first two, at any rate, will encounter determined opposition. Within this Chamber the Government may dispose of a crushing majority on this subject, but these same voters who tower over their critics here, once outside in the face of events will shrink to their true proportions.

I wonder if members realize, sir, what is the actual make-up of this Government's revenue? One would imagine from what is said over cocktails by Europeans that the revenue is derived entirely from income tax and that the whole of the income tax is paid by the Europeans. The revenue side of the Estimates shows that less than one-fifth of the revenue is derived from income tax. A full half is derived from Customs and Excise. It is normally estimated that each of the three races produces about one-third of this indirect taxation. Without going any further we can therefore assume that one-sixth of the cost of every vote passed in this Chamber is met by the Africans. Does this Government expect the inhabitants of this country to go on financing this sort of racket willingly?

Mr. President, I apologize if I have been carried away by my indignation at the stupidity, if not the hypocrisy, with which we are surrounded. If I have spoken rather strongly it is only to draw attention to facts which seem generally to be ignored in polite exchanges. I think very few Europeans have appreciated precisely what the Indian community has been suggesting. They suggest that this Government should put into practice the policy of the British Government in

Britain—that is that the social services of this country should be conducted on the principle "from each according to his ability, to each according to his need", without distinction of race or colour. I would add myself that if that is a bit too much to ask, then the Government should at least take the precaution of lifting on to their band wagon the leaders of the races which are still subject to them. This might have the limited merit of keeping the Colony going for another couple of decades.

My hon. friend, Mr. A. B. Patel of Mombasa—and my hon. friend, Mr. Ibrahim Nathoo supports him on this point—in his very thoughtful note to the Hartwell Report, asks what would be the reaction of the governing classes in England if they suddenly woke up in the morning and found that the lower classes had turned black in the night. Would they propose that from that moment these people should finance their own schools and hospitals? That in itself would obviously be absurd. Yet it is not enough for the Bishop. He goes further than that. He says to the Africans: "You must pay, but you shan't run the schools, we'll do that". Now, Mr. President, the pathetic thing about the present state of this country is that both the Africans and the Indians would actually be glad to accept European leadership and help if only they could do so with confidence. It is even now not too late for this to come about, if only the Europeans would act up to their own principles.

Mr. President, I value the opportunity which the Constitution of this country gives to representatives of the Indians and the Africans to stand up here and talk to the Government face to face. That is in itself a fine thing and a striking proof of the existence of an element of sportsmanship in the British administration. I entirely agree in this with the Chief Secretary of the time who may not know what he is talking about when he is dealing with the Compulsory Education Proclamation, but did make this point very clearly at an earlier Session of this Council. What I want to do here to-day is to take the opportunity to appeal to the Government to be consistent. I want to ask them to have the patience to think out what their own

[Mr. Sagoo] principles involve. I beg them to agree that the recommendations of this report have got to be modified, and to go to the Africans and admit that the proposals which it contains have got to be drastically enlarged if we are all to preserve ourselves from the chaos which is threatening us and is now at our very doors.

What are the main features of the situation of the Colony to-day? We are on the verge of large-scale starvation in some of the native reserves. We have a vast African population, alarmed, suspicious, ignorant, but conscious of its ignorance and crying out for education. We are faced with a wave of Africans flooding out of the reserves into the towns. So far as the country is as yet on a money standard at all, we have a ruling rate of wages so low that nobody even pretends that an African labourer in Nairobi can buy more with his month's pay than a bare subsistence without a roof. These are the questions which have got to be tackled, but the Bishop apparently is thinking of nothing but how he can retain control of about twenty District Education Boards. In short, Mr. President, it must surely be obvious that, while we must acknowledge the care with which this report has been put together and the administrative competence with which much of its subordinate detail has been set out, we ought, as a Council, to ask the Government to take back the document as a whole with the Sessional Paper, for reconsideration of some of the major recommendations.

In particular we cannot accept the scale of the financial provision proposed. We cannot accept the overriding aim as it is formulated here. We cannot accept the attitude to technical training which the Government has adopted we must have something more positive. And we cannot accept the principle that African District Councils should not be allowed to control the primary schools. I beg to support my African colleagues in these matters.

MR. JEREMIAH. Mr. President, I only stand up to support most strongly what my hon. colleague Mr. Ohanga has said, and my hon. friend Mr. Chemallan. They have actually placed before this Council most clearly the views of the Africans.

I am glad to hear from the hon. mover that Recommendation 1, which I was very much concerned about, is not going to be taken literally as it is in the Beecher Report. Because there are several places where not only Christian Africans exist or non-Christian, but there are Muslims who live in such places, and if we were to apply this recommendation such schools would be unattractive to those people, and they would go without education.

Now, sir, I come to the most vital opposition of ours, with regard to Recommendation 8, where it is proposed that the primary school should go on up to Standard IV only. Sir, I feel very much worried on that point. I have seen parents worrying very much about their children who have been sent out of school after the age of 12 or 13 because they have failed to gain admission to higher schools, and that is to Form 1 or Form 2. They used to try and get schooling for their children anywhere in the country, they would go as far as Uganda at times, that was for children who are about 12 or 13. Now, I think that a change which would remove from school a child after four years only of schooling at the age of 11 will make the position, sir, much worse, and I cannot understand actually the reason for that. It is possible that most hon. members of this Council are not concerned because it does not affect them. I shall have to be told if there is anywhere in this country where children of other races can be sent from school at the age of 11. What we should like, sir, is to see that the present set-up of the school remains as it is, that is, the primary schools should go up to Standard VI. When we are talking about this, sir, I think we should remember we are talking about African children, and, when we are given the parents' views, such views I think should be respected.

Now with regard to Recommendation 63 we cannot accept that the community should be responsible for building and equipping and maintaining intermediate schools: the burdens already on the shoulders of the community—which in my view means the African district councils—are too heavy, and to add two classes on top of that is making the burden more impossible. The existing method, whereby the community, or the African district council, is responsible

[Mr. Jeremiah] for primary schools up to Standard VI should remain, and secondary schools, that is Form I upwards, should be the responsibility of the Central Government.

Another point which I would like to mention is about Recommendation 87. We welcome the recommendation of the district education boards, but we strongly oppose the composition. The district education board should be the committee of the African district council and, as such, it should be responsible to that council. Education is one of the services which the local African authorities most cherish, and they are very proud to have such services under their control. In my view it would be most unfortunate if the African district councils are to be deprived of these services. We have been in the fortunate position of being able to curb criticism against Government by being in the position to tell those people who criticized about the lack of education, or of slow progress, to point out to them, that the responsibility does not lie with the Government or with the missions, but actually lies with their own people, members of local native councils, and this in my view has been very effective and encouraging. It has been encouraging because it has meant the people realize that they are the people who finance those schools, and instead of the people harbouring ill-feeling towards the Government and the missions, they have been able to understand that it was from their own effort that they could improve the situation. Otherwise what would have been the position, and what will be the position if this recommendation is accepted, in that any slow progress, or if any people asked for expansion of education? I do not think, sir, that we should be in a position to tell them "you are responsible for expansion"; or "you are responsible for slow progress". We shall only have to direct them to the voluntary agencies or to the Government, because the control will never again be under the African district council, and it will be well and good if their demands are met, otherwise in my view the position is going to be very serious, because there will be a feeling that Government is not interested in our education, that the missions are also siding with Government and has no interest for

our progress materially as long as we are spiritually fit. It was also encouraging, because it has also been able to make the people realize the financial difficulties involved in running the schools, and they have responded most magnificently by offering free services to the building of their schools and by taxing themselves to the best of their capabilities. Now, sir, the recommendation in this report aims at removing the control of primary education from the Africans and placing it in the control of voluntary agencies, who are almost 90 per cent non-African. What shall we do then, what will our people do? I am afraid to think what would be the result—the result would be either stagnation or something else—but surely it will be discontent, and a great discontent, if only that. Therefore I would like to see that the local native councils retain the control of the primary schools, and that the district education board be a committee of the local authority. We want to see the district commissioner there as chairman, the education officer, and the other members to be African members in the committee. Members of voluntary agencies can come to the meetings to give their advice, which we value very much, but we do not think that they should be the people to control it.

The report, sir, stresses the recommendation that expansion of education amongst the Africans should be controlled. Sir, we aim at universal literacy, that is our aim, and we view with disfavour any proposals which tends to slow down the expansion of African education.

Now I come to one other point which I myself feel very strongly about and that is the proposal about teachers' salaries. We cannot accept as equitable any variations of pay due to the varied cost of living: if you want teachers to discharge their duties efficiently, you must pay them reasonably, otherwise they shall have—as many of them are doing—to engage themselves on other activities in order to make ends meet. That, I think, is not to the betterment of education. At almost all levels of life, whether a man is in town or in a native land unit, he has no time of his own for doing anything else. We would like to see him continuing his time to the teaching service, and fine his time to the teaching service, and if we do so then it is up to us to pay him

[Mr. Jeremiah] the commensurate rate of salary. For improving and expanding African education, I submit that the recommendation of the Beecher Report about teachers' salaries is very wrong and we strongly object to it. Prior to 1943, when salary scales of teachers were different from those of the clerical profession, the teaching service was the most unattractive service, but in 1943 teachers' salaries were brought on to the same level as the clerical service and from that time things improved very greatly and many students or pupils leaving schools offered themselves for the teaching service. Now seven years is not a long time, but it is surprising to see how the Committee displayed a great lack of memory. The Committee recommended that the position which obtained prior to 1943 should be reverted to. I was wondering whether actually that the Committee intended that this report should be a step forward towards progress or a retrogressive step, because if we accept that, all the proposed expansion, if any, as we fail to see eye to eye, will never materialize. We shall not be able to get teachers in the required number, and if we get them at all we shall only be able to get the secondhand teacher, or people who did not do well in the examination. Perhaps it does not concern other members of the Council or the other races in the country, but we are very much concerned about it. It is our belief that education is one of the most important things to make any people anything at all, or to be able to lead the modern way of life. We place Education as number one in everything, because we believe that by education we shall be able to help ourselves, improve ourselves economically, so that we shall be able to make ourselves live more healthily, hygienically, and be able to conduct our own business in a more improved way, and for that we are very strongly in favour of our education being improved. Also along with that we are not satisfied that, at the present stage, all of it should be under people other than ourselves. We should have the chance of taking a full share in the improvement of our education.

With regard to salaries, my hon. friend the Member for Central Area, Mr. Sagoo, has explained the position very clearly indeed. He pointed out that although in towns the teacher may get the full salary,

yet the difference between what he would get in that area and what he would get in the town is not regarded as salary but as an allowance. As you know, Sir, allowances are not usually counted toward pension, and this is clearly stated here.

Another point on which I would like clarification is about the recommendation on the retiring period. It is proposed that a man after completing 15 years of service can retire and get his full contribution plus interest. I do not know where the employer's contribution goes to. After 15 to 25 years he gets full contribution plus interest and ten per cent of the employer's contribution. I wonder if that is usually the practice. What we would like to see the employers or Government do with teachers is what the Government does with its employees—that is, free pension. Short of that, we think the teaching service is almost deliberately being made unattractive.

I have not got much more to say, Sir, but to mention what the hon. mover said in his opening remarks—I understood him to say that the African is greatly indebted to the mission societies. We are surely greatly indebted to them and we have up to now nothing to complain about against them, but we believe that it is time they also regarded us as students who have learned enough and we should share the work along with them. Not only that—we are actually in a position to demand that most of the services should now be left in our own hands. Being greatly indebted to anyone, Sir, I do not think it makes that person impervious to any criticism. This report, although produced by an eminent person, supported by learned and sympathetic members in the country, including our own colleague, the hon. Mr. Mathu, we still find it has not met our needs, not even half of them, and, if we object to the report, it does not actually follow that we are not admitting we are grateful for what the missions have done for us. We are grateful because we know if it was not for the missions—Government up to now does not seem to have been prepared to take up our education—we should have been very far away from where we are. But the report we cannot actually accept. It is indeed very painful for us to see what has taken place in this Council, yet I believe there is still time for the Government to change its mind. We were very anxious to place before the Committee evidence and Afri-

[Mr. Jeremiah] can's view. We were very anxious to see that at least Government does something, because the report was not accepted, but Government likewise ignored our views. Therefore, it seems to me that the African's views—even our views in this Council—are regarded as nothing. If the report was any good to us at all I do not think the whole country would have been so foolish as to reject it. It is actually that we know better where we are. Although it is thought that we do not know, we are sure that we know better where we are. It is for our children we are considering. That they are ignoring our recommendations, ignoring the recommendations of the people and ignoring the evidence, makes us feel that Government is not sympathetic, therefore we oppose the motion, and I strongly oppose the motion.

Mr. HAVELOCK: Mr. President, the hon. mover, Sir, congratulated the Committee and Bishop Beecher on the production of this volume and I would like to add my congratulations to those of the hon. mover, and, at the same time, congratulate the hon. mover himself on being able to wade through this particular volume and present it to us in such a very clear way that the picture was obvious to every hon. member on this side of the Council.

The hon. Member for Trans Nzoia has said on behalf of the European Elected Members that we accept the motion, and I would point out that the motion in itself accepts that Beecher Report in principle. It is my belief that this report, if adopted in principle, will provide a very great expansion of education for the African and it is because of that, and because we realize the obvious need for the expansion of such education on a good and proper proper basis, that the Europeans support the recommendations. The hon. Acting Member for Central Area made, if I may say so, an extremely eloquent maiden speech. I think it is in the tradition of the House of Commons that maiden speeches should not be contentious, and it is when maiden speeches are not contentious that interruptions do not occur. There were no interruptions, Sir, after the hon. Member for the Coast had brought it to the notice of this Council that the hon. Acting Member for Central Area was making a maiden speech, but I think possibly the speech did deserve some interruption. However, all I would

say is this. The plea for extra money to be spent on education in general and a larger allocation for African education which was made by the hon. Member is one with which we all have sympathy, but we have got to study it with great seriousness. The hon. Member himself pointed out there were other priorities—indeed he put them before education—the development of African areas and the development of industry, and I agree with the hon. member. The money that is needed for those two priorities alone is so enormous that we have got to be very careful in recommending unlimited funds for education. It is a pitiable fact possibly in a country of this sort, but it is a fact that even with education, I am afraid we will have to cut our coat according to our cloth. I suggest that the suggestion put forward by the Beecher Committee provides us with a plan to cut our coat according to our cloth, according to the educational necessities of the African population, and it is the best we can do.

There are certain points in the recommendations upon which I would like some clarification. There are certain comments I would like to make and I will go through them in order as set out in the Sessional Paper. Recommendation 1: I have been told that there is a doubt in the minds of Africans that the recommendation of the Beecher Committee will mean in practice that those schools which are now being managed by other than missions—that is, by Local Native Councils or by independent groups—that those schools shall be taken away from those agencies and handed to the missions. I cannot believe that, Sir, and I would like an assurance from some hon. member on the other side that that is a complete fallacy; that where, through the African District Councils or through independent agencies, the Africans themselves have shown the initiative to set up their own schools, and those schools are being run on the right and proper lines, they shall remain under the management of such people.

I would like, Sir, to refer to a question which has been worrying the hon. African members of this Council, and that is the constitution of the District Education Boards. Before I go on to that, Sir, I would like to say straight away, I personally have a great sympathy with the African members on many of the points

[Mr. Havelock] they have brought up, and I feel we should get a lucid explanation and a detailed explanation of all the reasons for these recommendations, and when we get those explanations I believe the African members will be satisfied, to some extent at least. A lot of their dissatisfaction at the moment, I believe, is because they have not had the information that is necessary.

Referring back to District Education Boards, I understand there is a suspicion about the four representatives of school managers nominated by the Provincial Commissioner—that there is no chance of one or two of some of those representatives being representatives of managers of schools other than missions. There will be in different district schools similar to those to which I have just referred, managed by African District Councils or independent agencies, and if there are such schools I presume their representatives will be included in those four school managers. I would like clarification on that point.

The hon. Mr. Chemallan referred shortly to the situation of African schools in the Settled Areas. Here in general I would like to say we are absolutely certain that the European inhabitants of the Settled Areas have a very great sympathy for the advancement of the education of Africans in those areas. I think it is obvious that, especially in the last few years, a great deal of voluntary effort has been put into the establishment and running of schools on farms in those areas, and that the European community has every sympathy with the attitude expressed by the hon. Mr. Chemallan in this regard. I merely wish to suggest that the Europeans or the District Councils in the Settled Areas and the Municipal Councils in the Settled Areas should set up African education sub-committees to advise the Regional Boards on the problems of schools within their areas. I believe that the Regional Board, as it is visualized at the moment, is probably rather remote from the practical problems of the small schools in the areas over which they have jurisdiction, and it will be absolutely necessary for them to have committees of this sort to advise them on the practical problems.

I also would like to suggest that on the Regional Boards themselves which are

constituted as suggested—with the Provincial Commissioner as Chairman, the Senior Education Officer as Secretary, four African and four European members—on these Regional Boards there may be a place for the representative of local government authority within their area.

I understand that there is a strong objection to the adoption of the principle of intermediate day schools and the curtailing of the period of primary education.

I understood from a speech of the hon. mover that it was the intention of Government to make the four-year educational periods entities in themselves to some extent, meaning that a boy who had been educated for four years in a Primary school and did not go on to the Intermediate Day school had by that four years' education adopted, or rather had instilled into him, some knowledge which would be of use to him afterwards. There has been great doubt expressed by the hon. African Members that that view is correct. I understand that they believe that no boy will be able to take in any really useful information and education within that shorter period. So the statements are to my mind conflicting, and I would ask for an assurance from Government, sir, that four years only of Primary education will be an asset, a real asset, to the person concerned; that that four years will be a help to him, and he will be able to use it to his benefit in the Reserves or wherever else he may go. I understood the Government, or the hon. mover, to say that the boy after four years' education at the Primary level should be literate in the vernacular. I believe that the hon. African members have their doubts about this, and I would like to hear a further assurance from Government that there is every chance that such boys will be literate in the vernacular, because of course literacy in the vernacular will be an asset.

There is also, sir, the question of the expense of adopting this new system of Intermediate Schools, which is one upon which I would like some comment from the hon. members opposite. It is suggested, I believe, that the adoption of these three types of education, four years' Primary, four years Intermediate, and four years Junior Secondary, will be more expensive than the present system

[Mr. Havelock] of six years' Primary, etcetera. It is the case, I believe, that the Intermediate schools will definitely replace certain schools that are in operation at the moment, but I would like an assurance on that, that the adoption of this system will not be more expensive.

Sir, as regards boarding fees, which are mentioned in Recommendation 93, it is the European Elected Members' opinion that as far as possible boarding fees should cover costs, as is the case in other educational spheres.

It has been stated, sir, that the Africans are losing control of their education if this report and recommendations are adopted. Will Government explain that? Are they or are they not? In reading the report myself, and the recommendations, it seems to me that there is an advance in African control over Primary education, that the African District Councils retain the authority to deny moneys to District District Education Boards if necessary, if they think it is right that they should. Also, the increased African representation—if increased is right—on District Education Boards in itself provides further control by the Africans themselves. I would like that position, if possible, clearly explained.

That brings me to another point, that is the method of paying for African education. Sir, the hon. Member Mr. Ohanga I think stated that in the Nyanza District the schools which are opening, or are opened, this year there 'in toto' will number as many as the plan envisaged up to 1956—I believe that was what he said. I understood the hon. Mr. Chemallan to say that there are other districts and other areas in this country where there are much fewer schools than are needed and even so the expense of those schools are running the Local Authorities in those areas into financial embarrassment—I believe that was more or less what the hon. Member said. Now, sir, that seems to show that the expenditure, or rather shall we say that the opportunity for Primary education in African areas all over the country is very irregular. Would it not be better that the opportunity was made more regular, in other words that all schools were spread more evenly all over the African areas? Under the present system of the African District Councils paying for a large part of the

costs of Primary education—indeed the most part—it means that the more wealthy districts will have the more schools, the more wealthy districts will be able to provide the greater opportunities for education. Would it not be better, sir, for the District educational rate to be reduced, and Central taxation to be increased, so that more schools can be opened in the poorer areas, and indeed maintained in the poorer areas? It would probably mean that less schools would be opened in the richer areas, but the spread would be evened, and I suggest in principle that it would be fairer on the African communities as a whole, because it is the whole attitude of the community that they require education, we do not require to concentrate education in certain corners of the country, we want to raise the level of the whole and provide all with education by which they can raise themselves to a higher economic level as well. It is a suggestion I put to Government, sir, and I would be grateful for some comments on it from the other side.

Referring to technical education, sir, I understood the hon. mover to say that Government have accepted in principle the recommendations of the Willoughby Committee, and if that is the case, it does to some extent answer the criticism that was levelled by the hon. Acting Member for Central Area. But I would like—as we are still not able to have our Hansards immediately within 24 hours and check up on all the speakers—I would like, sir, a confirmation of the fact that the hon. mover did say that.

There has been some criticism of Recommendation 32, which reads:—

"That the present planned provision should not be expanded until the employability of the products has been tested and the demand assessed."

That of course refers to technical education and the products of technical education. It is my own personal view, here, sir, that that is rather a negative recommendation, and although no doubt technical education is one of the most expensive forms of education, and before launching into great investment in that respect we should see that there is an opening for the products, even so, sir, I personally believe that there is availability, that there are places for technically educated Africans, hundreds of them



[Mr. Havelock] compared with the supply. And I believe that we can go straight ahead with technical education without wasting any further time. I think, sir, it would be fair to say that it is the opinion of all Unofficial Members on this side of the Council that English should be the medium of instruction, and indeed, should be taught as a subject very much earlier than it is visualized in the report. We know, of course, that the limitations are due probably to the teachers—the lack of teachers who are able to instruct in English—but I would suggest—and I would like Government to agree—that as soon as possible, it should be their policy as soon as the teachers are available, that the teaching of English should become a practice in much lower classes than is visualized at the moment. It must be the language of this country, and until all people speak it—and indeed, think in English properly—we are always going to have the difficulty in understanding each other.

I would like to refer shortly to the suggestion of the Teachers' Association, and I would ask an hon. member on the other side to give some further information on this subject. Is it possible, sir, that an Association on the lines of Whitley Councils would meet the need? Or in fact is the Association which is in being now, I believe, on those lines? I personally would suggest that that type of Association or that type of medium for negotiation would be a better one than what I believe is suggested in this report, and I would be grateful if some hon. member would comment on that aspect.

The hon. Member for Trans Nzoia, sir, has dealt with the financial implications on this report. I would only like to refer to the capital requirements suggestions, and merely say that as an Acting Member of the Development and Reconstruction Planning Committee, naturally no capital expenditure could be accepted or should be accepted until that Planning Committee has had time to consider the suggestion and later Legislative Council to agreeing to the recommendations.

I am sorry to keep you, sir, but there is one other matter I wish to raise, the matter of the Board of Governors, sir, for Secondary schools. I would put the suggestion to Government that they should be appointed by the Director of

Education from a panel of names submitted by the managers of the schools. That will to some extent, I think, meet some of the criticisms of hon. African members. I believe that the final responsibility of the appointment of these Boards of Governors should rest with the Government, and it strengthens the hand of the Government if the Director of Education has the right to nominate from a panel and not just to confirm nominations by managers. I would put that as a suggestion to hon. members opposite, and I would be glad of their comments.

Now, sir, I would like to ask one more question from hon. members opposite. The point has been made that because the money for Primary education specially is supplied almost entirely to Local Authorities by the people, or direct by the people in the way of fees, that the managers of these schools should have very little to do with the actual management, in fact that they should not be managers. Now, sir, is it correct that the Missions do not help financially African education at this level? Is it correct that teachers, European teachers, employed by missions, because they are missionaries, accept a salary very much less than would be required by a professional teacher? If that is correct, sir, can Government give some indication of what they think the actual amount of money is saved by using the instrument of the Missions rather than directly employing teachers for educating Africans themselves? A figure has been suggested to me—it may be completely wrong. The figure suggested to me was that £50,000 a year was saved in this hidden subsidy to African education. It may be completely a wrong figure, but I would like some indication of what Government thinks is the saving through using the instrument of the Missions.

One more thing, sir. It has been suggested by hon. African members, I think, that all Primary education should be managed by Local Government Authorities or Government itself, and that religious instruction should take place as a part-time instruction by the Ministers of the different religious denominations. Am I right in reading into this report the contention that to teach the moral and spiritual needs and standards to the African peoples it is necessary that those

[Mr. Havelock] teachings are spread throughout their education, throughout every period of their education, and cannot be merely a specialized subject? Because the parallels in Britain are different, in that the homes of the children are themselves an influence in teaching moral and spiritual principles, whereas in the African homes so far up to now it is not always the case—some, of course, it is, but in the majority probably not. So because of that it is necessary to concentrate more throughout every period of education on this particular aspect, and specialization—that is to say, one period a week on the religious instruction—is not sufficient. Have I read the report aright, will hon. members on the opposite side give me some indication?

Sir, I started off by saying that the European Elected Members recognized the need for expanded African education on the proper basis, and I would say that I myself am disappointed that we cannot provide more. But there is that one recommendation in this report which I think we should all take note of, and that is that this is not a rigid scheme, this scheme can be revised from time to time, and I hope that if this country prospers, as I am sure it will if we are not interlarded by outside influences, that before the plan is visualized in the Beecher Report comes to its conclusion we may be in the position to extend the plan, and providing we have the resources we certainly should do so. Sir, I beg to support.

MR. PENBRIDGE (Uasin Gishu): Mr. President, I will not waste very much of the time of this Council, and I rise to support the motion. I would, before going on to a few details in the report, like to make a few observations on the statements made by my hon. friend the Acting Member for Central Area. I think he mentioned, or made comparisons between the Education vote of this Colony and other States. A fair comparison on the one he chose would have been to choose, for instance, the Republics of Haiti and Liberia as instances, because those republics have enjoyed—as I understand it—for a considerably longer period than Kenya the rule of the people for the people under European form and the people of both those States are Africans. Now, I think it would have been a fair comparison if he had given us the Educa-

tion votes in those countries and the state of the literacy in those countries. When he talks about Abyssinia as an example, I think he should at the same time have mentioned something of the racial origins of the rulers of Abyssinia when he talked of it as being an African State. I think too that he should have given us some account of the other activities of Government, the other services rendered by Government in that country, because although it may be a very grand idea to spend a third of the revenue of the country on education, it is of little use to educate a man academically if when he goes back to his own home he finds that to move a few miles from his home village is to risk having his throat cut. I contend that in that case the money spent on education would have been better spent on educating him in, say, good swordsmanship!

Now, we were asked by the hon. Acting Member to consider the position if overnight the faces of the English working classes turned black. Now, I think I am right in saying in this, I think I can assure the hon. Member if that was the only change that took place no difference in attitude would take place of the so-called ruling classes in England. But if at the same time as the change in colour of face there occurred a change, say, to the attitude to work and leisure, and various other things occurred, then possibly the British ruling classes—so-called—might find themselves in very much the dilemma of this Government in providing funds for education.

I think, Mr. President, that is all I have to say in that matter, and I should like to support my hon. friend Mr. Chemallan in the matter of the change of the Kipsigis and Nandi Tribes from the West to the West Central Area. I think that is a very reasonable change, because it brings those tribes into a group which is largely a group of their own racial language affinities, and I think that change would help very considerably in smoothing out the difficulties of the relevant District Education Boards, etcetera.

There is one matter I should like to touch on, because I think this is a matter of principle. Now, the Education Authority—if this report is adopted—is going to be separated from the Local Government bodies, the Local Native Councils, and under Recommendation 115 and 118 on

(Mr. Havelock)

page 21 of the White Paper, those Education Authorities are given certain powers with regard to remissions. Now, I feel that there is a very great principle involved in this. When a remission of any sort takes place, it is most important that there should be proper control as to who receives that remission and how it is given, and I do submit that when an education authority is divorced from the local governing bodies that authority has neither the local knowledge nor the necessary qualifications to be the right body to grant such remissions. I feel that remissions, for relief, whichever way you like to put it, in the matter of education fees should be entirely a Local Government affair, because when that relief is granted by a Local Government body it is brought home to the person asking for a relief that in fact if that relief comes out of rates, as it should in my opinion, he is asking for something that his neighbours will have to pay for, and then it is brought home to him very forcibly that he must be very careful, that it is very necessary for him to be careful. Sir, I beg to support.

THE PRESIDENT: Before Council adjourns there is a small matter that I would like to bring to the notice of hon. members. One hon. member in the course of the debate has referred to the lack of a 24-hour Hansard service. Now, the Hansard service which it is proposed to institute is not yet complete, but I am sure that hon. members have noticed with gratification that within the last two or three weeks we have had not fewer than four volumes of Hansard placed before us, and that the production of the volume of Hansard is now up to date. The main credit for that achievement rests, I understand, with the Assistant Clerk to the Legislative Council, Mr. Borrett, and the Government Printer and his staff, who have all put in a great many hours of overtime in order to bring this result about.

I am sure that hon. members would wish that I on their behalf convey to those concerned the gratification of hon. members at the result achieved.

Council will now adjourn until 9.30 tomorrow.

Council rose at 12.50 p.m. and adjourned till 9.30 a.m. Friday, 25th August, 1950.

Friday, 25th August, 1950

Council assembled in the Memorial Hall, Nairobi, on Friday, the 25th August, 1950.

The President took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

#### MINUTES

The minutes of the meeting of the 24th August, 1950, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

NO. 36—COMPLAINTS REGARDING DELAYS IN OBTAINING DOCUMENTS RELATING TO SURVEYS AND TRANSFERS OF LAND

LIEUT.-COL. GHERSIE:

In view of the numerous complaints made by the general public regarding the delay experienced in respect to obtaining documents and information relating to surveys and the transfer of land, will Government please agree to the immediate appointment of an independent Committee of Inquiry for the purpose of examining the working of the Land and Survey Departments, the terms of reference of such Committee to be of the widest possible nature?

THE ACTING DEPUTY CHIEF SECRETARY: Yes, sir. The Government understands that there is a widespread desire on the other side of Council for this Inquiry and will therefore take steps to appoint a suitable Committee. The Government however wishes to make it plain that the delays and arrears in these two Departments are, in its opinion, mainly due to a shortage of trained and experienced staff; although additional posts have been provided for both these Departments within the last year or so, it has not yet been possible to fill all the posts, and the shortage of staff therefore still exists.

NO. 36A—PERSONS TO BE INCLUDED IN THE COMMISSION

LIEUT.-COL. GHERSIE:

Further to my question of the 25th July, 1950, No. 107/EM/50, if the answer is in the affirmative will Government please agree that the composition of the Committee of

(Lieut.-Col. Ghersie)

Inquiry will include a person nominated by the Law Society of Kenya, a Practising Surveyor and a person engaged in Real Estate business?

THE ACTING CHIEF SECRETARY: No, sir. The Government would prefer not to commit itself regarding the personnel of the Committee but will certainly bear the hon. member's suggestions in mind.

LIEUT.-COL. GHERSIE (Nairobi North): Arising out of that reply, will Government agree that the terms of reference will include authority to investigate not only causes of the delays, but also to investigate the advisability of staff and organization.

THE ACTING DEPUTY CHIEF SECRETARY: Yes, sir.

LIEUT.-COL. GHERSIE: Further, sir, will Government request the Committee to make their report available not later than the 1st November.

THE ACTING DEPUTY CHIEF SECRETARY: No sir, I do not think it would be practicable for them to report by the 1st November.

MR. HAVELOCK (Kiambu): Arising from that answer, will Government ask the Committee to make every effort to report by the 1st November?

THE ACTING DEPUTY CHIEF SECRETARY: Yes, sir.

#### MOTIONS

##### AFRICAN EDUCATION IN KENYA

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: Mr. President, before I embark upon references to the Beecher Report in general, there are some points raised in this debate. In particular, I would like sir, personally to congratulate the hon. Acting Chief Secretary on the bold manner in which he introduced this Report; to express sir, my personal thanks, because, of course, with the re-distribution of portfolios the introduction of this particular Report should have fallen to my lot, but despite the cares imposed upon him by his position as Acting Chief Secretary, he has worked long and arduously to prepare the ground for the introduction of this Report, and, during that time, I would like to take the opportunity of saying, I have been

tremendously struck by his devotion to the cause of African education and his impartiality in dealing with the matter.

That, sir, is the pleasant side. Unfortunately it is necessary to turn almost immediately to a far less pleasant side. I refer to the speech made yesterday by the hon. Acting Member for Central Area, Mr. Kirpal Singh Sagoo. It is, of course, usual in this Council to congratulate a member upon a maiden speech, a maiden speech which is usually of a non-contentious character. Sir, I wish I could find it in my heart with sincerity to congratulate the hon. member on his carefully prepared speech, but it is impossible for me to do so. The hon. member will forgive me if I smile at his picture of whispering villains, cloaked and daggered wandering through the corridors of the Secretariat and Government. He will forgive me if I smile at his pictures of the hon. Chief Secretary, the Member for Finance and myself, in the role of Government sirens luring the innocent Asian Elected Members to—what? An educational grave or an electoral doom. Sir, I would suggest that the hon. Acting Member would have been far better advised to have taken his lead from the hon. Member for African Interests, Mr. Ohanga, who spent his time arguing the cause of his people with dignity, without attacking the cause of the education of other races. (Applause.) The hon. gentleman should realize that the temper of this Council has changed considerably in the last few years. By the very position of this Council it has to become the focus of controversy which at times may be racial, but anyone who will read the books on that table, the Hansard of this Council, will see that gradually during the past years has bitterness of racial controversy has diminished, and it has been possible for all members of all races in this particular Council to put forward the case of their people without that tone of racial bitterness and implied cynicism and almost which insult was introduced in the most which insult was introduced in the hon. member's speech. Sir, this Council has a very arduous and a very great task before it. It has the task of proving that peoples and races can live together, and you will only do that, sir, when you put before the other peoples the justice of your own case and admit the justice of theirs.

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The hon. gentleman referred to the Glancy Report. I must apologize for having interrupted him—the hon. Member for the Coast was quite right—I should not have done so; but I did not wish to see anyone go further into the mire of possible misstatement that the hon. gentleman had then embarked upon.

During the debate on the Glancy Report the hon. Dr. Rana, the hon. Mr. Patel, the hon. Mr. Mathu and the then hon. Member for Nyanza, Mr. Edyce, on behalf of the European Elected Members all refused to commit themselves to the principles of that Report, or opposed it during the debate, and in winding up the hon. Deputy Chief Secretary, Mr. Thornley, made the following remarks: "We have, as the hon. Member for Nairobi North, indicated, a great and very difficult task to perform, and I agree with him entirely that with the Ibbotson Committee Report we shall have the full facts on which to frame our policy. That is why there is no suggestion in this motion that we have been debating today that the Council should commit itself to this or that way of dealing with this difficult problem." And, sir, with the Government in a minority there can be no question of any policy being carried through before it has been submitted and agreed to by the majority of this Council. So I would emphasize that the fiscal policy on education, on educational expenditure and revenue, is something that remains to be settled by this Council. We are not at this stage debating the fiscal policy, the method by which the expenditure shall be met, and that is not my task as the Member for Health and Local Government and Education—it is the task of the Member for Finance and the Government as a whole to place a policy before this Council.

Now the hon. gentleman then went on to talk about percentages of educational expenditure. I think that we should endeavour to compare this country perhaps with some of the more advanced countries as to what is the percentage of educational expenditure. I do not think I would be very far wrong if I said that educational expenditure in Great Britain, which has, I should think, one of the most advanced educational systems to-day following the Education Act of 1944, is

not very much more than wavering between five per cent and 8 per cent if everything is taken into account. But what did he say about ours, sir? He said that out of a budget of £10,000,000, £1,000,000 was spent on education. I suggest the hon. gentleman, who spoke with great pride of the fact that he was a business man, should have studied those figures just a little closer, because when you are talking about recurrent expenditure you can only deal with recurrent expenditure, and if you are going to quote figures which include extraordinary expenditure then you should go deep down into those figures and find out how much such things as passages, etc., can be debited to education. If you are going to quote figures, let us be accurate on these figures, let us not turn them merely to represent the particular angle that we wish to represent. The total gross recurrent expenditure in the 1950 estimates was £8,212,299. The educational figure, gross, was £1,092,639. The net figure for education was £822,689, because some £269,350 had been paid in fees for that education. I do not propose to break down those fees into racial figures, because it is not a hobby of mine, but if the hon. gentleman feels inclined to indulge in racial proportions and racial ballistics he can, I think, do the work for himself. But the net expenditure on education was £822,689 out of a net total of £6,808,054. My calculating machine tells me that that is just under 12 per cent. I, as Member for Education, will agree it is not enough. Of course it is not enough, but as the Member for Health I must also say that my Health Vote is not enough, and as the Member for Local Government, with the task of seeing local government developed and roads in townships, sewers, and drains, developed, neither is my Local Government Vote enough. The answer, sir, of course is obvious. It is more money and more wealth from which more money can be granted. If sir, the hon. gentleman has gone listening to whispers down the dark and gloomy corridors of the Education Department he must have heard the rustling of certain figures, figures which he seemed to think were shadowy. Well, sir, those figures had better be produced. The hon. gentleman had better hear those figures and with the permission of my hon. friend the Chief Secretary, I am

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now about to read out the figures of educational expenditure which have been submitted on the basis of the capital expenditure now before the Planning Committee, and I can assure him that his position when those figures are disclosed will not be quite so happy and comfortable as it was before.

The hon. gentleman in his remarks said in a somewhat sneering tone that "of course" Administration and General Charges should be spread over the various racial groups on the basis of expenditure. I, sir, refute that because I say that the Administrative and General Charges are something incurred when carrying out a whole educational policy, but I would ask him to bear in mind what the proportion should be in 1951 and onwards when the net figures that I am going to read out are produced. In 1951, on the basis of the planning now put forward—and I must emphasize that these figures will be subject to the Planning Committee—they will be subject to this Council in the final issue—the Administrative and General will be £63,233. European education will be £406,707, a fee income of £197,630, a net figure of £209,137, to which—if the hon. gentleman's argument about administration were to be followed to its logical conclusion, some £15,000 would be added. Asian education in 1951 will be a gross expenditure of £340,760, a fee revenue of £78,300, and a net figure of £262,460, to which, if the hon. gentleman's argument is to be followed, some £20,000 must be added. African education will be £439,431 gross, a fee and earning income (because it is not all fees) of £26,472, and of that sum £13,800 is earnings from technical institutes—a fee income therefore of £26,472 and a net expenditure of £412,959 to which, if the hon. gentleman's argument is followed to its logical conclusion, some £30,000 must be added. That gives us a gross educational expenditure, including trade and technical education of £1,250,000, some £302,402 from fees on the present basis and a total net expenditure of £951,368.

Now let us look at 1956. Let us look at the result of the five-year planning we are trying to do and see how the picture has developed. General and

Administrative charges, £70,263; European Education, £538,267 with a direct fee income on the present basis of £242,630, a net expenditure of £295,637, without adding Administrative and General Charges proportion. Asian Education, £635,760; a fee income of £90,500 and a net expenditure of £545,260. African Education, a gross expenditure of £682,981; a fee and earning income of £30,000 and a net figure of £652,981.

Now, unpleasant as it is I would like to run through those net totals once more. Administrative, £70,000; European Education, £295,000; Asian Education, £545,000; African Education, £652,000—and that does not include any contribution to Makerere. If the hon. gentleman can, after hearing those figures, continue his accusation against this Government on its racial plans for education then I can only say that there is no hope of him ever reading a balance sheet correctly. That means that in this country in 1956 we will face a gross educational budget of £1,952,000 and a net educational budget of £1,584,940. I am not the hon. Member for Finance, but I know what the hon. Member for Finance must think, and that is, unless the result of this programme has been to produce people who—to use the sneering words of the hon. Acting Member for Central Area—are economically valuable, you will not have the wealth to carry it through! (Hear, hear.)

Sir, I have no desire to go through this particular point but it is important that the people of this country shall have the confidence in the Government of this confidence in the Government of this country. Our problems are complex. They are made complex by the very system that has developed underneath our feet. We can find no easy answer. It is impossible to find an easy answer for the problem that we have faced and have to face. There are no text books that will give us a solution. There is nothing that will provide us with a solution except the constructive efforts of co-operation of all the people of this country and the restriction of destructive—purely destructive—criticism. (Hear, hear.)

The hon. Member for Kiambu asked one question in particular that I would like to deal with. He spoke of the question of schools other than missions being

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taken away and given to missions. Sir, I should have thought it almost unnecessary to answer that, but since the hon. gentleman has asked it I will answer it in one plain syllable. The answer is no. There is no question in this Report of that type of thing. There is a question of control of schools. I have been a very short time responsible for the portfolio of Education and I would say that there is a need for control of all schools of all races. I would like to read what has been found necessary in the United Kingdom and I am reading from the Report of the Ministry of Education for 1949: "Inspection of Independent Schools. Paragraph 43, Part III of the Education Act, 1944, which provides for the establishment of a register of independent schools, and gives power to the Minister to withhold or withdraw registration on certain specified grounds, is to come into force on a date to be fixed by Order in Council. In Circular 196, which was issued in January, 1949, the Minister announced that, although he intended to bring Part III into operation as soon as possible, he had decided that it was impracticable to do so at that time, since, until the country's building position and the supply of teachers had improved, it would be unreasonable to require as a condition of registration that a school should remedy shortcomings of staffing and premises within a fixed time limit. Because of this unavoidable postponement of Part III the Minister decided to use the powers conferred by Section 77 (2) of the Act to secure that H.M. Inspectors should visit all independent schools not otherwise subject to inspection. It was hoped that this would help to prepare for Part III by enabling the Ministry to take stock of the problem which its implementation would present, and that schools would benefit from the criticisms and advice which H.M. Inspectors could offer. Until Part III of the Act comes into force the Minister has no power to require that any improvements shall be carried out, and an inspection of itself does not convey any recognition or justify any interference as to the efficiency of the schools."

Now perhaps it will be of interest to hon. members if I were to read the

grounds in Part III of the Education Act upon which the Minister of Education in Great Britain can act.

"(1) If at any time the Minister is satisfied that any registered or provisionally registered school is objectionable upon all or any of the following grounds—

- (a) that the school premises or any parts thereof are unsuitable for a school;
- (b) that the accommodation provided at the school premises is inadequate or unsuitable having regard to the number, ages and sex of the pupils attending the school;
- (c) that efficient and suitable instruction is not being provided at the school having regard to the ages and sex of the pupils attending thereat;
- (d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of an independent school or to be a teacher in any school, as the case may be."

Those are the grounds upon which the Minister of Education responsible for the efficiency of education in Great Britain can interfere with an independent school, and will not otherwise register it as efficient. And provided the machinery of appeal exists, as it does in this case, to a tribunal set up, control of that kind is in my mind essential if the Government of this country is to carry out its responsibility for the standard of education, whoever pays. (Hear, hear.)

"The Council will have noted that I referred at one point to teachers. I would like also to read the powers that exist with regard to teachers:

"47. A further amendment of Section 2 of the Rules was made in October to ensure that no one who had been declared by the Minister to be unsuitable for employment as a teacher, either on medical grounds or on grounds of misconduct or grave professional default, should be employed in any school or educational establishment recognized by the Minister as efficient. Teachers declared unsuitable had always been debarred from service in any grant-aided school, and it was felt that it was anomalous for such

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teachers to be able to teach in an independent school recognized by the Ministry as efficient."

That is an important factor in the development of the great tradition of the teaching profession in Great Britain, and it is important too that the teaching profession in any country should recognize that its first and primary duty, because of the great power that is placed in its hands, is to the people of the country. They themselves must learn to maintain these standards, and if they do not, then whoever is responsible for the education in any country must have the power to intervene.

There is a point, sir, that the hon. African members seemed to have forgotten. It was, of course, forgotten by other speakers, and that is that local education is to receive a subsidy amounting to 40 per cent of the total local expenditure. That appears on page 24 of the White Paper in the table, where you see Subventions to Local Education Authorities which, by 1960, reaches the figure of £200,000, which figures do not include the direct subvention to Local Native Councils or to the Native Trust Fund by way of capitation payment, at present calculated on the basis of Sh. 2 per ratepayer in Local Native Council areas, and amounting to £72,000. Now I would suggest that I should be very unlikely to get this Council to vote £200,000 for expenditure on education without this Council desiring that some control by this Council should be retained. (Hear, hear.) In the United Kingdom in 1839—and I quote from one of our great educationalists, the late Sir Henry Craik—two inspectors of schools were appointed by Order in Council, and to quote the words of Sir Henry Craik:

"A new principle of administration with very far-reaching consequences was established, namely the principle that if the state spends money it has a right to see that it is spent in a manner of which it approves."

And that basic reason remains for the appointment of His Majesty's Inspectorate of education in Great Britain.

Before I turn generally, Sir, to the points raised mainly by the hon. African members—because of course this is their

great concern—I must deal with the hon. Mr. Ohanga's suggestion that Mr. Mathu signed this Report in order to give people a chance to study it. Now, if that principle is to be accepted by signatories to reports either direct to this Council or to the Government of this country, chaos will ensue.

MR. OHANGA: Might I explain that I said "give African people a chance to read it" and not people generally.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: I understood the hon. Member to say "give people" a chance to study it.

MR. COOKE: I understood the hon. Member to say African members.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: I unfortunately cannot always differentiate between brown people, black and white people, when I talk about the people. I mean the people —(hear, hear)—and to say that you sign a report because you want people to study it is a fantastic thing to put forward as an excuse for signing it. You sign a report, sir, because you are convinced it is right, or you sign a minority report because you are convinced the majority are wrong, and you stick to it then, despite opposition or, as many great men have had to do, you say "I was wrong because I did not realize the full implications thereof"; that is a position which no one in this Council would question, and which would earn anybody I am sure, the respect of this Council, that they should have the courage to come forward and say "I am sorry, I was wrong, I have changed my opinion".

Now, sir, what is the difference in the ultimate aim between the hon. Mr. Ohanga and his colleagues and this Government? I suggest there is none. This Government's ultimate aim is eight years of education for every African child; this Government's ultimate aim for the people of this country is a population literate in English. Great Britain only achieved that—indeed, it has not quite been achieved, but I speak as if it has been achieved by 100 per cent—the only achieved that when industry, labour, production, skill and work had created enough wealth to provide health and social services and still provide universal elementary education; only after industry, skill, labour and work had provided the

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wealth wherewith to pay for this great benefit. The difference, of course, between the hon. Member Mr. Ohanga and his colleagues and the Government is not in the ultimate aim. It is that, as yet, the hon. Members have to face only the theory of education as a central responsibility, and we as a Government have to face the practice. The hon. members pressed very hard for Local Government bodies to have control of primary education. Is that very realistic? One of the last acts which my predecessor did in this Council was a very great service to the African community in the passing of the African District Councils Bill (Applause). It has not yet been possible, sir, to bring that Bill into force, but when it is brought into force, let us be realists, let us say that by creating a name we do not create an experience of Local Government, a knowledge of Local Government. We merely open the channel for that experience to be gained. Local Government in Great Britain existed in its various forms almost from 1300 onwards, but it was not until 1902 that they were granted the power of local education, and by 1944 in the Education Act of 1944, doubts had already set in as to whether the Local Government bodies as Local Government authorities were the correct channel. In the Education Act of 1944 you will see the second thoughts expressed extremely loudly. Such things as compulsory attendance at schools were from 1902 to 1944 carried on by local by-law, but in 1944 they thought again. I think that I might read some comments by the Advisory Committee on Education to the Colonies on this particular matter. On this point members will realize that they refer to the Beecher Report:

*"Sub-Committee Local Education Authorities"*

21. The sub-committee recognized the great importance of paragraph 409 of the Report. After due consideration members were agreed that representative bodies of the pattern described would probably be the best in present circumstances and for some considerable time to come. The goal, no doubt, was that the Local Government should be the Educational Authority, as in the United Kingdom, but the present situ-

ation in Kenya would scarcely permit of this, nor in fact was there full agreement in England that the best solution had now been reached. (Incidentally, the sub-committee noted that in no African territory had this goal been attained). In the first place the dominant part still played in education by the voluntary agencies would make a Local Government Authority difficult to work. Further, it was more than doubtful whether the authoritative voices in the great majority of Local Governments were those best qualified to speak on Education. If the Local Government Authority became entirely responsible for the financing of primary education the balance and control of education would be lost, since Local Government Authorities were not yet responsible or mature enough to undertake this burden. On the other hand the sub-committee noted with satisfaction that powerful Local Government representatives on the Local Education Authorities was advocated. They also wished to make it plain that in their view there should be no question of the Local Government and the voluntary agencies representing the African and the European point of view respectively, for the African, it was hoped and expected, would be playing an ever-increasing part in the counsels of the Agencies."

There, I think, is my main criticism of the hon. Mr. Ohanga's speech: It is often said about Great Britain, in a military sense, that she "moves too little and too late". I would respectfully suggest that in this particular case the hon. Mr. Ohanga is moving too much and too early, and that really his speech is a speech which may very well come from this side of Council in 10, 15 or 20 years' time, when the Local Government Authorities have shown their capacity.

The hon. Mr. Chemallan, advocating on the one hand Local Government control by African District Councils, held that in settled areas and municipalities the control should rest with the Government, not with the Local Government Authorities. I found it just a little difficult to follow his reasoning. If a Local Government Authority is given power, it is given power as a Local Government Authority in my opinion, not because it is African, not because it is

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European or because it is in the municipalities, but on the basis that it is a Local Government body. If we are not to follow that, sir, if the real objective is control by the African over African education, let us follow it to its logical conclusion, and let us see what is going to happen, and which way we are going. Are we going to have European education controlled by Europeans with its expenditure borne by Europeans, Asian education controlled by Asians with the expenditure borne by Asians, African education controlled by Africans and in consequence the whole burden of expenditure again borne by Africans? That is not the way to build this country into a nation. This country has got to be built on the fact that here at the present moment on this side of the Council there sits a Government which tries to be impartial, and that must make the channel for the time when other Governments—which may be of distinct and different form from it—can take over and work from the centre on the basis of a nation and a people not cleft and divided by the forms we propose to set up. (Applause.)

There is another point, sir, the hon. Mr. Ohanga said that in North Nyanza the Estimates for education for next year were already passing the 1956 figure.

Mr. OHANGA: On a point of information, sir, I did not say that, I said in Central Nyanza.

THE MEMBER FOR HEALTH AND LOCAL GOVERNMENT: In Central Nyanza they are passing the 1956 estimates and the hon. Mr. Chemallan showed that some African District Councils are already short of cash for educational purposes.

We, as a Government, have to bear in mind education for the people as a whole. We have to devise some system where the poorer areas, or where, at any rate, the prosperous areas will help their less wealthy African areas to develop. That is our problem, and I welcome the suggestion made by the hon. Member for Kiambu. It is, of course, not in my province, because it is a fiscal matter, but what must, I think, strike every member of this Council is that the area that is poor in agricultural resources—the people who are poor because of that—are the very people who need a higher

standard of education quickly to enable them to go out and earn their living to become economic for themselves; if the hon. Member for Central Area will forgive me for suggesting they should be so created.

The question of missions: I was glad to hear the hon. African members give recognition to the part missions were playing, but they tended to underestimate the part that, for some years at any rate, the missions still have to play. There has been a tendency to reckon the missions' contribution at the amount of the grant-in-aid, the salaries of the mission teachers. There is no account taken of the continual material sacrifice that the missionaries make when they cut themselves off from far more lucrative professions, from a happier life, in circumstances far more amenable to them, to carry forward their message of encouragement and improvement to the peoples of this world. (Applause.) I would, sir, again quote a passage from a Report on African Education by the Advisory Committee to His Majesty's Government on Education in the Colonies:

"These (the Churches, it is referring to) are in the best position to infuse into the changing outlook that sense of spiritual values without which inspiration dies, particularly where the old beliefs and rules of life are giving way, as give way they must, under the stress of the new conditions."

That very ability which comes from a religious philosophy of whatever religion you like, which is based on sound religious principles, is what has got to be conveyed, in my opinion, to those people who under the stress of our economic life of to-day are faced with the break up of old ideas and the horrible task of having to absorb the new.

I am sorry to have kept the Council so long, but I trust members will forgive me because this is in fact my first speech since I have taken over the portfolio of Education, and I am trying to convey to members some of my ideas through the medium of this Report.

I would like to review, in the light of the debate that has taken place, the purposes of education. Education and educational plans cannot and must not be regarded as static. If this, our economic age, makes certain demands on man then



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our educational philosophy has to be revised time and time again to meet that situation. Education may be justified on three grounds—moral, economic and social grounds,—on moral grounds because education acts as a deterrent against vice and crime, on economic grounds because knowledge increases skill and ability and should result in increased output and wealth, wealth without which no further development of social services is possible, and on social grounds because so far as it is consistent to the opening up of opportunity based on natural ability it tends to improvement of the social structure. I believe on those three grounds we justify educational expenditure.

One of the most valuable things that it can do in this Colony at the present moment is to fit the people to earn their own living, to become economically valuable, because unless they are economically valuable, if I may underline the point—to whom?—to the Colony, to the people—unless he is economically valuable to the Colony, to the people, then the man who cannot stand independently on his own feet, earning his living by his brain or his hands, loses value to himself and the society which has created him. I remember, sir, the first speech that I ever made in this Council. It was the budget speech of 1945, and at that time advocating the expansion of African education I quoted Voltaire. I said, "After bread, education is the first need of the people". That is something I have always stood by—"after bread". But unless education fits them to earn that bread then education is a delusion and a snare.

The hon. Mr. Ohanga seems to have thought the number of years in a course is the determination of its effect upon a pupil. The hon. Member for Kiambu had some of the same fears. I do not think that is correct. A great deal depends upon the quality of the teacher and his ability to impart knowledge. May I give you an example. The hon. Member, Mr. Chemallan, said that a boy who finished his education at 11 was not of much use to the world. As it happens, by some strange coincidence I finished my elementary and my total education at the age of 11, and whatever some hon. mem-

bers of this Council may think after my speech this morning, I trust that at least some of them will not think that I am of no use in the world at all. But the point I would underline is this: that when I was ten I went to a little school in Earlstown, an elementary school, and I found there a very outstanding headmaster who, with the traditions of that profession which is so highly respected in Great Britain, took a great deal of trouble with his pupils, and in six months that man set me on the road to knowledge because he taught me how to think; and I suggest that the number of years is not half so important as what is done during the years available. (Hear, hear.)

If this plan we are discussing is worked out, it is intended that the pupils shall gain as much knowledge in four years as in six, and let me underline that position by saying again that it is the intention of Government that at the earliest possible moment all children shall have the benefit of a full eight years' course of education.

Now I would draw attention to one aspect of this Report which seems to have been forgotten, but which, to my mind is highly important, because I know that it was from this source that I derived whatever knowledge and information and education I have. What is highly important is that these children at the end of four years shall have available to them an ample supply of literature in their own language or in English to enable that further education which is so valuable to all of us in the developmental period of our life, the reading of good books, of being kept in touch with day to day affairs, of having to their hand through the medium of their eyes the knowledge of the great men of the world.

Three things are essential in the development of any educational plan—three elements that make up a school—pupils, teachers and buildings. Of pupils there is no lack. Of buildings, the restriction will be largely a matter of finance and we shall if necessary have to put up with an extremely low standard of education building, but teachers—teachers, gentlemen, are the keys that open the pupils' minds. You can have pupils, you can have buildings, you can have money, but unless you have teachers you cannot

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You can have magnificent buildings, you can have intelligent pupils, but unless you have teachers of a high standard themselves, imbued with knowledge which they are able to impart, then the whole of your educational system becomes pretty to look at in a list of statistics, but dreadful in its effect on the country and its people.

In some of his comments on the reason for the march forward of education in Great Britain the Right Hon. Mr. George Tomlinson, M.P. made the following comments. He said, "You ask what is the answer. The answer lies greatly in the traditional role of a great profession in setting and maintaining its own standards." And that is our main problem—teachers and the standard of teachers, and if the Beecher Report does one thing it does, in my mind, point the way in which those teachers may be obtained. Here—I have not discussed this with my hon. friend the Chief Secretary, nor with Government—but I know that I have no need to, because Government will agree wholeheartedly there can be no question at any time that with merit, ability, experience and integrity of purpose, no post in the educational framework set up in this Report is closed to an African. (Hear, hear.)

Sir, I have tried, I think, to show that the objective of Government and the objective of the hon. members opposite is the same. It is the creation of an enlightened people, and if in closing I may be permitted to quote far greater words than I could produce—the words of one of the greatest liberal scholars of this century, Lord Haldane, who did so much for the Workers Educational Association in Great Britain—if I may quote his words when he was speaking in 1921 at I think, Trade Hall, Swansea, on education—I think they are highly important to remember at this particular time, to remember they were spoken in 1921 and to see how they have charted the way forward for the Education Act of 1944, with all its benefits of education to the people of Britain:

"Until you get an enlightened democracy you will not get an inspired democracy. Until you permeate the democracy with ideas and ideals you will never get out of it that interest,

that attention, that energy, which are essential if we are to have a better government and more interest taken in our public affairs. So, if you have done that, all the problems will solve themselves, the relations between Capital and Labour will be peaceably adjusted, and adjusted without friction, because people will take a larger view and see things as a whole instead of from the side of class only."

And it is, of course, remarkable in Great Britain that in this post-war period the strike days have been less than those following the 1914-1918 war:

"They will see that there are certain standards which must be worked up to, and these will be worked up to because it will be a case of intelligent men talking in a reasonable way. If we are to get tranquility in this country, and to avoid the waste that comes from strikes and lock-outs, and to avoid disputes which arise too often from want of knowledge on one side of what the case of the other side is, you will get it best if you have an enlightened democracy, capable of taking an enlarged view, and capable of founding its conclusions on reason and knowledge.

The only knowledge that is truly adequate is the higher knowledge of which the Universities are the custodians, and if that is so, it is an utterly wrong state of things that debars 999 people out of 1,000 from getting the chance of a higher education.

Well, how are we to solve these things? Not by bringing the democracy in its entirety into the Universities. That would swamp the Universities, and would give you quantity and destroy quality. There is another way of doing it. Let our Universities concentrate, as they are beginning to concentrate, on the production of finer teachers and more of them, and let these people go forth outside the walls of the University and set up the University influence amongst the people themselves. And then we shall grow."

"And then we shall grow." Mr. President, the way to University education in this country is long. We march through something like a dark tunnel because no-something like a dark tunnel because no-something like a dark tunnel this way that this body has trodden this way that this Colony must go before. We are, as it

[The Member for Health and Local Government]

were, going through a night where stars are few. I believe the Beecher Report is as a torch thrown to us. It may not always show us the right path, but it will help us to find it, to create in the words of Lord Haldane, "finer teachers and more of them", to let these people, those finer teachers and more of them, go forth and set up the higher knowledge amongst the people themselves and then we, the Colony of Kenya, can grow. And because I believe that only through that production of higher knowledge through finer teachers and more of them can we in this Colony of Kenya grow, and the African people produce the leaders necessary if they are to take their full part in the direction of this country.

I support this motion. (Applause.)

MR. HOPKINS: Mr. President, as I have watched the development of African education in the native reserves for a great many years, and have in consequence got to know a little about its general trends, I felt once or twice during this debate that I should like to get up and endeavour to allay the fears expressed by my African friends. On giving the matter very careful consideration, however, I came to the conclusion that this task could more adequately be carried out by hon. members on the Government side, and the eloquent and able manner in which the Member for Health and Local Government has already dealt with the wider aspects of these fears confirms me in my conclusion that the more specific and smaller fears which have been raised will also be sympathetically replied to.

Recommendation 43 in the Report is to the effect that legal provision should be made to enable the Director not only to control schools, the opening of schools, but also to control schools that are already in existence. Under the law as it exists at present, anyone opening a school without the prior permission of the Director may be fined up to a thousand shillings or imprisoned in default for three months. The offender having been convicted and fined, however, the Director is still unable to close down the illegally opened school unless he can show that it is being conducted in a manner which is detrimental to the moral, mental or physical welfare of the pupils,

or alternatively that the curriculum approved is not being properly carried out. Hon. members will realize that there is often very keen competition between the various school authorities to be the first to open a school in a particular area. The reason for this is that once a school has been opened in an area, it more or less effectively precludes the opening of another school by some rival organization. It is also of course through the schools that the missions and others extend their influence and carry out their spiritual teaching. Now, sir, the law being as it is, this is the sort of thing which has happened quite frequently in certain native reserves:—Two or three missions, or perhaps a mission and an independent organization apply for permission to open a school; as it is not Government's policy to allow two schools to be opened close to one another, the Director gives for the time being permission for neither of the schools, and he passes the matter over to the District Commissioner, who proceeds to investigate and he probably tries to get the rival applicants to agree amongst themselves as to who should be the first to erect a school in this place. In the meantime, however, the adherents of one of the applicants, who have already collected the necessary funds, get on with the erection of their building on a plot which has been provided perhaps by some local land-owner. With the enthusiasm that is almost invariably behind these movements, and with communal effort, these schools are sometimes run up in an incredibly short time, and, almost before the buildings are opened, the school starts to function. The people responsible for the erection of the buildings and the opening of the school are, of course, perfectly aware that they are liable to be fined, but they are also equally aware that once their school has started, it is almost impossible for the Director to shut it down provided that they take reasonable care to see that it is properly run, and that the approved syllabus is being carried out. They have in fact won a victory over Government, over the Director, and the District Commissioner, but above all they enjoy this because they have scored over the rival authority which wanted to erect a school. To control this kind of thing, therefore, sir, legislation must be enacted which will

[Mr. Hopkins] make it illegal for school buildings to be erected firstly, without the prior permission of the Director of Education and secondly, until the land on which the buildings are going to be sited has been properly set aside under the Native Lands Trust Ordinance. Failure to observe these two prerequisites should inevitably and automatically make it quite impossible for those buildings later on to be used as a school, and this fact should be widely publicized throughout the reserves. Unless it is made impossible to open schools in the manner which I have described, it is going to be very difficult to retain the confidence and the co-operation of those missions who in the past have suffered serious disadvantages in getting their schools into various areas merely because they have done their best to work in line with Government. I repeat, sir, that to retain effective control over the establishment of schools and to do so without causing bitterness it is necessary to have control over the erection of the buildings.

Now, sir, the second point to which I refer concerns recommendation 127. In sub-section 3 it is stated, or it is recommended that full pension entitlement should be allowed after 25 years' service. Now, sir, I find myself in disagreement with this recommendation if by it is meant that after 25 years a schoolteacher can demand to be put on pension. I have no fault to find with the principle that, if after 25 years' service, it is found necessary or expedient to put a teacher on pension that he should get his full entitlement which he has earned. But I think it is quite wrong that after so short a service and when he is still a young man he should be entitled to demand his pension. I am of course well aware that during the debate on the Salaries Commission Report we agreed that officers should be allowed to demand to go on pension after reaching the age of 45 years or that they could be put on pension after that age. But this regulation was for a limited time and for a specific purpose, and European officers at any rate have normally to serve for 30 years or until they are 55 years old, so I do hope, sir, that if this recommendation can be interpreted as I have interpreted it, that Government will give very careful consideration before em-

barking on a scheme which will let this Colony in for maintaining large numbers of young African teachers on pensions for perhaps as long as another 25 years when they are still quite fit and able to continue their work.

I do not think I have anything further to say, except that I hope these points will be given careful consideration, and I would like to say, sir, that I support the motion.

MR. HAVELOCK: Would this be a convenient time to break—I believe an hon. Member would like to make a rather long speech afterwards?

Council adjourned at 10.30 a.m. and resumed at 11.08 a.m.

MR. NATHOO (Central Area): Mr. President, in the first place may I congratulate the hon. Member for Education on his first speech after he has taken over the portfolio of Education, and say that if he has attained the qualities he has by a period of schooling which lasted about four to five years, may we hope that under the set up the Government is proposing for African education a few more people like him will be produced. (Applause.)

In the second place, Mr. President, I should like to place on record our grateful thanks and appreciation of the authors who have brought this Report before the Council, whether we agree with their views or not. (Applause.) Knowing Bishop-Beecher and his colleagues as I do personally, I cannot but think that they have acted with the highest sense and sincerity of purpose in producing this Report. It must also be recorded that whatever else may be said about the missionary societies, the part they have played in African education and bringing enlightenment to the country generally cannot be minimized, and I think all of us in this country are deeply indebted to them for all their efforts.

It is therefore, sir, to a certain degree surprising to me to notice that a recommendation has been made as can be read from page 3 of the sessional report in recommendation 1, where it said that "facility for Christian instruction be provided in all schools". I am sure, sir, that the authors did not mean that Christian instruction will be provided in all schools whether the people who went

[Mr. Nathoo] to those schools were Christians or professed other religions, I think, sir, it cannot be denied—and I cannot lay too great an emphasis on the fact—that whatever education we give in this country must be based on sound moral and spiritual foundation. (Applause.) It is my regret, sir, that in the Asian education it has been found that this side of instruction has been neglected. I admit, sir, that there may be difficulties in giving this instruction in the Government schools, but the time has now come when Government must explore the possibilities of imparting the religious knowledge in all schools according to the requirements of the pupils.

There is one thing I should also like to mention in this respect, and that is the work done at the moment by the East African Muslim Welfare Society by opening up schools in all parts of the country, thanks to the lead given to the Muslims by His Highness the Aga Khan. I appeal to the Government that when ever these schools are established they should give these schools the fullest support, both in the way of capital expenditure and grants wherever they are set up.

There is, sir, one aspect of education which has not been properly emphasized in the report which is before us. I do not think it has been sufficiently appreciated that if a nation is to advance, the first of the principles is the education of the girls, and until unless the girls are given proper education I go so far as to say more and better education than the boys—then the nation cannot possibly advance as fast as we would like it to. In this Council last year the hon. Member for Education, speaking from this side of the Council, dealt with this subject, and mentioned an instance of the community who had advanced much further than the other sections of the Asian community for the simple reason that the girls' education of the community had been given priority over the boys. I would therefore ask the hon. Chief Secretary to give us an assurance that when Government is considering the whole question of African education under this report they will take that into consideration, and see if greater attention cannot be paid to this aspect of African education.

There is mention also of introducing English teaching as soon as it is possible in the classes. I think the hon. Member for Kiambu laid emphasis on the fact that it is quite evident that the lingua franca of this country must be, or will be English within the next few years. If that is the fact, sir, and I subscribe to that thought, it is of the utmost importance that not only in African education but also in Asian education English should be introduced as early as possible.

There is one aspect of the question I would like to deal with in the speech of the hon. Member for Education when he gave us the figures for recurrent expenditure. Sir, I would mention this, that the recurrent expenditure must of necessity depend upon capital expenditure incurred during the next five years. It has been found in the past that, in spite of the recommendations of the Education Department, the Planning Committee has not always found it possible to accept the figures, and a great variation has been made in the figures and also the priorities given to various schemes. The figures the hon. Member for Education has quoted are based on the priorities and building programme as assessed by him over the period of the next five years, and I would request the hon. Acting Chief Secretary, who is also the Acting Member for the Development and Reconstruction Authority, to see that as far as possible they do not disturb the recommendations of the Education Department.

There is, sir, also the question of the formation of the District Education Boards. I do not think, sir, that Bishop Beecher and his colleagues when they were framing the report had any intention that the missions should dominate the education organization and management in the future. It is rather unfortunate that the wording of the report is such that it gives the impression that in the representation on this Board the missions will be as fully represented as the African members. I have just now said there are other societies who manage schools and who run schools, and I would like an assurance from the hon. Acting Chief Secretary in his reply when these District Education Boards are formed that suitable representation should be given to all interests.

Now, the last point I would like to make, is to say that from the speeches

[Mr. Nathoo] of the hon. African members it is clearly evident that in the minds of the Africans in the country there is a deep suspicion about the intention of the Government arising out of this report. It is a matter of great regret that it was not found possible for Government to take into consideration the various points put by the African members before this sessional paper was issued. Of one thing, sir, we must take cognizance, and that is this, that if this report is to be implemented, and it is in the interests of the Africans, it is of paramount importance that we must receive co-operation from the people and the leaders of those people. If for one reason or other the leaders of the African opinion in this Council, and the African people themselves are unable to subscribe to the recommendations which have been made by the Government in their sessional paper, with all the good will in the world, and all the effort, I am sure we will not succeed. Under those circumstances, sir, unless I have a definite assurance from the hon. Acting Chief Secretary that the points put forward by the African members will be given due consideration and that they will not be ignored in the same way as they have been hitherto, I regret sir, I must oppose this report.

MR. COOKE (Coast): In agreement with the hon. Member for Kiambu, I too join in saying that I agree very much with many of the points made by the African members, but, sir, I base my own position on the principles of this report and I am in full agreement with what my hon. friend the mover of this motion, the hon. Chief Secretary, said. It is not, as he said, a blue print, not to be altered under any circumstances, but it contains these valuable principles, and the details, as I understand it, can be modified, are susceptible to modification if and when the occasion arises.

I am rather intrigued at suggestions made—indeed that was the impression I gained—that Bishop Beecher had rather dominated this committee. Well, sir, I have known the hon. and gracious lady on committees for many a year and neither I nor any of the committees I have succeeded in dominating her! I should be very reluctant to think my hon. friend has in any way been dominated. Along with other hon. members I must

say I was somewhat amused at the somewhat ingenious reasons given by my hon. friend Mr. Ohanga for Mr. Mathu's appending his name to this report. It certainly taught me a new slant on the duty of committee men, but I think, if the hon. Member for Mombasa would permit me to use the expression, the hon. Mr. Ohanga has been a little bit naughty for keeping up his sleeve this intriguing suggestion which might have been of so much use to my hon. friend the Member for Education when he was in that dilemma last week over the Information Services Report. I hope in the near future the Cost of Living Report will be in front of this Council, and my hon. friend then perhaps might be able to adopt the technique suggested by the hon. Mr. Ohanga!

As a very old inhabitant of this country—there is one matter I would like to take up—that is the reflections which I am glad to say were not made by the hon. Mr. Jeremiah—the criticism of the missionaries in this country. If those men had not left their homes a hundred years ago to preach the gospel to all nations it is very doubtful indeed if the four hon. African members would have been sitting on these benches to-day, and if that great man, the late Archdeacon Owen had not made the Africans 20 years ago had not made the Africans politically conscious, I think the Africans probably would not have advanced so far politically either. If the Africans say—and I am sure they say it in all sincerity—that the right function of the missionaries is to preach the gospel, how then will they to preach the gospel, how then will they get over the matter of medical mission-aries? Do they suggest that the missionaries should shut up, should do away with all the hospital facilities which they have so generously provided; and that the Salvation Army which preaches that the gospel should give up its home for the African blind at Thika. They seem to me to be slightly illogical in saying the missionaries should confine themselves to preaching the gospel.

With regard to the remarks of the Member for Central Area, I think my hon. friend, the Member for Education, in his very eloquent speech rather took a hammer to break a nut. I resent as much as anybody the sneers that were levelled not only by the hon. gentleman but by his compatriots throughout the

[Mr. Cooke]  
country—certainly his compatriots. I feel, let them sneer. Let the dogs bark, but let the caravan will move on! I think it will move on under this magnificent conception of African education with increased tempo, into a large and broad and fruitful valley; and I see nothing but good and nothing but hope for the African people in this magnificent conception of Bishop Beecher and his colleagues.

I am glad my hon. friend dwelt on the financial aspect. I do not think we have given enough thought to that in this debate. It seems to me that it is really a gesture on the side of the Europeans on this side of the Council—a gesture, as my hon. friend emphasized, which would not have taken place a few years ago, that they are prepared to vote the extra sum of £300,000 a year on education. That is nearly three times as much as we spend on that efficient institution, the Secretariat! I do not think it is any good making any appeal to my African friends because they have made up their minds and one cannot blame them for that, but I think they are inclined to make "the best enemy of the good". It is quite impossible to make that rapid advance which we desire no less than they, for it is a question of finance. Treasury notes do not grow like gooseberries on the tree just to be plucked off and used. Some people may think it is quite easy for the Government to create a wad of notes; of course it is quite easy to do so, but it is not quite so easy for those notes to keep up their value. There is only one way, so far as I can see, whereby African education can advance more quickly—that is by the Africans producing more wealth in this country. I know Africans resent all these aspersions on the Africans—that they do not work hard enough, and all that sort of thing—and I know many Africans do work hard, and if the vast majority of Africans on farms and in industries worked even 25 per cent harder than they work at the moment they would get sufficient money to pay for all the education they need for many years to come; and I think we cannot emphasize enough the financial aspect of this matter. Now we have a great future in front of us, I think, especially if all races work together. If I may say to the African leaders in the words of that very fine,

that magnificent African leader, Booker Washington, "Don't let your grievances overshadow your opportunities".

MR. SHATRY (Arab Elected Member): Mr. President, I would like also to associate myself in congratulating the Member for Health and Local Government on his very able speech, and the only remark I have got here is on recommendation No. 1—that is the mission schools. I have here a letter written by the African Muslim Union of Mombasa to the District Commissioner in 1948. We have thousands of African Muslims down at the Coast who have no facilities for educating their children, and these Muslim children are roaming about the streets, and they have been complaining about these affairs for a very long time. I feel Government must take very sympathetic consideration of this request. The letter which was written to the Government by the African Muslim Union requests Government to build separate Muslim schools for African Muslim boys, and no reply has been received by the African Muslims of the Coast. Sir, I must put my case on behalf of the African Muslims, that it is an urgent need that African Muslims should have separate Muslim schools for their children.

About whether I should support the report, I must also associate myself with the views of my hon. friend Mr. Nathoo; that as far as the African leaders have made up their minds to oppose the report, we cannot, I think, if we wait the full co-operation of the African members and the African community, until we have known some of their discussions and some of their decisions, make up our minds whether we oppose or support this report.

MR. USHER (Mombasa): Mr. President, I share some of the doubts of the hon. Member for African Interests in regard particularly to the curtailment of primary education. As I see it, the difficulty seems to me to be practical. The separation of the primary from intermediate schools will undoubtedly, I feel, prove expensive. It may be that the junior secondary schools will be untenanted while the other buildings have to be erected on new sites. Also the primary children who are all day scholars, will, it seems to me, suffer some hardship in having to go further to their work. Finally, on that subject, I ask myself, as have other hon. members, what

[Mr. Usher]  
skills and aptitudes it will be possible for the primary children to acquire in these four years. I noted well what was said by the hon. Member for Education, but I feel—this is in regard to the personal reference to himself—that if we could have looked into his cradle we should have found him grappling in the depths of the mind with mental problems in such a way as to recall the efforts of the infant Hercules.

I welcome very particularly the attitude of the Committee to girls' education. (Hear, hear.) It is of the utmost importance that not only should the girls, for the future of their homes, be trained in domestic science and such matters, but also that they should be culturally able to associate with their husbands. I feel however the report is rather like the mountain that brought forth a mouse—a very welcome mouse, but a very little one—30 girls' schools, I think, in intermediate to 310 for boys. I, of course, recognize the fact that the report also recommends that in the intermediate schools girls should be allowed to be co-educated with boys. That is something which I must personally resist. I do not think it at all suitable that there should be coeducation after the primary stage of education.

There is one small point before I conclude, to which I ought to refer, and that is the question of text books. I make this plea largely on behalf of the Catholic missions which have borne so honourable a part in education in this country. It is their very strong opinion that although the Government has the right and the duty to lay down standards of education, it should not expect to lay down the means by which those standards are achieved. In other words, education text books should, if possible, be submitted in draft to the main bodies of Christian teaching. I would appreciate it if an assurance on that could be given.

Finally it has been said that it is important that education should be given in Christian tenets. I wish to emphasize that, but perhaps to enlarge on it to this extent—that at least, so far as the Catholic missions are concerned, they regard it as of vital importance that their teachers should at all stages be able to impart the principles of Christianity and

the discipline which goes with it—that in fact the teachers themselves should be of such character that these matters are imparted throughout from the multiplication table to the calculus.

Sir, I beg to support.

LADY SHAW (Ukamba): Mr. President, I do not wish to enter any sort of battle on the subject of any of these recommendations for which I am in part responsible. I want to speak briefly on the subject of the report as a whole, and the work of the committee as a whole, because I think sometimes when one is discussing individual recommendations one is a little apt perhaps to forget the object which was before our eyes when we entered upon the work, and the achievements which we think could be secured if the advice of that committee was followed.

Before I do that, I would like to answer two points which were raised a moment ago by the hon. Member for Mombasa. One was about junior secondary schools being untenanted. That was never our idea. The junior secondary schools would be used. Their buildings and their layout would be to a great extent used in the future for intermediate schools, and when he said the children would have to walk further to school he must forget. I think, the proposal which is included in the Beecher report, of an educational survey so that all parts of the country would be served adequately by schools, and they would not perhaps be clustered in galaxies here and galaxies there, leaving other places without schools. That is the whole object of the educational survey. I think that this objection could be met.

With regard to the four-year schools producing probably no skills or aptitudes, that is of course to some extent true. It is extremely difficult to teach little children great skills or aptitudes, but I think you can give them a bias towards skills and aptitudes when they are young. If this objection about skills and aptitudes is levelled against the four-year school it can equally suitably be levelled against the present six-year school. One of the first things about which I became aware when I started upon this work was the utterly unsatisfactory result of the present six-year school. I think perhaps that was the first thing I learned when I began to work on the committee, that

[Lady Shaw] these children emerged from this six-year schooling, as it is at present constituted, with nothing, nothing except a very different education—no sense of discipline, no sense of responsibility, and probably no skill of any kind and no aptitudes and no bias in any direction at all except perhaps to get a white collar job for which they thought they were pre-eminently suitable, and for which they were entirely unsuited. All the criticisms which have been levelled against the possible four years of schooling which we have advocated is equally applicable at present to the present six-year school, except for the fact that the child will not be at school for those extra two years. Surely four years of good teaching would be better than six years of bad teaching? Four years of good teaching with some sort of aim in view, instead of six years with none—and probably more than six years, because in the six year system at the present moment there is a strange creature known as a "repeater". I wondered very much at first what a repeater was. He is a gentleman who gets to the top form, sits for the examination, and is incapable of passing it, whereupon he repeats his year and sits for the examination again—and probably fails and repeats again. Some of these people who fail to pass their examination rather resent being finally cast out into the world without having passed it, but the pupil is in fact incapable of passing it if he repeated for ever. I myself cannot regard this schooling as an end in itself, which I think quite a lot of my African friends—not my African friends in this Council, but people I know—do regard it as being that. In fact, if you told some of them they could remain in school until they were really old they would be perfectly satisfied if they were housed and fed at the same time. The Beecher Committee did try to make recommendations which would give education a purpose, and that purpose was to fit the child, the pupil who came away from his period of education, for life. That is really surely what education is for. (Hear, hear.) It is not just school. Education is to fit a man to be a responsible citizen, to fit a man to find perhaps work and occupation, to fit a man perhaps to lead his people, to fit into his surroundings and to contribute something economic,

moral—whatever it may be—to the people among whom he lives. That is what my view is about education, and I think education as such is so frequently confused with schooling. They are not the same thing. One may lead to another, but by no means always. I know large numbers of people who have had lots of schooling and who are completely uneducated.

Before I mention the composition of the Beecher Committee, which, I want to do, I would like to refer to two or three questions which I know certain members on this side of the Council want cleared up. They were mentioned to us by the African members when we were discussing this report, and I do not think they have been dealt with yet, and I think it would be as well to have them answered when the hon. Chief Secretary replies so as to have them on record.

One was the question of the possession of land on which school buildings are built, and the ownership of the buildings. What exactly is the position—I think I know the answer—what exactly is the position of that land with regard, for instance, to missions? I am not talking about the big old mission stations that have leases, I am talking about the land on which schools stand, mission schools more particularly, which have probably been built by the community, and some of the Africans are anxious to know what happens to them if and when the missionary schools cease to exist on those sites. What happens to the land, what happens to the buildings, to whom do they belong? I am speaking, of course, of land in African areas.

The other point that we want to ask about is whether Government would not agree that it is more important to encourage the able pupil to go on than to maintain in the lower grades of schools large numbers of children who would never have any hope of going on?

There is also the question, of course, about exactly what Government feels is the future of the plan. Many people feel that schools which are now outside Government and at present are getting no grant in aid will automatically be closed. I have said, in meetings with African members, the great idea of course would be, to bring them up to standard and include them in the plan. There is no question at the moment of closing schools

[Lady Shaw] at all. I think it would be well if the hon. Chief Secretary would make that point clear.

Sir, I do not want to go on asking questions to which I think I know the answers—a great many have already been answered, but I do want to say a word about the Committee, its composition and the objects it had in view.

The first thing I want to say straight away is that, when we began this work, we said at the very start that we were not going to have any regard whatsoever to anything that had been laid down in the Glancy Report. We felt this Committee had got to work on the question of African education as such, within the limits—generally speaking—of the financial provision we thought was possible, and that we had to do this with our eye on African education and not on either European or Indian, but the recommendations that we wished to make—would be about African education, and it would be the job of the Government to fit them into the picture with other recommendations which had been made for other races. In dealing with the question of African education we took no notice whatsoever of any previous recommendations that had been made by anybody else. That I should like to have put on record, sir, as entirely true.

When I entered upon this exhaustive—~~I may say exhausting~~—investigation of African education I knew very little about it except that it was unsatisfactory, and when I say unsatisfactory I was judging it by what I had seen of the results of that education, and not because I knew a very great deal about it myself. When I came out of that exhausting and exhausting examination I felt I knew the most enormous amount about it—I felt an authority on the subject. But I was the only member of that Committee who could possibly speak like that. Every single other member of that Committee contributed some very special knowledge, and approached the whole work from a very special angle. I have heard it said very special angle. I have heard it said that the missionary interest was overloaded, and one of the reasons for that was of course is that Bishop Beecher was the Chairman. I was going to say that Bishop Beecher was not the original Chairman actually, and it amused me to

hear the hon. Member for Health and Local Government reading an extract from Hansard which mentioned the Ibbotson Committee. That in fact was what it was. Sir William Ibbotson was originally gazetted as Chairman of this Committee, and it was only because he had private affairs to call him back to England he did not act as such, and Bishop Beecher, who was not among the original members of the Committee; was asked by the Governor to undertake the Chairmanship.

Apart from Bishop Beecher, there were two missionaries on our Committee, one was Mr. Scott Dickson, who is responsible for a very great deal of the work in Protestant missions, and the other, Father Rowlands, who was very largely responsible for a lot of the work of Catholic missions; otherwise there were no missionaries on the Committee. We were extremely fortunate in our Chairman. He brought to the work a vast man. He brought to the work, educational knowledge of the social problems, educational problems and the racial problems of this country. He brought to that Committee an absolutely disinterested, sincere and honest mind, and he carried it into that work. I think perhaps he regarded that work of the Committee as the opprobrium almost upon the work, and done already for African education, and I believe that what he was able to contribute to the work of the Committee is a thing which probably nobody who did not work with him could possibly appreciate. I myself, sir, would like to express my own very very great appreciation of the high purpose with which he both entered upon and performed the work. (Applause.)

Now, in addition to our two missionary educationalists, if I might call them that, if you will forgive me I would like to mention the other members of this Committee, because it does in fact show that that Committee was a very strong one. In addition to Mr. Scott Dickson and Father Rowlands, there was Mr. Larby, who has had experience of work in districts, long experience in African schools, and has been for many years in at Headquarters; Mr. Padley, who, of course, had the financial angle; Mr. O'Hagan, who has been an administrative officer for many years; Mr. Mathu, who has the experience of his own people, more particularly in the Central



[Lady Shaw] Province, experience of education and of course a great knowledge of their social problems; then myself, who brought nothing to it except, I hope, an open mind. I think we were able as a result of the composition of that Committee to regard the whole problem from very different angles. I am perfectly certain the angle from which I regarded the problem was not the same as Mr. Mathu's, and not the same as Bishop Beecher's, nor was anybody else's. It could not be, because of our different background and our experience, we had to regard the thing from different angles, and I would like to suggest to this Council that it is a very remarkable fact that that Committee signed a unanimous report. There were a few odd minority notes, but there was no minority report and there was no substantial disagreement throughout the writing of that report on any major problem, and I think that should not be forgotten. We heard the most tremendously varied witnesses, we heard evidence from native councils and teachers and district commissioners, from welfare officers and missionaries of all creeds and all colours, and we travelled the country, and I really do think that after our 44 meetings we had a very fair idea of what was before us. In addition to those 44 meetings, there was an enormous amount of work done on sub-committees—not by myself—I was not on any of them—but by other members of the Committee who were on sub-committees which were really far more arduous and far more important probably than a lot of the meetings of the actual Committee.

We decided straight away that we had discovered (they were probably known to a good many of us) the main gaps in the system. One was the primary system, it was utterly unsatisfactory, the six-year pupils were coming out with really no future at all. We realized, too, that the teachers were inefficient, lacking in academic qualifications, and insufficiently trained. We interviewed a great number of these teachers. They were not really interested in improving their academic qualifications or training. I am merely generalising, I do not say for one moment that was true of all of them, but it was certainly true of a large number. They were interested in terms of service, holidays—perhaps it is not true to say that

all had no interest in their academic qualifications. I remember one by whom I was greatly impressed, who said he thought he should be given a free ticket on the railway. When asked why, he said, "How could he teach geography unless he had been to Mombasa?" Father Rowlands said, "I have been teaching about Heaven a good many years, but I have never been there"! They were interested in terms of service, but not really interested in improving their academic qualifications. The academic qualifications in the lower grades were really almost lacking. Some of the teachers who are qualified teachers had six years of schooling and one year of training, which makes you realize their academic and training qualifications were very low. Over and above those people there were vast numbers of people teaching who had not even these qualifications, neither six years' schooling or one year's training, which makes you realize fairly quickly what sort of state of affairs primary teaching was in. I would like to suggest that bad education is worse than no education, and that bad teachers are very very dangerous things.

We realized very well that inspection and supervision were inadequate. When we addressed ourselves to the task of formulating plans we kept those facts in view and of course, too, we kept the main object in view, which was to give the African a planned and efficient and an expanded system of education. Those things, I think, were definitely recommended by the committee. The committee realized just as well as anyone else that the thing was not a blue-print, that it must be subject to variation. On the other hand I do make this appeal. Unlike some of the other members on this side of the Council, I feel that, although due regard must be given to the opinions of African members, and although modifications must be made, this thing stands or falls by itself as a whole. You cannot knock it about and cut it about too much. It has got to be treated as a plan. If it is going to have large chunks taken off here and put on there, if you are going to alter the whole system of primary and intermediate education, if you are going to do away with large sections of the control, then, sir, it will no longer be the Beecher Plan. If you are going to have the Beecher Plan, then have the Beecher Plan with certain minor

[Lady Shaw] modifications and if you do not like this plan, then make another. Do not call it the Beecher Plan and produce a half-baked education system which bears no relation to the Beecher Plan.

I beg to support.

THE ACTING SECRETARY TO THE TREASURY: Mr. President, in rising to support this motion, I, too, rise as a signatory to this report. The report is not one which any of us signed lightly. We had very many anxious hours of discussion and counter-discussion and consideration. I, speaking personally, was particularly concerned about the magnitude of the sums of money involved in the carrying out of the recommendations. They are, sir, very large, and it is right and proper that expenditure of this order should not be treated in a light-hearted fashion. I am convinced, however, that if we spend the money in the way that is suggested by the report the money will have been well spent, but we should make no mistake about the fact that we are considering quite large sums of money and I am grateful to the hon. Member for the Coast for bringing us down to earth as far as that matter is concerned. In view of that I find the opposition by Members for African Interests most disappointing and indeed I might say not a little disheartening. From what I saw a little disheartening, and the remarks which have been made and repeated I can only conclude that the financial implications have not been fully appreciated by them. More than one speaker, for instance, has complained about the burden on the Local Native Councils, but let us look at the figures on pages 136 and 137 of the report. The additional burden is being borne by the Central Government and it is right and proper in my view that it should be borne by the Central Government, but let us not realize that we are discussing here not something which is static but something which from the point of view of a harassed financial officer is something which is frighteningly dynamic. These which are one-time payments—they will go on for one year and will always be on. Even so, I for one will always be proud of having had the privilege of serving as a member of Bishop Beecher's committee. But let there be no misunderstanding of the position. While I am fully satisfied that the recommendations are thoroughly sound—and I am in no kind

of doubt as to the wise and purposeful nature of the expenditure produced—nevertheless we must never lose sight of the fact that the financial implications are by no means inconsiderable.

Sir, I beg to support.

THE ACTING CHIEF SECRETARY: Mr. President, I find the task of replying to this debate in a sense difficult, but in another sense very much more easy, because of the, if I may call it so, splendid contribution made to the debate by my hon. friend the Member for Health and Local Government, and now Education. When I say that I find it the more difficult to reply on that account, it is because having dealt so widely and in a general way with so many of the points which have been made by hon. members during the course of the debate, it makes me wonder to what extent it is necessary for me to reply in detail. If, therefore, sir, at the end of my speech I should have omitted to reply to any specific point on which any hon. member wishes further information, that will not be intentional, and if he will rise and draw my attention to it I will do my best to make good the omission.

I could not help, when my hon. friend the Member for Health, Local Government and Education was speaking, casting my mind back to a speech made by my hon. friend the Chief Secretary at the time when he was announcing that my hon. friend on my left would be succeeding yourself, sir, as Member for Health and Local Government. He said how much he looked forward to being able, as an England captain might dream in his dreams of being able, to ask the hon. member to go into bat. This, sir, was the first occasion on which we have had the opportunity of seeing the hon. Member on this side, going in anywhere except as an opening batsman, and it is splendid, indeed, to see how really expert he is at going in first wicket down.

I will now, sir, as briefly as I can, go through the speeches which have been made by hon. members opposite, and made by hon. members to the points which they have made. I would say at the outset, and before dealing with the splendid, if I may say so, parliamentary performance of my hon. friend, Mr. Ohangi—

[The Acting Chief Secretary] (applause)—that I do take some courage from his opening remarks when he said, when referring to the time that has been available for consideration of this report, that during this period during which it had been possible to study the report, "We, as members of this Council, have given it a very thorough study". Then—these are the important words—"We have recommended it to Africans outside". After listening to those words and all that they portend—it is a great deal—it was disappointing when a matter of seconds later these words should come forth from the hon. Member, "I am therefore speaking in opposition to the adoption of the White Paper and also of the report".

Now, sir, I know and I fully appreciate the difficult situation with which the hon. Member has had to deal. I know, and it is unquestionable that he and his colleagues have received a lot of memoranda—he has shown them to me—from Africans throughout the country, objecting to the points which he made in the course of his speech; and I want, before I get down to detail, to correct any possible impression that hon. members may have that either I or my hon. friend the Member for Health and Local Government and Education have treated lightly the points which were made by the hon. members representing African Interests in the memorandum which they forwarded to the Government. That would be completely and absolutely incorrect. The truth is that both my hon. friend on my left and myself spent something like six hours, I think, going over these points in very great detail with my hon. friend Mr. Ohanga and my hon. friend Mr. Jeremiah, and, at the first of those two meetings, the hon. Mr. Mathu, also. We discussed the memorandum in great detail, but I cannot agree that the Government would be carrying out its duty to the African population in Kenya in this matter, if because points of objection had been raised which, after the fullest and most careful and most sympathetic consideration we, as a Government, have not felt to be in their best interests—we nevertheless, just because they happened to have been put forward, necessarily accepted them and frame our policy accordingly. It was,

sir, our duty to give the most careful and sympathetic consideration to all these points, and, I know that although they have made it clear they do not agree in every respect with our decisions, I know that my hon. friends, the Members representing African Interests, will grant it to Government that we have gone very carefully through that memorandum, and that they have had ample opportunity of explaining and amplifying the points made in it.

Coming now to some of the details—my hon. friend Mr. Ohanga, when reviewing the old system and the beginnings of African education in this country, made the point that all that they wanted in those days, and all that was given to them, was an understanding of the three R's, and that there was, in fact, no control. He went on to say that as in those days there had been no control, how was it possible to say, as was stated in the course of the report, that the system had got out of control. Well, it may be that at the very beginning there was no control. There may have been half a dozen or more Africans sitting under trees and learning this way, but very soon afterwards, with the increasing desire for the spread of education those numbers very considerably increased and for a time there definitely was control. It seems to me that he rather conveniently missed out that intermediate stage when asserting that there never in fact had been any control. My hon. friend went on to say that these schools during the past forty or fifty years have flourished without the supervision and inspection for which such careful provision is recommended in this report. Well, my answer to that is that on the evidence discussed in paragraphs 143 to 182 in particular of this report I could not possibly agree that the products of these schools were satisfactory. The position has been that the numbers of pupils in the schools have grown to such an extent that they have far exceeded the number of teachers available to teach them. That has meant more pupils in classes than one teacher could possibly hope to deal with, and it has meant, as the hon. and gracious lady the Member for Ukamba has said, that really—though trying no fault of those who were through to give this service because they

[The Acting Chief Secretary] were too few in number—the product of the six-year primary school has been disappointing. It is one of the principal purposes of this report that the products of primary education shall be more valuable and contented citizens than they have been in the past.

My hon. friend also went on to make, as I thought, the quite amazing statement that the report gives no recognition to the great need of, and the very strong desire for, mass literacy amongst the African people. Sir, I suppose if you had to describe in one aim the object of this committee in preparing this plan, it would be to produce just such a state of affairs; in short, to create in the course of time, and as soon as it could be managed a literate African population. The authors of the report go into the matter in detail, and, as hon. members know, it is proposed in a very short space of time that 180,000 children shall be admitted into Standard I. The whole object of the committee was to bring about in the shortest space of time just that situation, in the speedy attaining of which I have the greatest sympathy with my hon. friends and with the African community. Of course they want it, and we intend by implementing this plan to bring it about as soon as we possibly can. The hon. member also said that he was afraid that the result of the primary course being restricted to four years would be to create a large population of literate but ignorant people. Well, sir, we on this side of the Council can only say this—we do not believe that that will be the result of this recommendation; and I would say at once that the Government would not have accepted this recommendation if we had thought for a moment that such would be the result. What we plan for and hope for, and what we intend shall come to pass, is that with the better and improved training that will be given to the teachers, we shall not only in the course of these four years do as much for the pupil, who in the past has had six years primary education. But we believe that with better teaching and better control and smaller classes we shall in four years produce a more happy and more contented and a better equipped person than in the past has been produced in six years. I would also say this—that if it

should transpire—and I do not believe for one moment that it will—that this is not, in fact, happening, then quite obviously the policy would in such circumstances have to be reviewed by the Government. I do not believe the policy will be wrong. On the contrary, I believe this to be a thoroughly sound recommendation.

My hon. friend also said that what he and his colleagues and the community which he represents were looking forward to one day was universal education and compulsory education for all. So am I, sir. I hope that will come about, and I believe that this report sets us fairly on the way to that desirable objective. (Hear, hear.)

My hon. friend expressed doubt as to whether the voluntary agencies who had responsible obligations under this report would be able always to carry them out. Well, I would only say that I am sure that we can rely on the same devoted service in the future as has been given in the past by these agencies, and that they will not only be ready and willing to carry on, but will in most cases prove thoroughly competent to do so. If, in some cases it should be found that voluntary agencies are unable to maintain the standards which are required by my hon. friend the Director of Education, then, sir, there would be no aid for them from Government. Aid will only be given to those voluntary agencies who can, and do, come up to the standards set for the schools under their management.

My hon. friend also objected to the voluntary agencies having control over the expenditure of funds, little of which, he said, was provided by them. But, sir, what is the true position? In many cases very considerable financial contributions are made to primary and intermediate education by the Missionary Societies, and in every case a very considerable contribution is made by the missions and their staff in terms of service rendered. This service is given to the African community, and it is given, believe me, for something far short of what could possibly be regarded as an economic wage. I could not attempt to assess the value of that service in terms of pounds, shillings and pence, but I do repeat that it is a service of very great value which

[The Acting Chief Secretary] could not possibly be left out of account in any financial reckoning. (Applause.)

My hon. friend emphasized—and I know he feels very strongly about this—that primary education should come first of all priorities in any State. Well, sir, I am afraid that I just do not agree. My hon. friend the Acting Member for Uasin Gishu made the point, if I may say so, very nicely; that education, desirable and necessary as it is, would be utterly and completely useless in a State where the law and order did not prevail. In such a State education would avail people of absolutely nothing, and the money which would be spent on it by Government and private enterprise would be money literally poured down the drain. I give—and so does my hon. friend on my left—a very high priority to education, and I know the very powerful and strong desire there is for it, but it must surely come after—at any rate—law and order. (Hear, hear.)

On the question of the constitution of the District Education Boards I would like to read you—if you will excuse me—one more quotation from the report paragraph 216:—

"216. General evidence showed that, almost everywhere, District Education Boards work well in relation to Local Native Councils; in most districts it is the District Education Board which is reported to take the initiative in educational planning, and its recommendations regarding educational expenditure are almost invariably accepted by the Local Native Council concerned, even though they involve, as far as the Local Native Council is concerned, an ill-balanced budget in the relationship between expenditure on education and other services."

Now, sir, under the present recommendations the Local Authority has much the same representation on these Boards as at present and it is to the Boards, as at present constituted, that this section of the report relates, I believe, also, that with the constitution now recommended for these Boards, it will in some cases happen that, amongst the representatives of voluntary agencies persons will be included who are not members of the staff of missions.

In some parts of the territory I do not doubt that, amongst the four representatives of the voluntary agencies, there will be found Africans other than the staff employed by missions. My hon. friend dealt at some length with this question, but I hardly think that I need add to what I have said, except to say this, that I have no doubt whatever that the time will come when Africans are included amongst higher staff of the missions; and when this time comes—and come it will quite soon—it will no doubt be found that on a number of these Boards there is an African majority.

Now, sir, there has been from all the hon. members representing African interests considerable criticism of the Four-year Primary Course, and we on this side of the Council have listened very carefully to it. As a result of the points that they have made, I agree, speaking for the Government, that we should not immediately proceed to implement this recommendation in respect of Primary schools in the big towns. I think it is reasonable to accept that the children, say in Mombasa and Nairobi, are in rather a different position to pupils in the rural areas, and the last thing that Government would wish would be that children at too tender an age in those big towns who do not qualify for further education should, in the words which have been used on the other side of the Council, be "cast out". For a time, therefore, I agree we should—and we will—continue in these big towns with a six-year Primary class for the children. (Hear, hear.)

The hon. Member was quite wrong when he complained that the Recommendations in this report were going to add considerably to and place a much larger burden on the financial resources of the Local Authorities, because of the two extra classes, Standards VII and VIII, for which they are now going to be responsible. My hon. friend the Acting Secretary for the Treasury drew attention to the table on page 137 of the report, which shows that in fact the contributions to be made by the Local Authorities to education will remain more or less static over the next ten years, except that it is calculated that the Local Authorities will be in a position to contribute more towards education because of the larger number of

[The Acting Chief Secretary] Africans in their areas, and as a result of better and closer collections of the revenue. He also made it clear that the true position is that in fact such increases, serious increases, as will have to be found to implement this plan, are coming from Central Government. I would ask hon. members who still may be in some doubt about it to study that table on page 137.

The hon. Member, in referring to the proposals for recruitment of staff, said that he thought that the first opportunity of employment should be given to local people, and that rather than import European officers to fill the higher posts, Africans who are qualified, some of them well qualified, out here should be sent overseas to acquire whatever further qualifications are considered necessary for these higher posts. This, sir, is the policy of the Government, and he may or may not be aware, that there are at present three Africans in the United Kingdom acquiring just the sort of qualifications that he has in mind. They are taking degree courses, and they will be coming back here next year. If, as we hope, they are successful, they will of course go straight on to graduate scales of pay. I would repeat here what I said in moving this motion, and what the Member for Health, the sky is the limit to the posts under this plan which can be occupied by Africans. As soon as they qualify on merit for posts of greater responsibility than they occupy at present, then there will be no bar whatsoever to their promotion to fill those posts. (Applause.)

The hon. Member complained that the standard of entry for teacher training as recommended, being at the satisfactory conclusion of the intermediate schools, was too high. Well, sir, having read the report I must simply say that I do not agree with him that that is so, and I would particularly invite his attention to paragraph 194 on page 43 of the report, where it is stated:—

"It was submitted to us by many witnesses that it is even doubtful whether most of the T.4 Teachers are equal to the demands made on them; and the rest of that page is taken up with the reasons for their having reached this view.

The hon. Member also complained that pupils who have passed through six stages of the primary course must surely be better able to perform the duties of teachers than unqualified teachers for the licensing of whom there is a recommendation in the report. Well, sir, on that point I would say that, as more well-trained teachers become available, the need for unqualified and less well-trained teachers will be reduced. It is our aim that the standard in the teaching service shall be raised very considerably, and I have no doubt that the authors of the report are correct, in asserting that only such material as having passed through eight standards has proved that it really is capable of undertaking this responsible professional task, should qualify for the large sums of money which it is recommended in the report should be spent on their training.

The hon. Member thought that the fees recommended were on the high side. Well, sir, I think that with an expensive service of this kind that it would be a mistake to take as the standard the capacity to pay of the poorer members of the population. I think the right thing in the interest of all is for the standard to be set higher than can be met by the poorer members of the population, and by an adequate system of remission, and we shall see to it when implementing this report that families suffering hardship or families who simply cannot afford the standard of fee recommended should be assisted by the arrangements proposed for remission.

The hon. Member also complained when dealing with the question of fees that it was unfair on the parent, that the parent who could not afford it was required to pay this fee, and I rather infer from what he said that the parent might well have to pay the fee only to find that he had an unstable child at school whom he was paying for and that that child might not in fact make the best use of the fee which his father was paying to send him to school. Well, sir, when I was at school, fathers knew very well how to deal with such children, and I suggest that there is a suitable and well-recognized form of correction for children who run away or refuse to go to school. (Applause.)

[The Acting Chief Secretary]

I hope that I have dealt sufficiently fully with the complaint of the hon. Member—with which he concluded—that these recommendations were going to impose an extra burden on local authorities. I hope too, having regard to his statement of the grounds on which he felt almost affronted, and which was the reason for his opposition to the report, he will agree that the fullest consideration was given by Government to the points made in the Memorandum submitted by his colleagues and himself. On the question of African representation on the Beecher Committee he thought it wrong that there should be only one African member of the committee. On this I would only say that so far as I am aware no such representation was made at that time that that committee was appointed, and that in the Chairman, Bishop Beecher, that committee had one who in addition to all the qualifications set out for us by the hon. and gracious lady, the Member for Ukamba, also, in the course of a distinguished career in Kenya, spent some years as a very able representative of African Interests on this Legislative Council.

The hon. Mr. Chemallan objected to the constitution of the District Education Boards, which has, I think, already been fully dealt with. He made the suggestion, with which I am ready immediately to agree, that the Nandi and Kipsigis should be moved into the West Central Region. That, sir, is a matter on which we on this side of the Council value very much his advice and we will certainly arrange that this group shall be, for administrative reasons, placed in the West Central Region as he has advised. (Applause.)

The hon. Member complained that teachers in training should have to pay fees, and he did rather suggest that this fact might result in keeping out of the teaching profession men whom we should wish to have in it. Well, if that should happen, sir, quite obviously this particular recommendation would have to be reviewed. I hope it will not happen, and I hope that as, as we know there is, there is this huge demand amongst the African community for education, I do hope that the fact that here is a splendid opportunity for public service will not

be entirely lost on pupils who go sufficiently far through the school system to qualify themselves for entry into the teacher-training system. But if the fee which is recommended should result in keeping them out, then quite obviously, this question would have to be reviewed.

He also expressed the view that the teaching service should be a Government service. Well, I really do not know why such strong emphasis should have been laid on that point, because in fact at the moment only some 2 per cent of the teachers throughout Kenya are in fact members of the Government service; and I think that hon. members will remember when dealing with awkward questions in the debates which followed the Salaries Commission Report we did find ourselves—we on this side certainly found ourselves—embarrassed by having to deal with different types and conditions of service for teachers doing much the same work. I believe that these recommendations, which place over 90 per cent of the teachers in a very much better position than they are in at the moment, because over 90 per cent are not at present on Government scales of pay, and over 90 per cent have no retiring benefits to look forward to, are sound and generous. I think that they will definitely improve the lot of the teaching profession as a whole.

Several hon. members have dealt with the question of girls' education. I tried in moving the motion to make it clear that Government attached very considerable importance to this aspect of these plans. To emphasize that I would like to quote so that it may go on record—paragraph 8 of the Sessional Paper, where it is written:

"The Government wishes to draw particular attention to that section of Chapter Four of the Report which deals with girls' education (pp. 73-76). This refers to the heavy task ahead for those responsible for the development of the education of African girls and the need to keep its objectives and method constantly under review. In paragraph 341 it suggests that it will eventually be necessary to appoint a number of specialist women supervisors for girls' work. The Government considers that within the next five years it will be essential to appoint a woman education officer to each of the five

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regional areas and recommends that the necessary financial provision should be made at the appropriate time."

I fully agree with hon. members, and in particular with what my hon. friend Mr. Nathoo had to say on this subject. We will keep it constantly under review, and see to it that provision for the girls does not lag behind the provision made for boys.

The hon. Mr. Chemallan, when dealing with the head "Technical Education", complained that it would be wrong to restrict the entry to these schools to pupils who had passed through eight standards of schooling. Well, sir, until such time as the reorganization is complete, I would certainly agree that pupils who have passed through the six standards of the present schools—which will be continued until they can be replaced by intermediate schools—should in suitable cases qualify for entry into these trade schools.

The next member to speak was the hon. Acting Member for the Central Area. I do not think that it is necessary for me to discuss what he said in that speech. It has been ably dealt with by my hon. friend the Member for Health and Local Government, but I was disappointed that he should have taken this opportunity in a maiden speech to indulge in a political tirade based very often on the most fantastically incorrect facts. I got the impression—though I may be mistaken—that he rather thought that in view of the provision made in their budget for education, life would be very much more pleasant in a country to the north of us, which he mentioned. Well, sir, there is no reason on earth why, if he feels like that, he should not go and live there. (Applause.) And if he still feels like that and should come along and ask for my assistance, I would do my best to provide some transport!

THE PRESIDENT: It is now a little past the usual time for adjournment. As we are very near the end of the business, I do not know what would be the wish of hon. members, whether to complete the business to-day or to adjourn until tomorrow morning.

THE ACTING CHIEF SECRETARY: Sir, if I might help hon. members to a decision, I think that inside 15 minutes I shall have concluded what I have to say.

MR. HAVELOCK: I feel it would be very unfair to embarrass the hon. Member in his very important speech, but on behalf of hon. members on this side of the Council I would suggest sir, that we adjourn until 9.30 to-morrow morning. There are other items of business.

MR. JEREMIAH: If it is at all necessary, it is better that we prolong it for 15 minutes so far as the Beecher Report is concerned—I do not think there is any other business.

THE ACTING CHIEF SECRETARY: I think that I could undertake that the business could be completed entirely within 25 minutes.

I think, sir, in dealing with the points made by his colleagues I have covered the points made by the hon. Mr. Jeremiah, and I come to the speech made by the hon. Member for Kiambu. He asked a number of questions to which I will do my best to reply. He first of all said that he thought that the African members were in doubt as to whether any Local Native Council schools were going to be handed over to missions. As has been explained by my hon. friend on my left, no such thing is going to take place. I can give an absolute assurance on that point. I should perhaps mention that it is more likely that the contrary will take place and I understand that comparatively recently the Nandi community have asked, with the approval of the District Education Board, and with the unanimous approval of the African members on that board, for certain Local Native Council schools in fact to be taken over by missions. He asked whether others than missionaries would be included amongst the representatives of voluntary agencies on District Education Boards. Yes, sir, I do not think there is any doubt that these boards, which I agree should be appointed in the manner suggested by the hon. Member for Education, will in fact contain representatives of voluntary agencies which are not missionary societies. I think that his suggestion that municipalities and district councils might set up sub-committees to advise the Regional Education Boards is an excellent one, and I will certainly pass on that suggestion to the authorities concerned. I think also that his suggestion that there should be a representative of the local authorities on Regional Educa-

[The Acting Chief Secretary] tion Boards where these Board are concerned. With primary education and primary schools is again a good one, and I have no doubt that it will be favourably considered by my hon. friend the Member for Education. He asked for information as to the usefulness of the boy who had been through a four-year primary course. I think, sir, that that point has been answered when dealing with other questions. I, myself, believe that a more useful product under this plan will be produced in these four years than we have been hitherto producing in six. He will be literate and I do not need to emphasize the great blessings which literacy brings to the child who attains it. He made a reference to expenditure on intermediate schools. Was it in fact going to place a heavier burden on local authorities? I hope I have shown that it is not. As regards payment of the full cost of boarding for African children, I would say that is a question which will require very careful consideration. I appreciate the point which he has made and indeed there is a note on that very point in the report by the hon. and gracious lady, the Member for Ukamba. I would not like to commit myself specifically in regard to it. It is an expensive business and I am sure hon. members would not wish a position to arise where a parent would be unable to send a child to an intermediate school who was fully qualified to enter it just because the cost of boarding was beyond his means.

He asked the question—are Africans losing control over their education? They are emphatically going to be no worse off under this plan in that respect than they are at present. Control lies in the hands of the Director of Education. He will be advised under this plan by the District Education Boards. He is now advised by District Education Boards, and to that extent the control under these recommendations remains the same as the control at the present time. There are, it is true, at the moment schools in the Nyanza Province in excess of the number for which provision is made in the early years of this plan, but many of these are small, inefficient and redundant and I do not think that this fact in any way affects the plan. He asked whether we ought

not to arrange for schools to be spread more evenly over the whole country and for new schools to be established where the need for them is greatest. I think we should, and that is the reason for the recommendation that area surveys should be undertaken. He asked that we should consider whether the district education rate should be reduced and central taxation increased in order to spread the burden of cost. There is certainly something to be said for that suggestion, and it is one which will of course have to be considered by the Government. I confirm, as he asked me to, that we are getting on, as fast as we can, with the development of the Technical Institute. He did not very much like Recommendation 32 relating to the suggestion that the present-planned provision should not be expanded until the employability of the products has been tested and the demand assessed. This refers, of course, to trade schools. Obviously this is a matter which will have to be closely watched by the Government. We certainly do not want to underestimate now the need for persons trained as these trade schools alone can train them. On the other hand, it would be a great mistake to train more of this type of person than could be absorbed in the country's economy. I do not think the hon. member will wish me to say more than that this is a matter which will obviously have to be watched very carefully as the plan develops. He suggested that it should be Government's policy to start teaching English at the earliest possible stage in the primary schools. I agree, and that is the policy of the Government, but it must of necessity be a long time before sufficient teachers competent to teach these small boys in English can possibly be forthcoming.

I hope that the hon. Member will excuse me if I do not deal in detail with his suggestion that some form of Whitley Council might be more appropriate than the Teachers' Association recommended in the report. That is a matter which Government would like to have an opportunity of considering in some detail. As regards the recommendations for capital expenditure, these will, of course, have to be considered first by the Planning Committee and later by this Council. I agree that the

[The Acting Chief Secretary] person responsible for making nominations to the District Education Boards should be the Member for Education. He asked—and I think it has been dealt with—whether in fact the missionary associations do not contribute financially towards the cost of primary and intermediate education. I think I have dealt fully with that. Some of them help enormously, both in capital and recurrent expenditure, and they all help in terms of the service rendered by their staff. At the present moment I understand that there are 48 European officers employed by the Missionary Societies in posts for which financial provision is made for Africans for the simple reason that Africans of the required qualifications are not yet available to fill these posts. The grant paid in such cases is, of course, calculated on the basis of an encumbent in the post. That only goes to emphasize the real value of the services being given by these Voluntary Agencies. He asked whether it was Government's view that it was necessary that the teaching of moral standards and the giving of a sound moral basis to education should run through all stages of the schooling or whether that requirement could be provided by visiting members of missions who would preach the Gospel in the schools and give lectures on the Scriptures. My view, and my very strong view, is that teaching of moral standards and the imparting of a spiritual background to education must be an absolutely integral part of school life as a whole. I do not believe that the need can be met by visiting clergymen on Sunday morning. I am quite sure it cannot, sir.

The hon. Acting Member for Usain Gishu made two, if I may say so, admirable points which—

MR. HAVELOCK: I think the hon. Member did not get my suggestion as regards nomination by the Director of Education. I was speaking of Boards of Governors for secondary schools, not District Education Boards, and I asked if Government would consider that the managers should submit a panel of names to the Director of Education for suggestion to the Boards of Governors from which the Director of Education would nominate them.

THE ACTING CHIEF SECRETARY: I am sorry if I misunderstood the hon. Member, but I will certainly give him the assurance we will consider the suggestion he has made.

The hon. Acting Member for Usain Gishu thought there was a danger that the District Education Boards, as the local Education Committees, would not be sufficiently closely associated with the Local Native Councils to be able to reach proper decisions on such questions as the remissions of fees and the like. Well, it remains to be seen whether there is substance in that perfectly sensible point, but I feel that with the representation provided for on these District Education Boards there is a strong link with the Local Native Councils and I think that we should see how the recommendation works out in practice before considering alternative suggestions.

The hon. Member for Central Area, Mr. Nathoo, made the point that Christian instruction should not, to put it very bluntly, be substituted for instruction in other good, sound and healthy religions, and I go the whole way with him on that point. I tried to make it clear when moving the motion, but I agree entirely with him that these are schools in this country where these principles are attempted to quite admirably, and it would be quite monstrous to suggest that they should be interfered with or supplanted by anything else.

I think that the other points that the hon. Member made have been dealt with in the replies which I have given to other questions, with one exception. I refer to the attitude of the Planning Committee to the recommendations of my hon. friend the Member for Health and Local Government. Well, sir, I cannot—and he knows I cannot—commit the Planning Committee to anything, but I would like to remind him that I am at the moment Acting Chairman of it, and was, until a few months ago, Member for Education. I am not in these circumstances likely to underrate the importance of the recommendations which my hon. friend has put forward.

I agree entirely with the hon. Member for the Coast in everything which he said. There is no suggestion whatever that this report should be regarded as a hard and fast blueprint from which there can be no departure. The details of the plan



[The Acting Chief Secretary] must obviously be kept under continuous consideration and some modification will no doubt be found to be necessary in some respects. This report does not attempt or pretend to plan for everything which Kenya is going to do for African education; it provides only a plan for the very beginning. I am sure that if we start at the beginning, and get on with the beginning, the sooner shall we reach that aim which my hon. friends the representatives of African Interests have so much at heart.

The Government will certainly consider the point made by the hon. Member the Representative of Arab Interests regarding Muslim schools at the Coast. I understand that there are local authority schools at the Coast at the moment where Islam is accepted as providing that religious background to which so many references have been made, and we will certainly see whether anything more can be done on the lines which the hon. Member has suggested.

The question of text books raised by the hon. Member for Mombasa, will certainly need to be considered. The position at the moment is that text books affecting them are, I understand, before being approved for use, laid before both the Catholic and the Protestant Missionary Societies, and they do have an opportunity of considering them and commenting on them.

The hon. and gracious lady the Member for Ukamba asked what the position was regarding land on which mission schools had been built, and the buildings on those lands. The position is that the land for Primary schools is set aside and held in trust for the African community by the Native Lands Trust Board. If the school closes the land reverts to the original owner at the discretion of the Board. The disposal of the buildings when a school is closed down depends on agreement between the parties concerned, and principally on who put them up, whether it was mission or whether it was the local community itself.

I agree entirely with the hon. Lady that it is much more important to encourage the student who qualifies to go on to higher stages of education than to reduce the number of those for whom such provision can be made, and increase the

number of those who will go on from Standard IV, but who have not a chance of reaching Standard VIII. I am sure this is an aim of fundamental importance. Her third question was whether schools outside the plan were to be closed down. They are not. It is the intention under the Plan that such schools shall be brought within the Plan, and that will be one of the major objectives when the area surveys are carried out.

That, I think, sir, covers—

MR. HOPKINS: I should much appreciate it if the hon. Member would deal with the two points I raised in regard to the erection of school buildings and in regard to retirement after 25 years' service.

THE ACTING CHIEF SECRETARY: The point that the hon. Member made about pensions is, I think, a detail which will have to be considered when the draft Legislation is being prepared, to which I referred when introducing this motion. Details of that kind will therefore come before this Council when the Bill comes forward for debate.

The other point—

MR. HOPKINS: Control over the erection of school buildings was the other point.

THE ACTING CHIEF SECRETARY: This will certainly not be overlooked in the arrangements for implementing the plan. I am sorry that I overlooked those points when answering questions.

To conclude, I would ask my hon. friends the members representing African Interests very seriously to reason with themselves as to whether, in the light of all that has been said in this Debate, they will not join with us in the act of faith to which I believe this Council is going to pledge itself in the course of the next few minutes. We do not regard this plan as the end of all that is to be done for African education, we believe it only to be the beginning. I think that the only really serious point of difference is that those of us who are prepared to support this plan realize that just as you cannot, with a stroke of the pen, organize in a night a fully mobilized armoured division of soldiers, no more can you suddenly overnight create a literate population in Kenya of over five million Africans. However strong may be the desire to do that, it is a physical impossibility, and it

[The Acting Chief Secretary]

is only an aim, an extremely important aim and objective, which we can pursue. This Plan is a plan for the first stage in the pursuit of that objective, and I would ask my hon. friends to consider whether they cannot join with us and let it be known abroad that, notwithstanding all the memoranda which they have received condemning the report, nevertheless, now, after having heard all that has been said about it in the course of this debate, they have come back to the view which they originally formed themselves that the report is a good one and one to be supported. The hon. Mr. Ohanga has, after all, clearly said that he and his colleagues had recommended it to their people. I would ask them to consider that if they are convinced—and I am not at all sure that they are not—that this report is in the best interests of the community which they do so much to represent in this Council, if they are really convinced that this Report represents the best interests of their people, then they will be taking a courageous course if they declare as much in the way they vote on this motion. I believe that posterity would congratulate them and record that it was a splendid decision to have taken even though it might bring about their ears something different at the present time. I make that appeal to them, sir, and I make an appeal to all members of Council that they should give a good loud *aye* when the question is put. (Loud applause.)

The question was put and carried on a division by 24 to 7: *Ayes*—Messrs. Adams, Anderson, Carpenter, Cavendish-Bentinck, Cooke, Davies, Gheris, Gillett, Gossage, Hartwell, Havelock, Hobson, Hopkins, Mortimer, O'Connor, Padley, Patrick, Pembridge, Preston, Rhodes, Lady Shaw, Messrs. Thornley, Usher, Vasey, 24; *Noes*—Messrs. Chemallan, Jeremiah, Nathoo, Ohanga, Patel, Rana, Sagoo, 7. Did not vote—Messrs. Pritam, Salim, Shatry, 3. Absent—Messrs. Erskine, Keyser, Matthews, Mathu, 4.

MR. HAVELOCK: On a point of order, sir, is it not right that the members who did not vote should be recorded? You said that it was passed by so many *ayes* and so many *noes*. I believe there were three members not voting.

THE PRESIDENT: There are three members recorded as not voting. The voting is 24 in favour, 7 against, 3 not voting.

## SUSPENSION OF STANDING RULES AND ORDERS

With leave of the President, the Attorney General moved: That Standing Rules and Orders be suspended to enable the following Bill to be taken through the first reading and succeeding stages without due notice.

The Control of Hotels (Continuance in Force) Bill.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

## CONTROL OF HOTELS (CONTINUANCE IN FORCE) BILL

THE ATTORNEY GENERAL moved: That the Control of Hotels (Continuance in Force) Bill be read a first time.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

## SECOND READING

THE SECRETARY FOR COMMERCE AND INDUSTRY: Sir, I beg to move: That the Control of Hotels (Continuance in Force) Bill be read a second time, and in so doing to express regret that it should have been necessary to introduce this Bill for the reasons set out in the memorandum of objects and reasons.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

THE ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider the Control of Hotels (Continuance in Force) Bill clause by clause.

THE SOLICITOR GENERAL seconded.

The question was put and carried.

## COUNCIL IN COMMITTEE

The Bill was considered clause by clause.

The question was put and carried.

THE ATTORNEY GENERAL moved: That the Control of Hotels (Continuance in Force) Bill be reported back to Council without amendment.

The question was put and carried.

Council resumed and the Member reported accordingly.

THE ATTORNEY GENERAL moved: That the Control of Hotels (Continuance in Force) Bill be read a third time and passed.

THE SOLICITOR GENERAL seconded.  
The question was put and carried and the Bill read accordingly.

THE ACTING CHIEF SECRETARY: Mr. President, I beg to move that Council do now adjourn, and in so moving, sir, I should like to refer to remarks which I made in reply to the announcement made from the Chair by our Speaker that he had accepted an invitation from the Speaker of the House of Commons to be present at the formal opening ceremony of the new reconstructed House of Commons. At that time, sir, I said that I thought that it would quite definitely be the wish of all hon. members of this Council that we should ask him to convey by his hand to the Speaker of the House of Commons an appropriate message on this historical occasion. I have since then consulted with all hon. members in this Council, and it is our unanimous wish, sir, to ask you if you would be good enough to send to our Speaker for communication to the Speaker of the House of Commons on this occasion a message in the following terms:

"The President and Members of the Legislative Council of the Colony and Protectorate of Kenya, assembled in the youngest city of the Commonwealth, convey by the hand of their Speaker an expression of their high regard and esteem together with their congratulations on the opening of the reconstructed House of Commons Building. They, in common with all members of the Commonwealth, retain immense pride in British Parliamentary Institutions developed and annealed through the centuries, surviving, as they always will, international conflicts and social upheavals, and serving as a model to the world. The Kenya Legislature will ever look to the traditions, constitution, procedure and dignity of the Mother of Parliaments for guidance and inspiration."

Sir, I beg to move. (Applause.)

MR. HAVELOCK: On behalf of the Unofficial side I should like to welcome this message which has been read out by the hon. Chief Secretary. It has been drawn up in consultation with myself and with the Unofficial Members Organization, of which I have the honour to be Chairman, and it is the wish of this side that this message be conveyed as suggested, and we agree with every word in it.

There is only one other point I would like to make, sir, that is when conveying this message I do hope—and I am sure it is the wish of all Members of this Council, certainly the wish of hon. Members on this side—that the new building, the opening of which is the occasion of the sending of this message, that new building harbouring the spirit of the Commonwealth, will be spared from the vandalism that was wreaked on the original. I do hope, sir, that we in this Council will do all we can in both moral and material ways in helping, although it may be so little, to prevent this new building from suffering from a dreadful tragedy such as happened to the old. (Applause.)

The question was put and carried.

THE PRESIDENT: I shall have great pleasure in carrying out the unanimous wish of the Council in this regard.

#### ADJOURNMENT

Council rose at 13.30 p.m. and adjourned till a date in October to be announced later.

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SECOND SERIES

VOLUME XXXVIII

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8th to 25th Aug., 1950.

Reference No. From Legislative Council Library.

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